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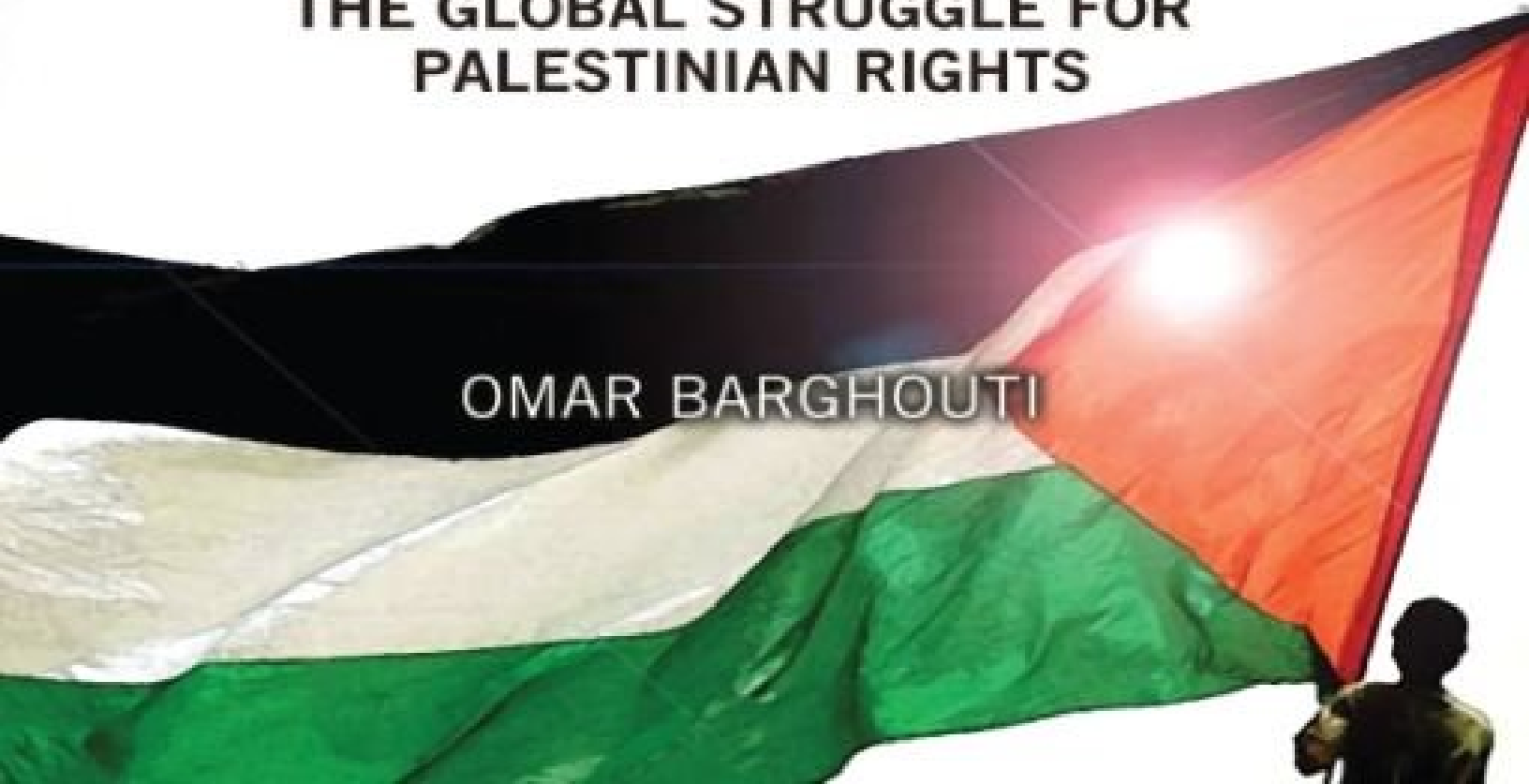
—Archbishop Desmond Tutu

# BDS

BOYCOTT  
DIVESTMENT  
SANCTIONS

**THE GLOBAL STRUGGLE FOR  
PALESTINIAN RIGHTS**

OMAR BARGHOUTI



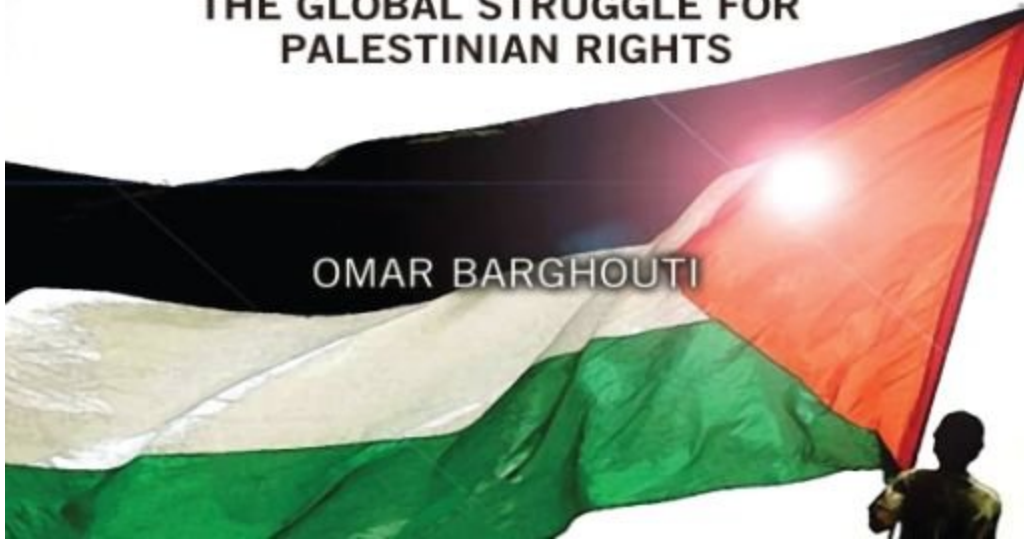
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## **PRAISE FOR *BOYCOTT, DIVESTMENT, SANCTIONS***

“I have been to Palestine where I’ve witnessed the racially segregated housing and the humiliation of Palestinians at military roadblocks. I can’t help but remember the conditions we experienced in South Africa under apartheid. We could not have achieved our freedom without the help of people around the world using the nonviolent means of boycotts and divestment to compel governments and institutions to withdraw their support for the apartheid regime. Omar Barghouti’s lucid and morally compelling book is perfectly timed to make a major contribution to this urgently needed global campaign for justice, freedom, and peace.”

—**Archbishop Desmond Tutu**

“I commend this excellent book by Omar Barghouti.... It challenges the international community to support the BDS campaign until the entire Palestinian people can exercise their inalienable rights to freedom and self-determination and until Israel fully complies with its obligations under international law. BDS is a call to refuse to be silent in the face of military occupation of the Palestinian people by the Israeli regime, apartheid, and colonialism. BDS is a nonviolent way in which each of us and our governments can follow our conscience and rightful moral and legal responsibility and act now to save Palestinian lives by demanding that the Israeli apartheid regime give justice and equality to all.”

—**Mairead Maguire, 1976 Nobel Peace Laureate**

“This is a book about the political actions necessary to hinder and finally to stop the Israeli state machine that is operating every day to eliminate the Palestinian people. It is like an engineer’s report, not a sermon. Read it, decide, and then act.”

—**John Berger, author**

“When powerful governments will not act, ordinary people must take the lead.... Essential reading for all who care about justice and the plight of an oppressed people.”

—**Ken Loach, filmmaker**

“The ABC for internationalist support for Palestine is BDS. And the boycott, divestment, and sanctions campaign against Israeli cruelty and injustice is gaining in significance and scope. Like the anti-apartheid movement against racist South Africa, BDS is helping to make a tremendous difference in what has been a most difficult struggle for human rights and the right of a colonized and dispossessed people to national self-determination. This inspiring book is a weapon in a noble struggle in which all right-thinking people can play a part.”

—**Ronnie Kasrils, author, activist, and former South African government minister**

“Once again Omar Barghouti delivers a conceptually lucid argument for the BDS movement that is difficult to refute. He offers a principled position accompanied by nuanced and thorough analyses, and though one may not agree with all of his claims, one is fully persuaded by the passionate clarity of his appeal. Barghouti reminds us what public responsibility entails, and we are lucky to have his relentless and intelligent analysis and argument. There is no more comprehensive and persuasive case than his for boycott, divestment, and sanctions to end the Israeli occupation and establish the ethical claim of Palestinian rights.”

-**Judith Butler, University of California at Berkeley**

“Barghouti explains with lucidity, passion, and unrivaled intelligence... that bringing an end to apartheid in Palestine and seeing justice and equality for all the people who live there is not a distant dream but a reality we can bring about in the next few years using BDS.”

—**Ali Abunimah, author of *One Country* and cofounder of *Electronic Intifada***

“Barghouti is the future. He is intelligent, empowered, and nonviolent. He is completely impressive. It would help Americans to see such a picture of Palestinian political engagement when they have such a distorted image of who Palestinians are. Some day they will know him.”

—**Phillip Weiss, cofounder of Mondoweiss:  
The War of Ideas in the Middle East**

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**BDS: BOYCOTT,  
DIVESTMENT, SANCTIONS**

THE GLOBAL STRUGGLE FOR  
PALESTINIAN RIGHTS

OMAR BARGHOUTI



Haymarket Books  
Chicago, Illinois

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## INTRODUCTION

*Besiege your siege ... there is no other way.*

—Mahmoud Darwish

*Since it is in a concrete situation that the oppressor-oppressed contradiction is established, the resolution of this contradiction must be objectively verifiable. Hence, the radical requirement—both for the individual who discovers himself or herself to be an oppressor and for the oppressed—that the concrete situation which begets oppression must be transformed.<sup>1</sup>*

—Paulo Freire

*First they ignore you, then they laugh at you, then they fight you, then you win.*

—Mahatma Gandhi

Almost every day, the pale, slender woman complains to the ruthless, self-righteous ruffian about the miserable little shack she is confined to, not to mention the daily abuse she has to put up with. Sick of her endless whining, one day he brings in a goat to stay with them. Her complaints turn into desperate sobbing, quite expectedly, so he punches her until she bleeds. She cries in silence, mourning for the day when she had more space, without the goat crowding the miserable shack.

After weeks of her begging, he gets rid of the goat. Now she feels she has her space again. Everything is finally back to normal—just the usual dose of abuse and exploitation. For a day she is content with her accomplishment, but the next morning she wakes up with an eruption of long-suppressed memories, erasing her forgetfulness and disturbing her “peace.” She remembers when he first abducted her and forced her into slavery. She realizes how she has rationalized and internalized the battering as part of surviving, as the lesser evil. She could no longer care less about an extra few square feet here or there. She wants to feel whole again, and

nothing less than her freedom—unmitigated, unconditional—would do. So she sets out to resist and calls out for support.<sup>2</sup>

For more than six decades Israel has enjoyed the best of both worlds, a free hand to implement its extremist colonial agenda of ethnically cleansing as many indigenous Palestinians from their homeland and grabbing as much of their land as possible and, simultaneously, a deceptive, mythical reputation for democracy and enlightenment. It has effectively succeeded in cynically exploiting the Nazi genocide of European Jewish communities, transforming the pain and guilt felt across the West into an almost invincible shield from censure and accountability. As Archbishop Desmond Tutu said: “I think the West, quite rightly, is feeling contrite, penitent, for its awful connivance with the Holocaust. The penance is being paid by the Palestinians. I just hope again that ordinary citizens in the West will wake up and say ‘we refuse to be part of this.’”<sup>3</sup>

The collapse of the Soviet Union, the emergence of the United States as the sole superpower, and the ascension in Washington of a militarist neoconservative self-described “cabal” with uniquely strong ties to Israel<sup>4</sup>—and to warmongering Israeli leader Benjamin Netanyahu in particular—all allowed Israel to maximize its gains and influence over decision-making processes in the United States.<sup>5</sup> Israel’s power in the US Congress had been established for quite some time;<sup>6</sup> during the George W. Bush era the White House was subject to many of the same influences. The criminal attacks of September 11, 2001, created what Netanyahu saw as a golden opportunity to further consolidate Israel’s already great influence over policy setting in Washington.<sup>7</sup> And starting a decade earlier, the sham “peace process” launched by Israel and the Palestine Liberation Organization (PLO) in Oslo in 1993 had rehabilitated Israel’s diplomatic and, crucially, economic ties with dozens of countries across the world,<sup>8</sup> opening up badly needed markets for the state’s expanding industrial, particularly military manufacturing, prowess.

Ironically, at the peak of its military, nuclear, economic, and political power, Israel started becoming more vulnerable.

The fact that the United States got mired in a seemingly indefinite “war on terror” (which should aptly be called “the mother of all terror,” as it is the most egregious and immoral form of state terror, shedding any veneer of respect for international law, and simultaneously a *cause* of much terror by fanatic groups in many countries), causing death and destruction in Iraq and Afghanistan of genocidal proportions <sup>9</sup> and a significant loss of US soldiers’ lives, has started to open some cracks in the otherwise iron wall of support for Israel in the US establishment. The 2008 defeat and democratic purge of the neocons helped widen those cracks.

John Mearsheimer, expert on the Israel lobby in the United States, describes the process of change, which has accelerated recently:

The combination of Israel’s strategic incompetence and its gradual transformation into an apartheid state creates significant problems for the United States. There is growing recognition in both countries that their interests are diverging; indeed this perspective is even garnering attention inside the American Jewish community. *Jewish Week*, for example, recently published an article entitled “The Gaza Blockade: What Do You Do When U.S. and Israeli Interests Aren’t in Synch?” Leaders in both countries are now saying that Israeli policy toward the Palestinians is undermining U.S. security. Vice President Biden and Gen. David Petraeus, the head of Central Command, both made this point recently, and the head of the Mossad, Meir Dagan, told the Knesset [Israel’s parliament] in June, “Israel is gradually turning from an asset to the United States to a burden.”

For decades, Israel’s supporters have striven to shape public discourse in the United States so that most Americans believe the two countries’ interests are identical. That situation is changing, however. Not only is there now open talk about clashing interests, but knowledgeable people are openly asking whether Israel’s actions are detrimental to U.S. security.<sup>10</sup>

This context of relative change in the US establishment, accompanied by more radical change at the grassroots level in the United States and Europe in reaction to Israel’s war crimes and other grave violations of international law in its bloody suppression of the second Palestinian intifada, provided fertile ground for a well-conceived, nonviolent citizens’ movement for Palestinian rights to flourish.

On July 9, 2005, Palestinian civil society launched what is now widely recognized as a qualitatively different phase in the global struggle for Palestinian freedom, justice, and self-determination against a ruthless, powerful system of oppression that enjoys impunity and that is intent on making a self-fulfilling prophecy of the utterly racist, myth-laden foundational Zionist dictum of “a land without a people for a people without a land.” In a historic moment of collective consciousness, and informed by almost a century of struggle against Zionist settler colonialism, the overwhelming majority in Palestinian civil society issued the Call for Boycott, Divestment and Sanctions (BDS) against Israel until it fully complies with its obligations under international law.<sup>11</sup> More than 170 Palestinian civil society groups, including all major political parties, refugee rights associations, trade union federations, women’s unions, NGO networks, and virtually the entire spectrum of grassroots organizations, recalled how people of conscience in the international community have “historically shouldered the moral responsibility to fight injustice, as exemplified in the struggle to abolish apartheid in South Africa,” calling upon international civil society organizations and people of conscience all over the world to “impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era.”

Since 2008, the BDS movement has been led by the largest coalition of Palestinian civil society organizations inside historic Palestine and in exile, the BDS National Committee (BNC).<sup>12</sup>

### Peace, Justice, and Rights

Ngugi wa Thiong’o, one of Africa’s most important contemporary writers, wrote in the introduction to his *Decolonising the Mind* about how imperialism presents the struggling peoples of the earth with the “ultimatum” that they must “accept theft or death,” adding:

The oppressed and the exploited of the earth maintain their defiance: liberty from theft. But the biggest weapon wielded and actually daily unleashed by imperialism against that collective defiance is the cultural bomb. The effect of a cultural bomb is to annihilate a people’s belief in their names, in their

languages, in their environment, in their heritage of struggle, in their unity, in their capacities and ultimately in themselves. It makes them see their past as one wasteland of non-achievement and it makes them want to distance themselves from that wasteland. . . . It even plants serious doubts about the moral rightness of struggle. Possibilities of . . . victory are seen as remote, ridiculous dreams. The intended results are despair, despondency and a collective death-wish.<sup>13</sup>

Ngugi goes on to suggest that the most appropriate response by those struggling for freedom and justice is “to confront this threat with the higher and more creative culture of resolute struggle.”

The BDS campaign is among the most important forms of such “resolute struggle” by the great majority of Palestinians, who resist the colonization of their land and minds and demand nothing less than self-determination, freedom, justice, and unmitigated equality. The BDS Call, anchored in international law and universal principles of human rights, adopts a comprehensive rights-based approach, underlining the fact that for the Palestinian people to exercise its right to self-determination, Israel must end its three forms of injustice that infringe international law and Palestinian rights by:

1. ending its occupation and colonization of all Arab lands [occupied in 1967] and dismantling the wall
2. recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality
3. respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties, as stipulated in UN Resolution 194

As South African archbishop emeritus Desmond Tutu once said: “I am not interested in picking up crumbs of compassion thrown from the table of someone who considers himself my master. I want the full menu of rights.”<sup>14</sup>

For decades, but especially since the Oslo accords signed by Israel and the Palestine Liberation Organization (PLO) in 1993, Israel, with varying degrees of collusion from successive US administrations, the European Union, and complacent Arab “leaders,” has attempted to redefine the Palestinian people to include only those who live in Palestinian territory



occupied in 1967. The main objective has been to deceptively reduce the question of Palestine to a mere dispute over some “contested” territory occupied by Israel since 1967, thus excluding the UN-sanctioned rights of the majority of the Palestinian people. In this context, peace devoid of justice becomes the objective, perpetuating injustice.<sup>15</sup>

The so-called international community, under the hegemonic influence of the United States, the world’s only superpower, has not only failed to stop Israel’s construction of the wall and its settler colonies, both declared illegal by the International Court of Justice in 2004; it has colluded in undermining hitherto UN-sanctioned Palestinian rights. This has prompted Palestinian society to again surpass its “leadership” and reassert its basic rights. The BDS Call, with unprecedented near-consensus support among Palestinians inside historic Palestine as well as in exile, reminded the world that the indigenous Palestinian people include the refugees forcibly displaced from their homeland—by Zionist militias and later the state of Israel—during the 1948 Nakba<sup>16</sup> and ever since, as well as the Palestinian citizens of Israel who remained on their land and now live under a regime of legalized racial discrimination.<sup>17</sup>

Ending the largely *discernible* aspects of the Israeli occupation while maintaining effective control over most of the Palestinian territory occupied in 1967 “in return” for Palestinians’ accepting Israel’s annexation of the largest colonial blocs, with the most fertile lands and richest water resources; relinquishing the right of return; and accepting Israel as an apartheid state—this has become the basic formula for the so-called peaceful settlement endorsed by the world’s hegemonic powers and acquiesced to by an unelected, unrepresentative, unprincipled, and visionless Palestinian “leadership.” The entire spectrum of Zionist parties in Israel and their supporters in the West, with a few exceptions, ostensibly accept this unjust and illegal formula as the “only offer” on the table before the Palestinians—or else the menacing Israeli bludgeon. With the sharp rise of the ultraright in Israel, even this long-held Israeli formula no longer enjoys majority support in the Israel public.<sup>18</sup>

In fact, many Jewish Israelis are now vociferous in protesting what they see as a rise of “fascism” in the state, accompanied by an entrenchment in

racism and rejection of any meaningful peace. The Jewish Telegraphic Agency (JTA) in a report titled *As Israel's Image Sinks, Whither Israeli PR?* explains a key reason behind what it viewed as Israel's failure in the battle for hearts and minds in the West despite its massive obsession with and substantial investments in "rebranding" its image: "The public face of Israel, the Netanyahu-Lieberman-Barak government, wins few points on the international stage. Prime Minister Benjamin Netanyahu is widely perceived as uninterested in making peace, Foreign Minister Avigdor Lieberman is seen as a racist bully, and Defense Minister Ehud Barak is seen as not doing enough to press for more peace-oriented policies."<sup>19</sup>

A *Haaretz* journalist, while typically reducing Israel's injustices to the 1967 occupation only, still succinctly explains Israel's loss of support at the international grassroots level thus:

Underlying the anger against Israel lies disappointment. Since the establishment of the state, and before, we demanded special terms of the world. We played on their feelings of guilt, for standing idle while six million Jews were murdered.

David Ben-Gurion called us a light unto the nations and we stood tall and said, we, little David, would stand strong and righteous against the great evil Goliath.

The world appreciated that message and even, according to the foreign press, enabled us to develop the atom bomb in order to prevent a second Holocaust.

But then came the occupation, which turned us into the evil Goliath, the cruel oppressor, a darkness on the nations. And now we are paying the price of presenting ourselves as righteous and causing disappointment : boycott.<sup>20</sup>

Coming on the heels of Israel's devastating war of aggression on Lebanon (2006), its latest bloodbath in the Gaza Strip (2008–9), and its multiyear illegal and immoral siege of the Strip have stimulated a real transformation in world public opinion against Israeli policies. The United Nations and leading human rights organizations have amply documented the devastating consequences of the siege on the health of the Palestinian population, especially children, among whom stunted growth and anemia

have become widespread. A May 2010 report by the BBC in fact reveals how Israel, through its siege, has allowed only the “minimum calorie intake needed by Gaza’s million and a half inhabitants, according to their age and sex,” as a form of severe collective punishment.<sup>21</sup> It has prevented not only candles, various types of medicines, books, crayons, clothing, shoes, blankets, pasta, tea, coffee and chocolate, but also musical instruments<sup>22</sup> from reaching the 1.5 million Palestinians incarcerated in what has been called the world’s largest open-air prison and even a “prison camp,” in the words of British prime minister David Cameron.<sup>23</sup>

When the heart-wrenching images of Israeli phosphorus bombs showering densely populated Palestinian neighborhoods and UN shelters in Gaza were beamed across the world during Israel’s Operation Cast Lead in 2008–9, they triggered worldwide outrage that translated into boycotts and divestment initiatives in economic, academic, athletic, and cultural fields. Former president of the UN General Assembly Father Miguel D’Escoto Brockmann, Archbishop Desmond Tutu, distinguished artists, writers, academics, and filmmakers, progressive Jewish groups, major trade unions and labor federations, church-affiliated organizations, and many student groups have all endorsed, to varying degrees, the logic of boycott, convincing many that our “South Africa moment” has finally arrived.

As the JTA news service put it: “The fear is that Israel is subject to a growing tide of delegitimization that, if unchecked, could pose an existential threat. The nightmare scenario has the anti-Israel Boycott, Divestment and Sanctions (BDS) movement gaining more traction and anti-Israel opinion moving from Western campuses to governments, followed by a lifting of the protective American diplomatic umbrella.”<sup>24</sup> In the same vein, in May 2009, at a policy conference of the American Israel Public Affairs Committee (AIPAC), executive director Howard Kohr warned that BDS was reaching the American mainstream and “laying the predicate for abandonment [of Israel].” Kohr added, “This is a conscious campaign to shift policy, to transform the way Israel is treated by its friends to a state that deserves not our support, but our contempt; not our protection, but pressure to change its essential nature.”<sup>25</sup>

Despite massive investments of money and projection of intimidating power, the Israel lobby has largely failed, to date, to quell the spread of support for BDS on US campuses as well as among faith-based organizations, cultural figures, and even progressive and liberal Jewish groups. Confronted with this failure to quash BDS in its infancy, Zionist groups everywhere, and especially in the United States, have resorted to naked bullying, intimidation, and other increasingly McCarthyesque measures, further alienating a fast-growing number of Jewish Americans, especially the younger generation. At times one feels that Zionist groups have lost their touch in playing the carrot-and-stick game, so much so that they have forgotten what a carrot even looks like. If a stick does not work, they use a thicker one.

Writing in the *New York Review of Books*, the influential Jewish American author and academic Peter Beinart considers this failure of the Jewish establishment in the United States as a foregone conclusion:

For several decades, the Jewish establishment has asked American Jews to check their liberalism at Zionism's door, and now, to their horror, they are finding that many young Jews have checked their Zionism instead.

Morally, American Zionism is in a downward spiral. If the leaders of groups like AIPAC and the Conference of Presidents of Major American Jewish Organizations do not change course, they will wake up one day to find a younger, Orthodox-dominated, Zionist leadership whose naked hostility to Arabs and Palestinians scares even them, and a mass of secular American Jews who range from apathetic to appalled.<sup>[26](#)</sup>

John Mearsheimer takes a different angle to explain the same phenomenon, the seemingly inexorable decline of the Israel lobby's ability to convince:

The lobby's unstinting commitment to defending Israel, which sometimes means shortchanging U.S. interests, is likely to become more apparent to more Americans in the future, and that could lead to a wicked backlash against Israel's supporters as well as Israel.

The lobby faces yet another challenge: defending an apartheid state in the liberal West is not going to be easy. Once it is widely recognized that the two-state solution is dead and Israel has become like white-ruled South

Africa—and that day is not far off—support for Israel inside the American Jewish community is likely to diminish significantly.<sup>27</sup>

The most consequential achievement of the first five years of the BDS movement was indeed to expose the “essential nature” of Israel’s regime over the Palestinian people as one that combines military occupation, colonization, ethnic cleansing, and apartheid.<sup>28</sup> Israel’s mythical and carefully cultivated, decades-old image as a “democratic” state seeking “peace” may, as a result, have suffered irreparable damage.

The September 13, 2010, *Time* magazine cover story, “Why Israel Doesn’t Care about Peace,”<sup>29</sup> maybe the most prominent indicator yet of the growing feeling among many in the West, even in the environments most supportive of Israel’s policies, that Israel truly has no interest in peace, particularly given that it has not yet been compelled to pay a serious price for its belligerence and persistent violations of international law.

While analysts and legal experts continue to debate to what degree—or whether—the UN definition of apartheid applies to Israel’s system of legalized racial discrimination, it has become more common in the mainstream Israeli media to read and hear the term *fascism* used by prominent figures to describe Israel. To cite one recent reason for increased usage of the term, the Israeli Supreme Court, in line with its long history of justifying racial discrimination and other violations of international law, sanctioned the planned construction of three apartment buildings for Jews only in the Jaffa neighborhood of Ajami, despite the fact that such a decision entails blatant racial discrimination.<sup>30</sup>

Hundreds of academics, artists, and other intellectuals signed a “Declaration of Independence from Fascism” right after the Israeli government overwhelmingly voted to adopt an amendment to the Citizenship Act, dubbed the “loyalty oath,” whereby “non-Jews” applying for Israeli citizenship would have to pledge allegiance to Israel “as a Jewish democratic state.”<sup>31</sup> Far-right Knesset member Michael Ben-Ari said following the vote, “Twenty years have passed since the assassination of Rabbi Kahane, and today Likud admits he was right. It’s a refreshing change to see the Likud government, which persecuted the rabbi over his call to have Arabs sign a loyalty oath, admit today that what Kahane said 20

years ago was correct.”<sup>32</sup> Meir Kahane was a fanatically racist rabbi elected to the Knesset in 1984. In 1988, Kahane’s party, Kach, was banned for its incitement of racism. While in office, Kahane’s legislative proposals included “revoking Israeli citizenship from non-Jews and banning Jewish-Gentile marriages or sexual intercourse.”<sup>33</sup> He advocated ethnic cleansing and plotted acts of terrorism. While his views were regarded in the 1980s as extremist, mainstream Israeli parties today have adopted several of his most extreme positions.

In reaction to the loyalty oath, Israeli award-winning academic Gavriel Solomon went so far as to compare today’s Israel to Germany in the 1930s: “The idea of Judenrein (Jew free zone) or Arabrein is not new. . . . Some might say ‘how can you compare us to Nazis?’ I am not talking about the death camps, but about the year 1935. There were no camps yet, but there were racist laws. And we are heading forward toward these kinds of laws. The government is clearly declaring our incapacity for democracy.”<sup>34</sup>

The well-known Israeli writer Sefi Rachlevsky differed on the time frame of the comparison: “The struggle today is not between left and right but between democrats and fascists... Israel is becoming fascist and racist. In a sense you could say, we are not so much like the madness that was in Germany in 1933 but rather in 1944–45, when they were in danger of losing the war that madness prevented them from stopping.”<sup>35</sup>

Israeli journalist and activist Uri Avnery has also compared the specter of fascism in Israel with the Nazi rise to power in Germany. He warns that fascism has started to take over the Israeli government and Knesset and that, unlike in the West where far-right groups are also growing in influence, “Israel’s very existence is threatened by fascism. It can lead our state to destruction.”<sup>36</sup>

After the Knesset took a significant step toward criminalizing any call for boycott of Israel or its institutions by citizens, residents, and even foreigners entering the country, Avnery wrote, “No doubt can remain that Kahanism—the Israeli version of fascism—has moved from the margin to center stage.”<sup>37</sup> Reacting to the same development, the former chief editor of the influential Israeli daily *Haaretz*, David Landau, called for boycotting the



Israeli Knesset “to stand against the wave of fascism that [has] engulfed the Zionist project.”<sup>38</sup>

The by-now-customary calls by Israeli foreign minister Avigdor Lieberman, even from the podium of the UN General Assembly,<sup>39</sup> for ethnically cleansing Palestinian citizens of Israel and rejecting any peaceful settlement demanding a significant withdrawal of Israel from occupied Palestinian territory have only accelerated the spread of the view of Israel as a world pariah.<sup>40</sup>

A prominent Israeli academic commented thus on the far-right politics of Israeli cabinet ministers: “Israel is currently the only Western country whose cabinet includes the likes of Foreign Minister Avigdor Lieberman, Justice Minister Yaakov Neeman and Interior Minister Eli Yishai. The last time politicians holding views similar to theirs were in power in post–World War II Western Europe was in Franco’s Spain.”<sup>41</sup>

An Israeli BDS activist’s mother, who lives in Tel Aviv, jokingly asked her son, “Has Lieberman been recruited to your [BDS] movement, too!”

This growing outcry about Israel “becoming fascist” reflects an unprecedented level of anxiety among “liberal” Zionists in Israel and elsewhere that Israel’s system of colonial and racist repression, under which indigenous Palestinians have suffered since 1948, will now target Jewish Israeli dissenters as well.

The *facade* of democracy, not democracy itself, is what is truly collapsing in Israel, as democracy has never existed in any true form—nor could have existed—in a settler-colonial state like Israel.<sup>42</sup> Apartheid South Africa was a “democracy” for whites, after all, and the United States was a “democracy” when Southern states were still holding on to apartheid laws against African Americans and other non-whites. But when the facade of democracy and enlightenment collapses, the entire Israeli regime of apartheid, settler-colonialism, and occupation is put at serious risk of collapse as well, as it will be even less tolerated by the world and more likely to trigger even fiercer internal resistance to it.

In this context, the BDS movement has played a major role in intensifying the now public fear in Israel that Israel is becoming a world pariah, as apartheid South Africa was, with all the expected consequences.

Witnessing exceptional growth, and winning over voices in the Western mainstream, BDS has produced an unmistakably loud alarm in Israel's highest political echelons.

Israeli prime minister Benjamin Netanyahu, for example, reacted angrily to a boycott call issued by prominent Israeli artists, supported by academics, in August 2010 against performing in Israel's illegal colonies: "The State of Israel is under an attack of delegitimization by elements in the international community. This attack includes attempts to enact economic, academic and cultural boycotts. The last thing we need at this time is to be under such an attack—I mean this attempt at a boycott—from within."<sup>43</sup>

The term *delegitimization* was first used by a shady Tel Aviv "think tank" that described the international boycott of Israel as "increasingly sophisticated, ripe and coherent," warning that the boycott is a "strategic threat," even a "potentially existential threat," to the state.<sup>44</sup> In a report presented to the Israeli government,<sup>45</sup> the organization partially—albeit implicitly—admitted what exactly the boycott movement was "delegitimizing": "A consistent and honest Israeli commitment to end its control over the Palestinians, advance human rights, and promote greater integration and equality for its Arab citizens is essential in fighting the battle against delegitimization. Such commitment must be reflected in a coherent and comprehensive strategy towards Gaza and the political process with the Palestinians."

While these recommended policy changes hardly meet the minimal rights of the Palestinian people, their mention indicates that the authors of the report realize that the boycott targets Israel *because of its denial of these basic rights*. Otherwise it would not make sense to prescribe recognizing them to combat the boycott. Indeed, BDS strives to delegitimize Israel's settler-colonial oppression, apartheid, and ongoing ethnic cleansing of the indigenous Palestinian people, just as the South Africa boycott was aimed at delegitimizing apartheid there.<sup>46</sup> In no other boycott against any state has the preposterous claim been made that this nonviolent tactic is intended to end the very physical existence of the target state.

The "delegitimization" scare tactic further failed to impress any reasonable person because its most far-reaching—and entirely



unsubstantiated—claim against BDS is that the movement aims to “supersede the Zionist model with a state that is based on the ‘one person, one vote’ principle”<sup>47</sup>—hardly the most evil or disquieting accusation for anyone even vaguely interested in democracy!

In contrast to Israel, some leading legal experts have taken a far more sanguine attitude to the issue of legitimacy and delegitimization. UN special rapporteur for human rights in the Occupied Territories, Richard Falk, argues:

At the present time I’m very sceptical [whether] inter-governmental diplomacy can achieve any significant result. And the best hope for the Palestinians is what I call a legitimacy war, similar to the [South African] anti-apartheid campaign in the late-1980s and 1990s that was so effective in isolating and undermining the authority of the apartheid government. I think that is happening now in relation to Israel. There’s a very robust boycott, divestment and sanctions campaign all over the world that is capturing the political and moral imagination of the people, the NGOs and civil society and is beginning to have an important impact on Israel’s way of acting and thinking.<sup>48</sup>

Besieging Israel’s Siege<sup>49</sup>

BDS is perhaps the most ambitious, empowering, and promising Palestinian-led global movement for justice and rights. BDS has the capacity to challenge Israel’s colonial rule and apartheid in a morally consistent, effective, and, crucially, intelligent manner.

Figures as diverse as Desmond Tutu, Jimmy Carter, and former Israeli attorney general Michael Ben-Yair have described Israel as practicing apartheid against the indigenous Palestinians.<sup>50</sup> Characterizing Israel’s legalized and institutionalized racial discrimination as such does not attempt to equate Israel with South Africa under apartheid; despite the many similarities, no two oppressive regimes are identical. Rather, it stems from the argument that Israel’s system of bestowing rights and privileges according to ethnic and religious identity fits the UN definition of the term as enshrined in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid and in the 2002 Rome Statute of the International Criminal Court. The disingenuous or manifestly misinformed

argument that rejects the apartheid charge on the basis that Jewish Israelis form a majority, unlike the whites in South Africa who were in the minority, ignores the fact that the universally accepted definition of apartheid has nothing to do with majorities and minorities. Rather, it is defined as “inhumane acts . . . committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”<sup>51</sup>

While Palestinian and other BDS advocates may support diverse solutions to the question of Palestinian self-determination and the colonial conflict with Israel, by avoiding the prescription of any particular political formula the BDS Call insists on the necessity of realizing the three basic, irreducible rights of the Palestinian people in *any* just solution. It presents a platform that not only unifies Palestinians everywhere in the face of accelerating fragmentation, but also appeals to international civil society by evoking the same universal principles of freedom, justice, and equal rights that animated the anti-apartheid movement in South Africa and the civil rights movement in the United States.

Since July 2005, there has never been a period with as many BDS achievements as after the Israeli massacre in Gaza in the winter of 2008–9 and the bloodbath on the Gaza-bound Freedom Flotilla in May 2010, which rudely awakened a long-dormant sense of international public outrage at Israel’s exceptional status as a state above the law. People of conscience around the world seem to have crossed a threshold in challenging Israel’s impunity through effective pressure, not appeasement or “constructive engagement.”

“Besiege your siege,” the haunting cry of Palestine’s most celebrated poet, Mahmoud Darwish, suddenly acquires a different meaning in this context. Since attempts to convince a colonial power to give up its privileges and heed moral pleas for justice are at best delusional, many now feel the need to “besiege” Israel through boycotts, raising the price of its siege and apartheid. Rather than get bogged down in trying to convince Israel to recognize us as humans and then to win from it an emaciated set of our rights and bits and pieces of our dignity, the overwhelming majority of

the Palestinian people have opted for this all-encompassing nonviolent civil resistance that counters the entire array of Israeli injustices.

### Academic and Cultural Boycott of Israel Takes Off

Refusing to be complicit in whitewashing settler-colonial Jewish extremism did not start after Israel's flotilla attack or even its atrocities in Gaza. It actually started even before Israel was established on the ruins of Palestinian society. In February 1930, Zionist leaders asked Sigmund Freud, as an iconic Jewish figure, to contribute to a petition condemning the 1929 Palestinian riots against the intensifying Zionist colonization of Palestine.<sup>52</sup> Despite his outspoken Zionist tendency at the time, Freud refused to be complicit in what he regarded as the "baseless fanaticism" of Jewish colonial settlers, writing:

Whoever wants to influence the [Jewish] masses must give them something rousing and inflammatory and my sober judgement of Zionism does not permit this. I certainly sympathise with its goals, am proud of our University in Jerusalem and am delighted with our settlement's prosperity. But, on the other hand, I do not think that Palestine could ever become a Jewish state, nor that the Christian and Islamic worlds would ever be prepared to have their holy places under Jewish care. . . . I concede with sorrow that the baseless fanaticism of our people is in part to be blamed for the awakening of Arab distrust.<sup>53</sup>

In the same spirit of rejecting complicity in Israel's violations of international law and Palestinian rights, British academics were the pioneers in launching international academic pressure campaigns against Israel. A petition initiated by Hilary and Steven Rose for a moratorium on EU funding of research collaboration with Israel was published in the *Guardian* in April 2002, with 130 signatures, triggering a singular backlash from Israel and its lobby groups but also giving birth to a new form of solidarity with Palestinian rights. Later, in response to the call by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI),<sup>54</sup> the British Committee for Universities of Palestine (BRICUP)

was formed and subsequently led several successful campaigns in British academic unions at the front of adopting the logic of a boycott of Israel.<sup>55</sup>

Established in 2009, USACBI, a US-based campaign for the academic and cultural boycott of Israel, recently announced having gained five hundred academic endorsements of its call, not to mention the hundreds of cultural figures who have also signed.<sup>56</sup>

Most recently, in October 2010, a Norwegian petition calling for an institutional cultural and academic boycott of Israel (in line with the PACBI principles) has gathered one hundred impressive signatories—academics, writers, musicians, other cultural workers, and sports celebrities, including Egil “Drillo” Olsen, the coach of the Norwegian national soccer team.<sup>57</sup> Around the same time, the European Platform for the Academic and Cultural Boycott of Israel (EPACBI) was announced, with participation of boycott campaigns from across the continent, in full coordination with PACBI.<sup>58</sup>

Weeks earlier the Indian Campaign for the Academic and Cultural Boycott of Israel had been launched, with the endorsement of some of India’s most famous writers and academics. In the campaign’s statement, the signatories declared: “Just as it was in the case of the international call against South Africa in the apartheid years, we are confident that this boycott will be effective in contributing to international pressure on Israel to abandon its oppression and expulsion of the indigenous population based on military aggression, legal discrimination and persecution, and economic stranglehold.”<sup>59</sup>

A South African petition issued in September 2010 calling on the University of Johannesburg to boycott Israel’s Ben Gurion University was endorsed by 250 academics and prominent figures, including the heads of four South African universities, Archbishop Desmond Tutu, Breyten Breytenbach, John Dugard, Antjie Krog, Barney Pityana, and Kader Asmal. Invoking the moral weight of South Africa, the precedent-setting statement did not mince words in condemning the complicity of Israeli academic institutions in violations of international law: “While Palestinians are not able to access universities and schools, Israeli universities produce the

research, technology, arguments and leaders for maintaining the occupation.”<sup>60</sup>

Citing Nelson Mandela’s caution not to be “enticed to read reconciliation and fairness as meaning parity between justice and injustice,” Archbishop Tutu has defended the call to sever links with complicit Israeli institutions: “It can never be business as usual. Israeli Universities are an intimate part of the Israeli regime, by active choice.” Reiterating his unwavering support for the Palestinian-led global campaign for boycott, divestment, and sanctions against Israel, he eloquently adds: “Together with the peace-loving peoples of this Earth, I condemn any form of violence—but surely we must recognise that people caged in, starved and stripped of their essential material and political rights must resist their Pharaoh? Surely resistance also makes us human? Palestinians have chosen, like we did, the nonviolent tools of boycott, divestment and sanctions.”<sup>61</sup>

Most recently, and in a development that will be recorded as historic, artists in South Africa supporting the BDS Call against Israel issued a declaration titled “South African Artists against Apartheid.” It stated:

As South African Artists and Cultural Workers who have lived under, survived, and in many cases resisted apartheid, we acknowledge the value of international solidarity in our own struggle. It is in this context that we respond to the call by Palestinians, and their Israeli allies, for such solidarity.

As artists of conscience we say no to apartheid—anywhere. We respond to the call for international solidarity and undertake not to avail any invitation to perform or exhibit in Israel. Nor will we accept funding from institutions linked to the government of Israel. This is our position until such time as Israel, in the least, complies with international law and universal principles of human rights. Until then, we too unite with international colleagues under the banner of “Artists Against Apartheid.”<sup>62</sup>

Academic and cultural boycott campaigns have also spread to Canada,<sup>63</sup> France,<sup>64</sup> Italy,<sup>65</sup> and Spain.<sup>66</sup> In Canada, college student activists in Students Against Israeli Apartheid (SAIA) who are part of the Coalition Against Israeli Apartheid (CAIA)<sup>67</sup> pioneered in 2005 the largest campus

BDS campaign around the world, Israeli Apartheid Week,<sup>68</sup> which by now reaches dozens of international universities, including some of the most prestigious, spreading support for BDS and raising awareness about Israel's occupation and racial discrimination system.

Best-selling authors like Iain Banks, Alice Walker, and Henning Mankell have recently endorsed the boycott against Israel, and so did eminent scholar Ann Laura Stoler.<sup>69</sup> Top artists have shunned Israel due to its violation of international law and Palestinian rights. News of megastar Meg Ryan's canceling her visit to Israel and of concert cancellations by Elvis Costello, Gil Scott-Heron, Carlos Santana, The Pixies, and Faithless, among others, has finally put to rest skepticism about the potential of the campaign. World-renowned filmmakers from Jean-Luc Godard<sup>70</sup> and the Yes Men<sup>71</sup> to Mike Leigh have also heeded the boycott call and stayed away from Israeli festivals. Explaining his visit cancellation, Leigh addresses Israelis saying:

As I watched the world very properly condemn [the Flotilla] atrocity, I almost canceled. I now wish I had, and blame my cowardice for not having done so.... Since then, your government has gone from bad to worse. . . . The resumption of the illegal building on the West Bank made me start to consider it seriously.... And now we have the Loyalty Oath. This is the last straw—quite apart from the ongoing criminal blockade of Gaza, not to mention the endless shooting of innocent people there, including juveniles. . . . But in any case, I am now in [an] untenable position, which I must confront according to my conscience.<sup>72</sup>

Even long before this latest swelling of support for the cultural boycott of Israel, renowned authors and cultural figures of the caliber of John Berger, Naomi Klein, Arundhati Roy, Ken Loach, John Greyson, and Judith Butler have supported BDS.<sup>73</sup>

In September 2010, in nothing less than a watershed in the cultural boycott, more than 150 US and British theater, film, and TV artists issued a statement,<sup>74</sup> initiated by Jewish Voice for Peace (JVP), supporting the spreading cultural boycott inside Israel of Ariel and the rest of Israel's colonial settlements, illegally built on occupied Palestinian territory (OPT),



due to their violation of international law.<sup>75</sup> Frank Gehry, of Guggenheim fame, joined the supporters of this cultural boycott. While falling short of endorsing a comprehensive cultural boycott of Israel, this initiative broke a long-held taboo in the United States against calling for any pressure, let alone boycott, to be brought to bear against Israel in response to its ongoing violations of international law and war crimes. In the US context, where dissent from the two-party line that treats Israel as above the law of nations and, often, ahead of US interests,<sup>76</sup> may dearly cost an artist, a journalist, an elected official, an academic, or just about anyone else, this artists' statement is beyond courageous. Condemning Israel's colonial settlements and "ugly occupation," expressing "hope for a *just* and lasting peace" (emphasis added) in the region, and endorsing the logic of boycott as an effective and perfectly legitimate tool to end injustice, the statement is precedent-setting.

Countering the argument by anti-boycott groups that art, the academy, or any profession should be exempted from the boycott for being "above politics" despite evidence of being implicated in a very real political regime of oppression, Israeli British architect Abe Hayeem, who founded Architects and Planners for Justice in Palestine (APJP), holds up architecture as an example of complicity:

Architecture and planning are instruments of the occupation and constitute part of a continuing war against a whole people, whether as a minority within Israel's green line or in the occupied territories. Since this involves dispossession, discrimination and acquisition of land and homes by force, against the Geneva conventions, it can be classified as participation in war crimes.

What can one say about the Israeli architects who follow the state's policies and aims yet deny that their role is political? Despite all the evidence of illegality under international law and breaches of human rights in the land grabs, house demolitions and evictions, Israeli architects and planners continue their activities. They cannot claim that they do not know: there have been plenty of calls for them to stop.<sup>77</sup>

Sanctions, Divestment, and Economic Impact

Dismissing all the spectacular and concrete achievements of the still very young BDS movement as “largely symbolic,” BDS opponents, including some who are widely seen in the West as supporters of—at least some—Palestinian rights, have argued that the boycott of Israel, unlike that waged against apartheid South Africa, is unrealistic and impractical, as it cannot possibly hurt Israel’s formidable economic interests, protected by Western powers. Established analysts and leaders of the struggle against apartheid rule in South Africa who now support the Palestinian BDS movement against Israel recall how this same flawed and often disingenuous argument of economic unfeasibility was used against their struggle as well, often by liberals who ostensibly opposed apartheid but preferred “softer” tactics than boycott and divestment. Rejecting those softer tactics, a former South African cabinet minister and ANC leader, Ronnie Kasrils, who happens to be Jewish, writes in the *Guardian*:

When Chief Albert Luthuli made a call for the international community to support a boycott of apartheid South Africa in 1958, the response was a widespread and dedicated movement that played a significant role in ending apartheid. Amid the sporting boycotts, the pledges of playwrights and artists, the actions by workers to stop South African goods from entering local markets and the constant pressure on states to withdraw their support for the apartheid regime, the role of academics also came to the fore. . . .

Almost four decades later, the campaign for boycott, divestment and sanctions is gaining ground again in South Africa, this time against Israeli apartheid.<sup>[78](#)</sup>

Durban-based economist Patrick Bond, in a lecture in Ramallah on September 26, 2010, cautioned his Palestinian audience not to fall for the insincere argument that the economic “invincibility” of Israel translates into the ultimate futility of BDS tactics. Seemingly unconquerable economic powers, he argued, have fallen much faster than many had thought possible. South Africa was no exception.<sup>[79](#)</sup>

While it is still too early to fairly expect BDS to have a considerable economic impact on Israel, in actual fact the movement has started to bite and, crucially, to empower activists worldwide, illuminating to them a path



with great potential for raising the price of Israel's intransigence and disregard of international law.

Trade unions around the world, especially in the United Kingdom, Ireland, and South Africa, have endorsed boycotting Israel to end its impunity. The British Trades Union Congress, for instance, representing more than 6.5 million workers, unanimously passed a motion in September 2010, supported by the public-sector union Unison and the Fire Brigades Union as well as by the Palestine Solidarity Campaign (UK), calling for boycotting the products of and divesting from companies that profit from Israel's occupation of Palestinian territory.<sup>80</sup> The South African Municipal Workers Union (SAMWU) initiated a campaign to rid all municipalities in South Africa of Israeli products to make them "apartheid Israel free zones,"<sup>81</sup> a campaign that has started firing the imagination of BDS activists elsewhere.

Dockworkers' unions in Sweden, India, Turkey, South Africa, and the United States heeded, to various degrees, a unified appeal by all Palestinian trade unions and the BDS National Committee (BNC) for a boycott of loading and offloading Israeli ships to protest Israel's bloody flotilla attack.<sup>82</sup>

As early as April 2009, in the aftermath of the Israeli bloodbath in Gaza in the winter of 2008–9, the Israel Manufacturers Association reported that "21% of 90 local exporters who were questioned had felt a drop in demand due to boycotts, mostly from the UK and Scandinavian countries."<sup>83</sup>

A number of young, creative, well-conceived and -executed BDS campaigns, while not yet yielding any direct impact on the Israeli economy, are quite promising for the near future. Across the United States, especially on campuses, divestment and boycott campaigns are swelling as one campaign's success and lessons feed another. A national BDS conference of college students was held at Hampshire College in 2009,<sup>84</sup> months after BDS activists there succeeded in pressuring their school to divest from companies profiting from the Israeli occupation.<sup>85</sup> The sharing of experiences and best practices was invaluable for arguably the most important component of the BDS movement in the United States at present: campus-based groups.

Adalah-NY: The New York Campaign for the Boycott of Israel, was among the very first to innovate BDS tactics best suited for the New York setting. From parodies, music, and street dancing to meticulously researched and compelling press releases, they have scored a number of successes, inspiring many newer campaigns in several states and in many countries.<sup>[86](#)</sup>

The spectacular media triumph of the CodePink-led campaign—brilliantly named Stolen Beauty—against Israeli cosmetics company AHAVA, which manufactures in an illegal colony, had a distinctly inspiring effect on BDS campaigns across the Atlantic, particularly in France, the Netherlands, and the United Kingdom.<sup>[87](#)</sup>

In California, BDS activists and partners have launched one of the most ambitious BDS campaigns to date. With the slogan “Divest from Israeli Apartheid,” they describe their initiative thus:

If successful, the measure will appear on the next statewide ballot after March 2011. Then, if approved by a majority of voters, it will become California law. This means that the two public retirement systems, the Public Employees’ Retirement System (CalPERS) and the State Teachers’ Retirement System (CalSTRS), would be required to engage in a divestment process with corporations providing equipment and services to Israel that are used in the violation of human rights and international law, including but not limited to the building of the “Separation Wall” and settlements.<sup>[88](#)</sup>

Another ambitious US-based divestment campaign that is exceptionally promising has been initiated by JVP,<sup>[89](#)</sup> with several partners, and endorsed by the US Campaign to End the Israeli Occupation. The TIAA-CREF campaign aims at convincing the large pension fund manager to divest from companies implicated in Israel’s occupation and violations of international law.<sup>[90](#)</sup> The Palestinian leadership of the BDS movement, the BNC, has warmly welcomed and endorsed the TIAA-CREF campaign.<sup>[91](#)</sup>

Perhaps the most economically significant international BDS campaign to date is the one waged against the two French conglomerates, Veolia and Alstom, due to their involvement in the so-called Jerusalem Light Rail, a

manifestly illegal project intended to cement Israel's colonial hold on occupied Jerusalem as well as on the colonies surrounding it. Since the special BDS campaign targeting this project—named Derail Veolia/Alstom—was launched in November 2008 in Bilbao, Basque Country (Spain), Veolia in particular has lost contracts worth billions of dollars, largely due to intensive campaigning against the company in several countries.<sup>92</sup>

Several campaigns spearheaded by the Irish Palestine Solidarity Campaign are now being designed to target Israel's "blood diamonds." Given the fact that Israel today is the world leader in exporting polished diamonds, with revenues reaching almost \$20 billion in 2008<sup>93</sup>—far larger than its lucrative and often scrutinized arms trade—I cannot overemphasize the significance of effective BDS campaigns to raise awareness about Israel's violations of human rights and international law and to convince diamond buyers to boycott Israeli diamonds.

Progressive lesbian, gay, bisexual, and transgender (LGBT) groups in the United States,<sup>94</sup> Canada,<sup>95</sup> and elsewhere have also challenged support for Israeli apartheid in LGBT communities in the West and joined the ranks of the global BDS movement. This was buoyed by the launch on June 27, 2010, of the Palestinian Queers for BDS initiative. Their statement reads:

[W]e, Palestinian Queer activists, call upon the LGBTQI communities around the globe to stand for justice in Palestine through adopting and implementing broad boycott, divestment and sanctions (BDS) against Israel until the latter has ended its multi-tiered oppression of the Palestinian people, in line with the 2005 Palestinian civil society call for BDS.<sup>96</sup>

Following the Palestinian queer group's call, an Israeli LGBT call was announced, endorsing BDS.<sup>97</sup> In addition, several campaigns by LGBT groups have opposed "pink-washing" Israeli crimes by portraying it as a state that is tolerant of sexual diversity and gay rights.<sup>98</sup>

State-level sanctions against Israel have also been on the rise since the Israeli war of aggression on Gaza. Venezuela and Bolivia severed diplomatic relations with Israel.<sup>99</sup> The parliament of Chile voted in September 2010, with a large majority, to boycott Israeli products

originating from the colonial settlements.<sup>[100](#)</sup> In September 2010 even the Netherlands, despite its long-standing foreign policy bias toward Israel, canceled a tour of the country by Israeli mayors because their group included representatives of colonial settlements.<sup>[101](#)</sup> The Dutch pension fund Pensioenfonds Zorg en Welzijn (PFZW), which has investments totaling 97 billion euros, has divested from almost all the Israeli companies in its portfolio.<sup>[102](#)</sup> The government of Spain, in September 2009, excluded an Israeli academic team from participating in an international university competition promoting sustainable architecture because the academics on the team represented the colony college of Ariel. The official statement explaining this decision, which came after intensive lobbying by Palestinian, Israeli, Spanish, and British civil society groups, asserted: “The decision has been taken by the Government of Spain based upon the fact that the University is located in the [occupied] West Bank. The Government of Spain is obliged to respect the international agreements under the framework of the European Union and the United Nations regarding this geographical area.”<sup>[103](#)</sup>

The Court of Justice of the European Union, the highest legal authority mandated with interpreting EU laws, ruled in a landmark decision that may have significant consequences for the Israeli economy that Israeli products originating in colonies built in the occupied Palestinian territory “do not qualify for preferential customs treatment under the EC-Israel Agreement.”<sup>[104](#)</sup>

In September 2009, Norway announced that its government pension fund, the third largest in the world, was selling its shares in a leading Israeli military manufacturer, Elbit Systems, because of the company’s complicity in Israel’s violations of international law. A year later, in September 2010, the Norwegian Department of Foreign Affairs (UD) also decided to ban testing German submarines built for Israel in Norwegian harbors and coastal waters. “We have extremely rigorous restrictions on exporting security goods and services ... we don’t export materials or services to states at war or in which there is a danger of war,” said Norwegian foreign minister Jonas Gahr Støre.<sup>[105](#)</sup>

In March 2010, a major Swedish investment fund said it would eschew Elbit Systems shares on the same grounds. In August of the same year, the Norwegian pension fund divested from Africa Israel and its subsidiary Danya Cebus because of their involvement in constructing illegal colonial settlements.<sup>[106](#)</sup>

Also in 2010, Germany's biggest bank, Deutsche Bank, sold its 2 percent stake in Elbit Systems. Germany-based human rights groups Pax Christi and International Physicians for the Prevention of Nuclear War (IPPNW) had lobbied bank shareholders to vote against a routine motion of confidence in the board of directors because of its failure to divest from Elbit, while protesters outside the shareholders' meeting demanded divestment. In response, Deutsche Bank chair Josef Ackermann told the meeting, "Deutsche Bank is out of Elbit." Ackermann justified the decision based on the bank's commitment to voluntary codes of conduct such as the UN Global Compact, and he went as far as to deny that Deutsche Bank had ever held shares in Elbit—conflicting with figures published by NASDAQ, which showed that as of March 31, 2010, Deutsche Bank had still owned 2 percent of Elbit Systems and was the fifth largest investor in the company.<sup>[107](#)</sup> In January 2010, Danske Bank, the largest in Denmark, had also divested from Elbit and Africa Israel.<sup>[108](#)</sup>

Commenting on a small set of the above instances, a *Haaretz* economics reporter wrote: "The sums involved are not large, but their international significance is huge. Boycotts by governments give a boost to boycotts by non-government bodies around the world."<sup>[109](#)</sup>

### Anticolonial Israeli Support for BDS

Significantly, the BDS Call, as it has come to be known, invites "conscientious Israelis to support this Call, for the sake of justice and genuine peace," thereby confirming that principled anticolonial Jewish Israelis who support the Palestinian people's inalienable right to self-determination, freedom, and equality in the pursuit of a just, comprehensive, and sustainable peace are partners in the struggle.

Principled Israeli anticolonialists committed to *full* Palestinian rights, such as Ilan Pappé, the late Tanya Reinhart, Rachel Giora, Haim Bresheeth,

Moshe Machover, Oren Ben-Dor, Anat Matar, Michael Warschawski, Kobi Snitz, Shir Hever, Dalit Baum, Yael Lerer, and Jonatan Stanczak, among many others, have truly been partners in this struggle for Palestinian rights. Many of them, aside from their unequivocal commitment to Palestinian rights, realize that Israelis cannot possibly have normal lives without first shedding their colonial status and recognizing those Palestinian rights, paramount among them the right to self-determination.

Since 2009, Boycott! Supporting the Palestinian BDS Call from Within (or Boycott from Within, for short),<sup>110</sup> a growing movement in Israel, has fully adopted the Palestinian BDS Call and adhered to its principles, showing the way for genuine Israeli opposition to occupation and apartheid. Among the commendable principles that Boycott from Within has upheld is that progressive Israelis should focus most of their energies not on eating hummus with Palestinians in Ramallah, Bethlehem, or Jenin, or on sharing gestures of perceived “coexistence,” but by working within *their* communities, the colonial oppressors, to educate and mobilize support for ending Israel’s system of oppression and by supporting the Palestinian-led global BDS campaign.

Israeli groups that have endorsed the BDS Call include, among others, the Alternative Information Center (AIC),<sup>111</sup> the Israeli Committee Against House Demolition (ICAHD),<sup>112</sup> and Who Profits from the Occupation? (a project of the Coalition of Women for Peace),<sup>113</sup> all of which have played key roles in providing political, moral, and often logistical and information support to the BDS movement. For instance, Who Profits? keeps an updated database of Israeli and international corporations involved in the occupation. The list, available at [www.whoprofits.org](http://www.whoprofits.org), is exceptionally useful and is often consulted by stockholders of pension funds, banks, and international institutions as well as activists to select their BDS targets and build their cases against them.

The spectacular growth of the Palestinian-initiated and Palestinian-led global BDS campaign against Israel, especially after the Israeli massacre in the besieged Gaza Strip, has also prompted some on the so-called Zionist left to abandon their long battle against the BDS movement (connected to their self-assigned role as gatekeepers for Palestinian aspirations and



international solidarity) and adopt a wiser position. After the entry of BDS into the Western mainstream, some of these figures realized that reclaiming the limelight now demands flirting with BDS, even nominally adopting it, though they do not acknowledge its Palestinian leadership or frame of reference. Their new motto seems to be “If you can’t beat it, hijack it!”

Rather than focusing on the true objectives of the BDS movement—realizing Palestinian rights by ending Israeli oppression against all three segments of the indigenous Palestinian people—members of the Zionist “left” often reduce the struggle to ridding Israel of “the occupation,” presenting BDS as a “weapon” to *save Israel*, essentially as an apartheid, exclusivist state. They raise the slogan “Boycott the occupation, not Israel,” or “We are against Israeli policies, not against Israel”—as if one could have opposed South African apartheid without being “against South Africa,” or as if one could join a campaign against Saudi Arabian oppression of women, say, without being against Saudi Arabia! Only when it comes to Israel and safeguarding its exceptionalism, its exclusive, unquestionable “right” to exist as a racist state, do we read such insufferable nonsense. One would have understood if the argument had been, instead, that BDS targets Israel as a colonial state that violates international law and Palestinian rights but not the Israeli *people* per se; that would be more accurate in describing the BDS movement’s goals.

While the BDS movement is not an ideological or centralized political party, it does have a Palestinian leadership, the BNC, and a well-thought-out and clearly articulated set of objectives that comprehensively and consistently address Palestinian rights in the context of upholding international law and universal principles of human rights. The heart of the BDS Call is not the diverse boycotting acts it urges but this rights-based approach that addresses the three basic rights corresponding to the main segments of the Palestinian people. Ending Israel’s occupation, ending its apartheid, and ending its denial of the right of refugees to return together constitute the minimal requirements for justice and the realization of the inalienable right to self-determination. Endorsing BDS entails accepting these irreducible rights as the basis for a just peace.

Moreover, BDS is categorically opposed to all forms of racism and racist ideologies, including anti-Semitism. Individuals who believe that some are more human or deserve more rights than others based on differences in

ethnic, religious, gender, sexual, or any other human identity attributes cannot belong to this consistently antiracist struggle for universal rights.<sup>114</sup>

At a practical level, after the principles in the Call are accepted, activists and solidarity groups set their own BDS targets and choose tactics that best suit their political and economic environment. Context sensitivity is the overriding principle for planning and implementing successful BDS campaigns.

BDS, as a distinctly Palestinian form of struggle that is rooted in a century of civil resistance against settler colonialism, inspired by the South African anti-apartheid struggle and the US civil rights movement, and supported by a global solidarity movement, is effective, flexible, and inclusive enough to welcome all those committed to the irreducible entitlement of all humans to equal rights.

## Conclusion

Many around the world still lack the courage, moral consistency, or both to speak out against Israel's multi-tiered system of oppression. Despite all the compelling analyses showing the gradual decline of the power of the Israel lobby,<sup>115</sup> it still commands indisputable weapons in its arsenal that allow it to commit character assassination, to end careers of dissidents—whether members of the US Congress or other parliaments or artists or academics or trade unionists—and to muzzle serious debate about Israel's increasingly indefensible flouting of international law and basic human rights. Unfortunately, many still choose silence or toeing the line to avoid all this trouble.

Edward Said eloquently writes:

Nothing in my mind is more reprehensible than those habits of mind in the intellectual that induce avoidance, that characteristic turning away from a difficult and principled position which you know to be the right one, but which you decide not to take. You do not want to appear too political; you are afraid of seeming controversial; you need the approval of a boss or an authority figure; you want to keep a reputation for being balanced, objective, moderate; your hope is to be asked back, to consult, to be on a board or prestigious committee, and so to remain within the responsible



mainstream; someday you hope to get an honorary degree, a big prize, perhaps even an ambassadorship.

For an intellectual these habits of mind are corrupting par excellence. If anything can denature, neutralize, and finally kill a passionate intellectual life it is the internalization of such habits. Personally I have encountered them in one of the toughest of all contemporary issues, Palestine, where fear of speaking out about one of the greatest injustices in modern history has hobbled, blinkered, muzzled many who know the truth and are in a position to serve it. For despite the abuse and vilification that any outspoken supporter of Palestinian rights and self-determination earns for him or herself, the truth deserves to be spoken, represented by an unafraid and compassionate intellectual. [116](#)

Heeding Said's memorable words, this book is an attempt to speak truth to power, to encourage others to speak truth to power, and to make a humble analytical, conceptual, and informative contribution

# 1

## WHY NOW?

to the most effective effort to date aimed at ending Israel's impunity and realizing Palestinian rights: the global BDS movement. The current<sup>1</sup> grim reality on the ground in occupied Palestine makes a comprehensive boycott of Israel and its complicit institutions not only a moral obligation but also an urgent political necessity—first and foremost to avert genocide, and second, for those who may be oblivious to the moral argument and subscribe to what they perceive as a *realpolitik* approach, to head off a meltdown of the geopolitical system in the entire Arab / Middle Eastern region. Beyond preventing total, bloody chaos, the Palestinian civil society call for boycott, divestment, and sanctions (BDS)<sup>2</sup> aims to hold Israel accountable to international law and universal principles of human rights, in the pursuit of freedom, justice, self-determination, equality, and sustainable peace.

BDS is urgent because of the nightmarish conditions facing the Palestinian people and because the UN and the world's dominant states, led by the United States, have not only failed to hold Israel accountable to its obligations under international law but afforded it immunity, practically turning it into a state above the law of nations. This chapter focuses on the most serious of Israel's crimes against the Palestinian people and why BDS promises to be an effective and potentially decisive response to them.

When the most stringent phase of Israel's ongoing siege of the occupied Gaza Strip started in June 2007, right after Hamas took over "power" there from a US-Israeli-backed faction of Fatah, few human rights and international law experts were able to accurately analyze the real motives and policy objectives behind Israel's patently illegal and immoral form of collective punishment. Even fewer had the insight to foretell the long-lasting consequences this siege would have on the 1.5 million Palestinians

cramped in what was accurately described as the world's largest open-air prison. Richard Falk, a leading international law expert and the current UN special rapporteur for human rights in the occupied Palestinian territories, stood out among those few. In 2007 he wrote:

Is it an irresponsible overstatement to associate the treatment of Palestinians with [the] criminalized Nazi record of collective atrocity? I think not. The recent developments in Gaza are especially disturbing because they express so vividly a deliberate intention on the part of Israel and its allies to subject an entire human community to life-endangering conditions of utmost cruelty. The suggestion that this pattern of conduct is a holocaust-in-the-making represents a rather desperate appeal to the governments of the world and to international public opinion to act urgently to prevent these current genocidal tendencies from culminating in a collective tragedy. If ever the ethos of “a responsibility to protect,” recently adopted by the UN Security Council as the basis of “humanitarian intervention” is applicable, it would be to act now to start protecting the people of Gaza from further pain and suffering.<sup>3</sup>

Falk was not only diagnosing Israel's hermetic siege and its cruelty; he was actually predicting the slow genocide that has transpired as a result of the blockade and the December 2008–January 2009 Israeli war of aggression that aggravated it. Insightful indicators of the scale of the crime committed by Israel in Gaza were revealed in the report issued by UN Fact-Finding Mission on the Gaza Conflict, headed by the prominent South African judge Richard Goldstone, who happens to be a Zionist with ties to Israel. Among its damning findings, the Goldstone Report states:

1688. It is clear from evidence gathered by the Mission that the destruction of food supply installations, water sanitation systems, concrete factories and residential houses was the result of a *deliberate and systematic policy* by the Israeli armed forces. It was not carried out because those objects presented a military threat or opportunity but to make the daily process of living, and dignified living, more difficult for the civilian population.

1689. Allied to the systematic destruction of the economic capacity of the Gaza Strip, there appears also to have been an assault on the dignity of the people. This was seen not only in the use of human shields and unlawful

detentions sometimes in unacceptable conditions, but also in the vandalizing of houses when occupied and the way in which people were treated when their houses were entered. The graffiti on the walls, the obscenities and often racist slogans all constituted an overall image of humiliation and dehumanization of the Palestinian population.

1690. The operations were carefully planned in all their phases. Legal opinions and advice were given throughout the planning stages and at certain operational levels during the campaign.

There were almost no mistakes made according to the Government of Israel. It is in these circumstances that the Mission concludes that what occurred in just over three weeks at the end of 2008 and the beginning of 2009 was a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability.<sup>4</sup> (emphases added)

Although the UN report, adopted by the UN Human Rights Council with a comfortable majority despite hypocritical objections from the United States, the European Union, and Israel, calls on Israel—and the unrecognized Hamas government in Gaza—to “launch appropriate investigations that are independent and in conformity with international standards.” It goes on to dampen any hope that Israel is capable, let alone willing, to do so:

1755. The Mission is firmly convinced that justice and respect for the rule of law are the indispensable basis for peace. The prolonged situation of impunity has created a justice crisis in the OPT that warrants action.

1756. After reviewing Israel’s system of investigation and prosecution of serious violations of human rights and humanitarian law, in particular of suspected war crimes and crimes against humanity, the Mission found major structural flaws that in its view make the system inconsistent with international standards. With military “operational debriefings” at the core of the system, there is the absence of any effective and impartial investigation mechanism and victims of such alleged violations are deprived of any effective or prompt remedy. Furthermore, such

investigations being internal to the Israeli military authority, do not comply with international standards of independence and impartiality.<sup>5</sup>

The necessity of holding Israel accountable by referring it to the International Criminal Court is the only logical conclusion one can reach from the above. This becomes more self-evident once the other, more fatal, long-term and genocidal aspects of Israel's war on and siege of Gaza are exposed.

The systematic Israeli targeting of Gaza's water and sanitation facilities has compounded an already "severe and protracted denial of human dignity," wrote Maxwell Gaylard, UN resident and humanitarian coordinator in the occupied Palestinian territory, causing "a steep decline in standards of living for the [Palestinians] of Gaza, characterized by erosion of livelihoods, destruction and degradation of basic infrastructure, and a marked downturn in the delivery and quality of vital services in health, water and sanitation."<sup>6</sup>

A 2009 report by Amnesty International on Israel's intentional and long-standing policy of denying Palestinian fair access to their water resources has shed light on a particularly fatal aspect of Israel's designs for the 1.5 million Palestinians in the occupied Gaza Strip. "In Gaza," the report affirms, "90–95 per cent of the water supply is contaminated and unfit for human consumption."<sup>7</sup> The report cites an earlier study by the UN Environmental Programme (UNEP), which correlates the widespread contamination of Gaza's water resources to the rise in nitrate levels in the groundwater "far above the WHO accepted guideline," inducing a potentially lethal blood disorder in young children and newborns called methemoglobinemia, or the "blue babies" phenomenon. Some of the detected symptoms of this disease in Gaza infants include "blueness around the mouth, hands and feet," "episodes of diarrhea and vomiting," and "loss of consciousness." "Convulsions and death can occur" at higher levels of nitrate contamination, the report concludes.<sup>8</sup>

Contamination from Israel's assault and siege did not stop at Gaza's water resources; it dangerously polluted the soil as well. An independent group of scientists and physicians from the New Weapons Committee, an Italy-based group that researches the effects of recently developed weapons

on civilian populations in war zones, conducted a study on Israel's use of "non-conventional weapons" and their "middle-term effects" on the Palestinian residents of areas in Gaza that were bombed by the Israeli army on two separate occasions. "The 2006 and 2009 Israeli bombings on Gaza," the study shows, "left a high concentration of toxic metals in soil, which can cause tumours, fertility problems, and serious effects on newborns, like deformities and genetic pathologies."<sup>9</sup>

In a report tellingly titled *Rain of Fire: Israel's Unlawful Use of White Phosphorus in Gaza*, Human Rights Watch confirms Israel's deliberate targeting of civilians with devastating results. It states that the Israeli army's "repeatedly exploded white phosphorus munitions in the air over [densely] populated areas, killing and injuring civilians, and damaging civilian structures, including a school, a market, a humanitarian aid warehouse and a hospital," adding that the recurrent and indiscriminate use of this deadly weapon "indicates the commission of war crimes."<sup>10</sup>

Corroborating such findings by international human rights organizations and UN agencies on the impact of Israel's attacks on Gaza, on December 20, 2009, Al Dameer Association for Human Rights in Gaza published a position paper on the health and environmental problems caused by Israel's extensive use of proscribed radioactive and toxic materials throughout its assault on Gaza. Among the many grave, "long-lasting," and "tragic" effects of Israel's intentional choice of munitions and its indiscriminate and recurring targeting of densely populated civilian neighborhoods, schools, and even UN shelters, the paper gives special attention to the "dramatic" increase in the incidence of cancer—especially among children—as well as the rise in the number of birth defects and miscarriages, "particularly, in Jabalya, Biet Lahia, and Biet Hanoun as these areas witnessed the fiercest Israeli aggression." Drawing attention to the considerable "impact on men's fertility" that this radioactive and toxic weaponry is causing, the report warns that this wide deterioration in the health status of people in Gaza will "plague the future generation" and calls for "serious measures" toward "pressurizing Israel to lift the siege."<sup>11</sup>

The above, mostly ongoing, Israeli crimes do not occur in a vacuum; they are products of a culture of impunity, racism, and genocidal tendencies that has overtaken Israeli society, shaping its mainstream discourse and

“commonsense” approach to the “Palestinian problem.” Weeks after the end of Israel’s attacks, for instance, testimonies of Israeli soldiers who participated in the commission of the Gaza massacre were published. Although the incidents they recount are merely the tip of the iceberg, these testimonies provide rare insight into prevailing Israeli thinking about the Palestinians and how best to “deal with them.” The testimonies’ significance is underscored by the fact that Israel’s military remains a “people’s army” based on mandatory service for men and women alike and, as a result, the army has long been regarded as the country’s foremost melting pot and an accurate representation of a wide spectrum in Israeli society.

Explaining orders to indiscriminately shoot civilians in residential buildings and civilian neighborhoods, one soldier says: “From above they said it was permissible because anyone who remained in the sector and inside Gaza City was in effect condemned, a terrorist, because they hadn’t fled.”

Another narrates how a well-reported incident of intentionally shooting and killing an elderly Palestinian woman took place: “A company commander saw someone coming on some road, ... an old woman. She was walking along pretty far away, but close enough so you could take [her] out.... If she [was] suspicious, not suspicious—I don’t know. In the end, he sent people up to the roof, to take her out with their weapons. From the description of this story, I simply felt it was murder in cold blood.” When asked why they shot her despite recognizing her as an older woman who posed no threat, the soldier replies: “That’s what is so nice, supposedly, about Gaza: You see a person on a road, walking along a path. He doesn’t have to be with a weapon, you don’t have to identify him with anything and you can just shoot him.”

An honest soldier from an elite army brigade explains why a fellow sharpshooter who deliberately fired at a mother and her two children, killing all three, did not feel “too bad about it.” He says: “After all, as far as he was concerned, he did his job according to the orders he was given. And the atmosphere in general, from what I understood from most of my men who I talked to . . . I don’t know how to describe it. . . . The lives of



Palestinians, let's say, [are] something very, very less important than the lives of our soldiers.”<sup>12</sup>

Gideon Levy, a renowned Israeli journalist, contextualizes this phenomenon among soldiers as a “natural culmination” of killing thousands of Palestinians over the previous nine years, “nearly 1,000 of them children and teenagers.” He writes:

Everything the soldiers described from Gaza, everything, occurred during these blood-soaked years as if they were routine events. It was the context, not the principle, that was different. An army whose armored corps has yet to encounter an enemy tank and whose pilots have yet to face an enemy combat jet in 36 years has been trained to think that the only function of a tank is to crush civilian cars and that a pilot's job is to bomb residential neighborhoods.

To do this without any unnecessary moral qualms we have trained our soldiers to think that the lives and property of Palestinians have no value whatsoever. It is part of a process of dehumanization that has endured for dozens of years, the fruits of the occupation.<sup>13</sup>

During the Israeli war on Gaza, fundamentalist Zionist rabbis played an unprecedented role in urging soldiers to “show no mercy” to any Palestinian in Gaza, citing popular, yet fanatic, interpretations of Jewish law as justifying genocide against Gentiles in the “Land of Israel” in any war of “revenge” or of necessity, as all Israeli wars are labeled by definition.<sup>14</sup>

The late Israeli academic and human rights advocate Israel Shahak<sup>15</sup> was among the very first to expose this critical dimension, which had been intentionally overlooked by most analysts based on inexplicable sensitivities, as if Jewish fundamentalism were more benign or should be tolerated more than Islamic, Christian, Hindu, or any other fundamentalism.

It is crucial to note that fundamentalist interpretations of the Halacha, or Jewish law, openly justify massacres,<sup>16</sup> even genocide (as in mass murder of “non-Jewish” civilians, including children), in what is termed a “war of revenge” or a “necessary war.” A war of necessity in fundamentalist teachings would be waged against the entire “enemy” population without sparing anyone. The only limit is on committing any act that might lead to



*more* injury of the Jewish community in retribution. So if a massacre of, say, ten thousand Gentiles would cause damage to Israel that outweighed the “benefits,” it should be avoided. This is the sole consideration that is allowed in such fanatical religious teachings, which have become dominant among the religious Zionist community in Israel and beyond and have seeped into the thinking of the general Israeli public in many ways.

And of course every war so far has been perceived by the absolute majority of Israeli Jews, including members of the traditional “peace movement,” as a “war of necessity.” This pattern was broken only after many days of the Lebanon 2006 war, specifically because the losses in the Israeli army far outweighed—in fundamentalist Jewish calculations, that is—the “benefits” of slaughtering Lebanese civilians and wantonly destroying the civilian infrastructure. Only then was there a substantial outcry against the war.

Gaza was different, though. Palestinian armed resistance could hardly put up a fight, especially given the condition of siege, against the far superior Israeli army, armed as it was with the United States’ latest military technologies as well as diplomatic, financial, and political support. The extremely lopsided balance of fatalities on either side ensured overwhelming public support in Israel for the war. Many otherwise self-described liberals, even leftists, cheered their army while it was committing a live, televised massacre. While this was true in almost all sectors of Israeli society, one expression of racist fanaticism that stood out was popular army T-shirts.

Israeli army battalions and companies often compete in designing the most outrageously racist shirt that they can show off in front of the rest. The Israeli daily *Haaretz* published some examples and photographs of these T-shirts.<sup>17</sup> One T-shirt for infantry snipers “bears the inscription ‘Better use Durex,’<sup>18</sup> next to a picture of a dead Palestinian baby, with his weeping mother and a teddy bear beside him.” Another sharpshooters’ shirt from the Givati Brigade’s Shaked battalion “shows a pregnant Palestinian woman with a bull’s-eye superimposed on her belly, with the slogan, in English, ‘1 shot, 2 kills.’ ”

Several prints depicted ruined, destroyed, or blown-up mosques, revealing a deeply entrenched Islamophobic tendency that is appallingly

reminiscent of 1930s anti-Semitic cartoons in Europe. Another design shows a soldier raping a Palestinian girl, and underneath it says, “No virgins, no terror attacks.”

Israeli sociologist Orna Sasson-Levy said that this phenomenon is “part of a radicalization process the entire country is undergoing, and the soldiers are at its forefront.” She added: “There is a perception that the Palestinian is not a person, a human being entitled to basic rights, and therefore anything may be done to him.”<sup>19</sup>

Was Israel simply “morally corrupted” by the occupation?

It’s not uncommon for Israeli analysts from the Zionist “left” to try to explain the dominant racism and genocidal trends among Israelis as relatively new phenomena, departures from the good old days of liberalism and enlightenment, or signs of moral collapse. All such explanations have one thing in common: they betray the same symptoms of selective amnesia displayed by those on the right.

They ignore the fact that Israel’s very establishment was a result of massive ethnic cleansing, massacres, rape, wanton destruction of hundreds of villages, and total denial of the most basic rights to the indigenous Palestinians who were dispossessed and exiled and those who remained despite all the attempts to annihilate their existence as a people with a distinct identity. During the Nakba, the massive campaign of ethnic cleansing by Zionist militias and later the Israeli army against the indigenous Palestinians, as Israeli historian Ilan Pappé, among others, has shown,<sup>20</sup> was premeditated, meticulously planned years in advance by Zionist leaders, including David Ben-Gurion, and executed systematically, brutally, and without compunction. As a result, over 800,000 Palestinians were dispossessed and uprooted and more than five hundred Palestinian villages were methodically destroyed to prevent the return of the refugees.

Today, refugees and internally displaced persons (IDPs) make up two-thirds of the Palestinian population. According to a survey by Badil Resource Center, a leading refugee rights advocacy group based in Bethlehem, “By the end of 2008, at least 67 percent (7.1 million) of the entire, worldwide Palestinian population (10.6 million) were forcibly displaced persons. Among them were at least 6.6 million Palestinian refugees and 455,000 internally displaced persons (IDPs).”<sup>21</sup>

Under the influence of Zionist ideology and decades of deceptive indoctrination, a great majority of Israelis today, including those in the Zionist “left camp,” indulge in a convenient forgetfulness when it comes to recognizing that they, the colonial settlers, have always viewed the natives as *relative* humans<sup>22</sup> who are accordingly not entitled to the equal rights that only “full” humans can claim. Former deputy mayor of Jerusalem Meron Benvenisti commented in 2003 on the nature of this “conflict,” saying:

In the past two years I reached the conclusion that we are dealing with a conflict between a society of immigrants and a society of natives. If so, we are talking about an entirely different type of conflict. If so, we descend from the rational level to a completely basic, atavistic level that goes to the bedrock of personal and collective existence. Because the basic story here is not one of two national movements that are confronting each other; the basic story is that of natives and settlers. It’s the story of natives who feel that people who came from across the sea infiltrated their natural habitat and dispossessed them.<sup>23</sup>

Israel’s savagery in Gaza, whose population is 80 percent refugees, has gone well beyond dispossession, however. International law experts have debated whether Israel’s crimes in Gaza, which largely conform to the UN definition of genocide, are committed with a clear intent—a necessary condition to consider these acts as constituting full-fledged genocide. Israel’s most recent crimes in Gaza and ongoing medieval-style siege *can* accurately be categorized as acts of genocide, albeit slow. According to article II of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, the term is defined as

any of the following 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 . . .<sup>24</sup>

Clearly, Israel's hermetic siege of Gaza, designed to kill, cause serious bodily and mental harm, and inflict conditions of life calculated to bring about partial and gradual physical destruction, qualifies as an act of genocide, if not yet all-out genocide.<sup>25</sup>

While lawyers continue to argue, Palestinian "relative humans" are being subjected to what feels very much like slow genocide. Many Palestinian babies are still being born disfigured, "blue," or otherwise condemned to stunted growth, anemia, and a short, tormented life in the Gaza open-air prison camp. Palestinian soil and water are still being contaminated relentlessly, and not only in Gaza. Necessary sustenance requirements are still being denied to 1.5 million Palestinians there. Patients with chronic diseases as well as those suffering from a wide range of curable illnesses are dying a slow death, away from the mainstream media's radar. The forcible displacement of Palestinians has not stopped since the Nakba, with the latest campaigns in and around Jerusalem, as well as in the Naqab<sup>26 27</sup> (Negev), showing a clear intensification. Fragmentation of the Palestinian people in dozens of isolated communities to obliterate their national and social coherence and common identity is escalating.

In short, Palestinians cannot wait. Israel is no longer "just" guilty of occupation, colonization, and apartheid against the people of Palestine; as the evidence above suggests, it has embarked on what seems to be its final effort to literally disappear the "Palestinian problem." And it is doing so with utter impunity. The world cannot continue to watch. Thus BDS. Thus now.

Indeed, Israel's latest bloodbath in Gaza and its ongoing illegal and immoral siege of the Strip have stimulated a real transformation in world public opinion against Israeli policies. The heart-wrenching images, beamed across the world, of Israeli phosphorus bombs showering densely populated Palestinian neighborhoods and UN shelters triggered worldwide boycotts and divestment initiatives in economic, academic, athletic, and cultural fields of the kind that Palestinian civil society called for back in 2005.

The most inspiring and dramatic developments have taken place in South Africa and certain Western European countries. In February 2009, weeks after the end of Israel's assault on Gaza, the South African Transport and

Allied Workers Union made history when it refused to offload an Israeli ship in Durban. In April, the Scottish Trade Union Congress followed the lead of the South African trade union federation, COSATU, and the Irish Congress of Trade Unions in adopting BDS. In May 2009, at its annual congress, the University and College Union (UCU), representing some 120,000 British academics, called for organizing an interunion BDS conference later this year to discuss effective, legal strategies for implementing the boycott.

Richard Falk commented on the seemingly inexorable spread of BDS across the world in an oral statement before the UN Human Rights Council on March 23, 2009:

The public reaction to the Israeli military operations has led to a global reaction that has taken the form of an upsurge in civil initiatives that can be comprehended as part of a worldwide boycott and divestment campaign that has taken diverse forms; this development amounts to waging “a legitimacy war” against Israel on the basis of its failure to treat the Palestinian people in accord with international human rights law and international humanitarian law.<sup>[28](#)</sup>

## WHY BDS?

The BDS (Boycott, Divestment and Sanctions) Call, launched in July 2005, was endorsed by an overwhelming majority of Palestinian civil society unions, political parties, and organizations everywhere. Rooted in a long tradition of nonviolent popular resistance in Palestine against Zionist settler-colonialism<sup>1</sup> and largely inspired by the anti-apartheid struggle in South Africa, it adopts a rights-based approach that is anchored in *universal* human rights, just as the US civil rights movement did. It resolutely rejects all forms of racism, including anti-Semitism and Islamophobia.

BDS unambiguously defines the three basic Palestinian rights that constitute the *minimal* requirements of a just peace and calls for ending Israel's corresponding injustices against all three main segments of the Palestinian people. Specifically, BDS calls for ending Israel's 1967 military occupation of Gaza, the West Bank (including East Jerusalem), and other Arab territories in Lebanon and Syria; ending its system of racial discrimination against its Palestinian citizens; and ending its persistent denial of the UN-sanctioned rights of Palestine refugees, particularly their right to return to their homes and to receive reparations.

Calling Israel an apartheid state does not imply that its system of discrimination is identical to apartheid South Africa's. It simply states that Israel's laws and policies against the Palestinians largely fit the UN definition of apartheid, which was adopted in 1973 and went into effect in 1976.<sup>2</sup>

For decades efforts to promote peace between Israel and the Palestinian people have categorically failed, further entrenching Israeli colonial hegemony and Palestinian dispossession. The main culprit is the insistence of Israel and successive US governments on exploiting the current massive power imbalance to impose a peace devoid of justice and human rights on

the Palestinians, an unjust “solution” that fails to address our basic rights under international law and undermines our inalienable right to self-determination.

In parallel, official Western collusion manifested in unconditional diplomatic, economic, academic, and political support of Israel has further fed Israel’s already incomparable impunity in violating human rights and spurred civil society worldwide to support boycotts against Israel as an effective, nonviolent form of struggle in the pursuit of peace based on justice and precepts of international law.

For too long, while nonviolence has been the mainstay of Palestinian resistance to settler-colonial conquest for decades, the term *nonviolence* has been associated among Palestinians with appeasement of Israel or submission to some of its unjust demands.<sup>3</sup> There are two main reasons for this negative connotation. First, many of those who advocated “nonviolence” in the past, and who received lavish Western media attention as a result, categorically vilified and denounced armed resistance, presented nonviolence as a substitute for it, and advocated only a minimal set of Palestinian rights, usually excluding or diluting the internationally recognized right of Palestinian refugees to repatriation and compensation, as well as ignoring the rights of Palestinian citizens of Israel. They therefore stood isolated from the Palestinian grass roots and virtually all respected civil society organizations. Second, Palestinian nonviolent campaigns were often funded, if not directed, by Western organizations, governmental or otherwise, with their own political agendas that conflicted with the *publicly* espoused Palestinian national agenda as expressed by the Palestine Liberation Organization (PLO). This entrenched association between nonviolence and a minimalist and seemingly “imported” political program made the term *nonviolence* subject to suspicion and antipathy among most Palestinians, particularly since armed resistance has been largely linked to a *maximalist* political program.

I beg to differ with this general characterization. While I firmly advocate nonviolent forms of struggle such as boycott, divestment, and sanctions to attain Palestinian goals, I just as decisively, though on a separate track, support a unitary state based on freedom, justice, and comprehensive equality as the solution to the Palestinian-Israeli colonial conflict. To my



mind, in a struggle for equal humanity and emancipation from oppression, a correlation between means and ends, and the decisive effect of the former on the outcome and durability of the latter, is indisputable. If Israel is an exclusivist, ethnocentric, settler-colonial state, then its ethical, just, and sustainable alternative must be a secular, democratic state, ending injustice and offering unequivocal equality in citizenship and individual and communal rights *both* to Palestinians (refugees included) *and* to Israeli Jews. Only such a state can *ethically* reconcile the ostensibly irreconcilable: the inalienable, UN-sanctioned rights of the indigenous people of Palestine to self-determination, repatriation, and equality in accordance with international law and the *acquired* and internationally recognized rights of Israeli Jews to coexist—as equals, not colonial masters—in the land of Palestine.<sup>4</sup>

While individual BDS activists and advocates may support diverse political solutions, the BDS movement as such does not adopt any specific political formula and steers away from the one-state-versus-two-states debate, focusing instead on universal rights and international law, which constitute the solid foundation of the Palestinian consensus around the campaign. Incidentally, most networks, unions, and political parties in the BNC still advocate a two-state solution outside the realm of the BDS movement.

Starting with the collapse of the Soviet Union and the premature end of the first Palestinian intifada (1987–1991), through the launching of the Madrid-Oslo “peace process” and until a decade ago, the question of Palestine had been progressively marginalized, if not relegated to a mere nuisance factor, by the powers that be in the new unipolar world. Edward Said reflected on the “peace process” thus:

What of this vaunted peace process? What has it achieved and why, if indeed it was a peace process, has the miserable condition of the Palestinians and the loss of life become so much worse than before the Oslo Accords were signed in September 1993? And why is it, as the *New York Times* noted on 5 November, that “the Palestinian landscape is now decorated with the ruins of projects that were predicated on peaceful integration”? And what does it mean to speak of peace if Israeli troops and settlements are still present in such large numbers? Again, according to



RISOT, 110,000 Jews lived in illegal settlements in Gaza and the West Bank before Oslo; the number has since increased to 195,000, a figure that doesn't include those Jews—more than 150,000—who have taken up residence in Arab East Jerusalem. Has the world been deluded or has the rhetoric of “peace” been in essence a gigantic fraud?<sup>5</sup>

In quite a revealing turn of history, among the very first substantial consequences of this “new world order” was the UN General Assembly’s 1991 repeal, under intense US pressure, of its 1975 “Zionism Is Racism” resolution,<sup>6</sup> thus removing a major obstacle on the course of Zionist and Israeli rehabilitation in the international community. This was followed by the PLO’s formal recognition of Israel under the Oslo accords, which furthered the transformation of Israel’s image from that of a colonial and inherently exclusivist state<sup>7</sup> into a *normal* member of the international community of nations, one that is merely engaged in a territorial dispute. After the establishment of the Palestinian Authority (PA), primarily, from Israel’s perspective, to relieve Israel’s colonial burdens in the West Bank and Gaza and to cover up its ongoing theft of Palestinian land to build Jewish-only settlements, Israel embarked on an ambitious public relations campaign in Africa, Asia, Latin America, and the Arab world, establishing diplomatic ties and opening new markets for its growing industries. Former sworn enemies suddenly warmed up to Israel, importing from it billions of dollars’ worth of military hardware and other goods, and, convinced that the road to the US Congress passed through Tel Aviv, wooing it politically. As a result, Israel multiplied the number of states with which it holds diplomatic relations from a few dozen before Oslo to more than 160 at present.

Meanwhile, the election of George W. Bush in 2000 as the president of the United States and the rise of his neoconservative associates (erstwhile advisers to the far-right Israeli leader Benjamin Netanyahu) brought Zionist influence in the White House to unprecedented heights, finally matching its decades-old, almost unparalleled influence on Capitol Hill.

But shortly before the US presidential elections, in September 2000, after years of a sham “peace process” that served to disguise Israel’s ongoing occupation and the enormous growth of its colonies in the occupied territories, the second Palestinian intifada broke out. As the uprising

intensified, Israel's brutal attempts to crush it, through means described by Amnesty International and other human rights organizations as amounting to war crimes,<sup>8</sup> reopened—at least in intellectual circles—long-forgotten questions about whether a just peace can indeed be achieved with a colonial, ethnocentric, and expansionist Zionist state. It was against this background that the UN World Conference against Racism in Durban in 2001 revived the 1975 debate on Zionism. Although, as expected, the official assembly failed to adopt a specific resolution on Israel's multitiered oppression of the Palestinian people due to direct threats from the United States and, to a lesser extent, powerful European states, the NGO Forum condemned Zionism as a form of racism and apartheid.<sup>9</sup> This was an expression of the views of thousands of civil society representatives from across the globe whose struggle against all forms of racism, including anti-Semitism, is mostly informed by humanist and democratic principles. Despite the official West's unwillingness to hold Israel to account, Durban confirmed that grassroots support, even in the West, for the justness of the Palestinian cause was still robust, if not yet channeled into effective forms of solidarity.

With the new intifada, boycott and sanctions were in the air. Campaigns calling for divestment from companies supporting Israel's occupation, for instance, spread to many US campuses,<sup>10</sup> initially causing panic among the ranks of the Israel lobby and its student arm. Archbishop Desmond Tutu of South Africa was among the earliest internationally renowned figures to support divestment from Israel.<sup>11</sup> The impromptu nature of these early, largely abortive efforts soon gave way to a higher degree of coordination and sharing of experience at a national level in the United States, culminating in the establishment of the Palestine Solidarity Movement and later the US Campaign to End the Israeli Occupation, a broad coalition of over three hundred groups working to change US foreign policy in favor of a just peace.<sup>12</sup> Across the Atlantic, particularly in the United Kingdom, calls for various forms of boycott against Israel started to be heard among intellectuals, academics, and trade unionists. These efforts intensified with the massive Israeli military reoccupation of Palestinian cities in spring 2002, with all the destruction and civilian casualties it left behind.

By 2004, academic associations, trade unions, and solidarity organizations in the United States and Europe calling for boycott had been joined by mainstream churches, which began to study divestment and other forms of boycott against Israel, similar in nature to those applied to South Africa during apartheid rule. The most significant development at that stage was the precedent-setting decision of the Presbyterian Church USA (PCUSA) in July 2004, in a resolution that was adopted by a resounding majority of 431 to 62, to start “a process of phased selective divestment in multinational corporations doing business in Israel.” Unlike similar declarations adopted by student and faculty groups, the Presbyterian move could not be dismissed as “symbolic” or economically ineffective. Although PCUSA in 2006 dropped the term *divestment*, opting for “investment in peace” due to threats and intimidation by Israel lobby groups,<sup>13</sup> its initiative managed to inspire many faith-based organizations, especially, in the West to consider halting their investments in Israel as well.

A development of signal importance for these efforts was the historic advisory opinion issued by the International Court of Justice (ICJ) at The Hague on July 9, 2004, condemning as illegal both Israel’s wall and the colonies built on occupied Palestinian land. Ironically, the PLO scored this momentous political, legal, and diplomatic victory at a time when it was least prepared to build on it. A similar advisory opinion by the ICJ in 1971, denouncing South Africa’s occupation of Namibia, had triggered what became the world’s largest and most concerted campaign of boycotts and sanctions directed against the apartheid regime, eventually contributing to its demise. Though the ICJ ruling on the wall did not prompt similar reaction, chiefly due to Palestinian structural and political powerlessness, it did fuel a revival of principled opposition to Israeli oppression around the world.

Days before the ICJ ruling, the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), formed in April 2004, issued a call for the academic and cultural boycott of Israel endorsed by some sixty unions, organizations, and associations in the Palestinian occupied territories urging the international community to boycott all Israeli academic and cultural *institutions* as a “contribution to the struggle to end Israel’s occupation, colonization, and system of apartheid.”<sup>14</sup> This call was

greatly and qualitatively amplified on the first anniversary of the ICJ ruling, when more than 170 Palestinian civil society organizations and unions, including the main political parties, issued the Call for Boycott, Divestment and Sanctions (BDS) against Israel “until it fully complies with international law.” After fifteen years of the so-called peace process, Palestinian civil society reclaimed the agenda, articulating Palestinian demands as part of the international struggle for justice long obscured by deceptive “negotiations.” In a noteworthy precedent, the BDS Call was issued by representatives of the three segments of the Palestinian people—the refugees, the indigenous Palestinian citizens of Israel, and those under the 1967 occupation. It also directly “invited” conscientious Israelis to support its demands. The Palestinian boycott movement succeeded in setting new parameters and clearer goals for the growing international support network, sparking, or giving credence to, boycott and divestment campaigns in several countries.

A genuine concern raised by solidarity groups in the West regarding the calls for boycott has been the conspicuous absence of an *official* Palestinian body behind them. “Where is your ANC?” is a difficult and sometimes sincere question that faced Palestinian boycott activists everywhere. The PLO, in total disarray for years, has remained largely silent. The PA, with its circumscribed mandate and the constraints imposed upon it by the Oslo accords, is *inherently* incapable of supporting any effective resistance strategy, especially one that evokes injustices beyond the 1967 occupation. Indeed, with rare exceptions, the PA’s role has actually been detrimental to civil society efforts to isolate Israel. This started to change in 2009, when the Sixth Conference of Fatah, the leading secular political party, adopted a political platform highlighting popular nonviolent struggle as the main form of resistance to the occupation.<sup>15</sup> Much criticism has been leveled at Fatah for holding its conference under occupation, accommodating Israeli demands, and, more substantively, transforming the Palestinian cause from a struggle for self-determination and comprehensive rights to what is seen by many pundits as a hollowed-out process of coexisting with Israeli injustices and denial of some of those basic rights.<sup>16</sup> Still, the enthusiasm for a strong commitment to nonviolent means of countering Israel’s occupation and sprawling colonization eventually led the Fatah-dominated

PA to adopt a—belated—policy of boycotting and calling on other states to boycott products of Israeli colonial settlements.<sup>17</sup> While many Palestinians saw this PA call for a partial boycott of Israel as “too little, too late,” coming five full years after the great majority of Palestinian civil society had called for comprehensive BDS measures, there was a sense of vindication nonetheless. “Even” the PA, BDS leaders can now argue, eventually understood the immense power of boycott and popular resistance. It also has helped underline the consensus among Palestinians in support of boycott as a form of struggle against Israel’s violations of international law.

As for “unofficial” Palestinian bodies, a tiny minority of them did not support the July 2005 BDS call. These were mostly smaller NGOs, ever attentive to donor sensitivities, that declined to endorse, some citing as “too radical” the clause on the right of refugee return (despite the fact that it is “stipulated in UN Resolution 194”). Some, bowing to pressure from their European “partners,” feared that the term *boycott* would invite charges of anti-Semitism. Also, initially the largest Palestinian political factions, with their predominant decades-old focus on armed struggle, seemed unable to recognize the indispensable role of civil resistance, particularly in the unique—and certainly very different from South Africa’s—colonial conditions of siege that the Palestinians had to resist.<sup>18</sup> By either inertia or reluctance to critically evaluate their programs in light of a changed international situation, these forces became addicted to the armed model of resisting the occupation, ignoring the troubling moral and legal questions raised by certain indiscriminate forms of that resistance and its failure to date to achieve concrete and sustainable results in an international environment dominated by Israel’s main sponsor and enabler, the United States. Despite this initial reluctance, all major Palestinian political parties signed on to the BDS Call, widening the circle of consensus around it.

In order to realize Palestinian aspirations for self-determination, freedom, and equality and to pose a real challenge to Israel’s dual strategy of on the one hand fragmenting, ghettoizing, and dispossessing Palestinians and on the other hand projecting a reduced image of the colonial conflict as a symmetrical dispute over rival claims and a diminished set of Palestinian rights, the PLO must be resuscitated and remodeled to embody the

aspirations, creative energies, and national frameworks of the three main segments of the Palestinian people. The PLO's grassroots organizations need to be rebuilt from the bottom up with mass participation, inclusive of all political forces, and must be ruled by unfettered democracy through proportional representation.

In parallel, the entire Palestinian conceptual framework and strategy of resistance must be thoroughly and critically reassessed and transformed into a progressive action program capable of connecting the Palestinian struggle for self-determination and justice with the international social movement. The most effective and morally sound strategy for achieving these objectives is one based on gradual, diverse, context-sensitive, and sustainable campaigns of BDS—political, economic, professional, academic, cultural, athletic, and so on—and other forms of popular resistance, all aimed at bringing about Israel's comprehensive and unequivocal compliance with international law and universal human rights.

BDS will unavoidably contribute to the global social movement's challenge to neoliberal Western hegemony and the tyrannical rule of multi/transnational corporations. In that sense, the Palestinian boycott against Israel and its partners in crime becomes a small but critical part in an international struggle to counter injustice, racism, poverty, environmental devastation, and gender oppression, among other social and economic ills. Reflecting on this aspect of the BDS movement, and connecting it with the 2009 environmental international summit held in Denmark, John Pilger, the widely acclaimed journalist and writer, states:

The farce of the climate summit in Copenhagen affirmed a world war waged by the rich against most of humanity. It also illuminated a resistance growing perhaps as never before: an internationalism linking justice for the planet with universal human rights, and criminal justice for those who invade and dispossess with impunity. And the best news comes from Palestine.

. . . To Nelson Mandela, justice for the Palestinians is “the greatest moral issue of the age.” The Palestinian civil society call for boycott, disinvestment and sanctions (BDS) was issued on 9 July 2005, in effect reconvening the great, non-violent movement that swept the world and brought the scaffolding of [South] African apartheid crashing down.”<sup>19</sup>



In this context, it is important to emphasize that it is not just Israel's military occupation and denial of refugee rights that must be challenged but the wider Zionist-Israeli system of racist exclusivism.<sup>20</sup> Jewish groups that historically stood in the front lines of the struggle for civil rights, democracy, equality before the law, and separation between church and state in many countries should find Israel's unabashedly ethnocentric and racist laws and its reduction of Palestinians to *relative* humans, whether in the occupied territories, in exile, or within Israel itself, to be politically indefensible and ethically untenable. Ultimately, then, successful nonviolent resistance requires transcending the fatally ill-conceived focus on the occupation alone to a struggle for justice, equality, and comprehensive Palestinian rights.

I am aware that reducing Palestinian demands to ending the occupation alone seems like the easiest and most pragmatic path to take, but I firmly believe that it is ethically and politically unwise to succumb to the temptation. The indisputable Palestinian claim to *equal humanity* should be the primary slogan raised, because it lays the proper moral and political foundation for effectively addressing the myriad injustices against all three segments of the Palestinian people. It is also based on universalist values that resonate with people the world over. While coalescing with diverse political forces is necessary to make this direction prevail, caution should be exercised in alliances with "soft" Zionists lest they assume the leadership of the BDS movement in the West, lowering the ceiling of its demands beyond recognition. On the other hand, principled Jewish voices—whether organizations or intellectuals consistently supporting a just and comprehensive peace—in the United States, Europe, and Israel<sup>21</sup> have courageously supported various forms of boycott, and this helps shield the nascent boycott movement from charges of anti-Semitism and the intellectual terror associated with them.

Supporting the UN-sanctioned rights of all segments of the Palestinian people does not, however, entail adopting BDS tactics that necessarily target all Israeli institutions. Tactics and the choice of BDS targets at the local level must be governed by the context particularities, political conditions, and the readiness (in will and capacity) of the BDS activists. In the United States, for instance, two of the most active and creative BDS

groups, Adalah-NY<sup>22</sup> and CodePink,<sup>23</sup> endorse the 2005 BDS Call with its comprehensive rights-based approach and run effective campaigns that are very targeted and nuanced, focusing only on companies indisputably implicated in Israeli violations of international law in the occupied Palestinian territory. The same can be said of the largest BDS-RELATED coalition in France, Coalition against Agrexco-Carmel.<sup>24</sup>

Besides the need to extend the struggle beyond ending the occupation, two other pertinent points in connection with BDS initiatives bear emphasizing. First, they should be guided by the principles of inclusion, diversity, gradualness, and sustainability. They must be flexibly designed to reflect realities in various contexts. Second, although the West, owing to its overwhelming political and economic power as well as its decisive role in perpetuating Israel's colonial domination, remains the main battleground for this nonviolent resistance, the rest of the world should not be ignored. Aside from South Africa and some beginnings elsewhere, the BDS movement has yet to take root in China, India, Malaysia, Brazil, and Russia, among other states that seek to challenge the West's monopoly on power. It is worth noting that Zionist influence in those states remains significantly weaker than in the West.

With the formation of the Palestinian BDS National Committee, BNC, in 2008,<sup>25</sup> it became the reference and guiding force for the global BDS movement, which was all along based on the Palestinian-initiated and -anchored BDS Call. The BNC is the coordinating body for the BDS campaign based on the Palestinian civil society BDS Call of 2005. Upholding civil and popular resistance to Israel's occupation, colonization, and apartheid, the BNC is a broad coalition of the leading Palestinian political parties, unions, coalitions, and networks representing the three integral parts of the people of Palestine: Palestinian refugees; Palestinians in the occupied West Bank (including Jerusalem) and Gaza Strip; and Palestinian citizens of Israel.

The BNC adopts a rights-based approach and calls for the international BDS campaign to be sustained until the entire Palestinian people can exercise its inalienable right to freedom and self-determination and Israel fully complies with its obligations under international law.



BDS is not only an idea. It is not merely a concept. It is not just a vision. It is not all about strategy. It is all those, for sure, but also much more. The Palestinian Civil Society Campaign for Boycott, Divestment and Sanctions against Israel is above everything else a deeply rooted yet qualitatively new stage in the century-old Palestinian resistance to the Zionist settler-colonial conquest and, later, Israel's regime of occupation, dispossession, and apartheid against the indigenous people of Palestine.

The global BDS campaign's rights-based discourse and approach decisively, almost irrefutably, exposes the double standard and exceptionalism with which the United States and most of the other Western states have to varying degrees treated Israel ever since its establishment through the carefully planned and brutally executed forcible displacement and dispossession of the majority of the Palestinian people in the 1948 Nakba.<sup>26</sup>

More crucially, the BDS movement has dragged Israel and its wellfinanced, bullying lobby groups into a confrontation on a battlefield where the moral superiority of the Palestinian quest for self-determination, justice, freedom, and equality neutralizes and outweighs Israel's military power and financial prowess. It is the classic right-over-might paradigm, with the right being recognized by an international public that is increasingly fed up with Israel's criminality and impunity and is realizing that Israel's slow, gradual genocide places a heavy moral burden on all people of conscience to act, to act fast, and to act with unquestionable effectiveness, political suaveness, and nuance, and above all else with consistent, untarnished moral clarity. Thus BDS.

## THE SOUTH AFRICA STRATEGY FOR PALESTINE

In 2006, in an insightful and unprecedented exposé of the deep military and economic partnership, the shocking similarities, and the unmistakable sense of common destiny between Israel and apartheid South Africa, the *Guardian's* award-winning Middle East correspondent Chris McGreal, who reported from Jerusalem for several years, wrote the following:

Many Israelis recoil at the suggestion of a parallel because it stabs at the heart of how they see themselves and their country.... Some staunch defenders of Israel's policies past and present say that even to discuss Israel in the context of apartheid is one step short of comparing the Jewish state to Nazi Germany, not least because of the Afrikaner leadership's fascist sympathies in the 1940s and the disturbing echoes of Hitler's Nuremberg laws in South Africa's racist legislation. Yet the taboo is increasingly challenged.<sup>1</sup>

Whether it is legally accurate or politically astute to describe Israel as a state guilty of the crime of apartheid against the Palestinian people is of unquestionable importance and consequence. The significance to the Palestinian struggle for self-determination of the fact that international law considers apartheid a crime against humanity that therefore invites sanctions—similar in nature and breadth to those imposed on apartheid South Africa—cannot be overemphasized. The United Nations and the international community of states know well, from experience, how to deal with apartheid; all Palestinians and defenders of peace with justice have to do, then, is to prove beyond a doubt how Israel's own institutionalized and legalized system of racial discrimination, its denial of Palestinian refugee rights, and its twotiered legal system in the occupied Palestinian territory constitute apartheid, among other serious crimes. The fact that Israel's regime of oppression is in fact worse than apartheid, as it encompasses

ethnic cleansing, siege, and prolonged military occupation should not mitigate the need to also charge Israel with apartheid. If a proven serial rapist is also accused of a far more difficult to prove and more serious crime, like murder, forgoing the rape charge would be beyond irresponsible; it would be irrational. Winning a conviction on the easier-to-prove charge should help, not undermine, the case for the more elusive charge.

However, for the question whether Israel should be subjected to boycotts, divestment, and sanctions in response to its persistent and grave violations of international law and Palestinian rights, proving that Israel is guilty of apartheid is not necessary; it is not required. Those who oppose Israel's racist and colonial policies but reject the apartheid charge, whether they view Israel's regime over the Palestinian people as being worse or better than apartheid, should still be able to recognize that Israel's intensifying criminality and impunity as well as the world's—mainly Western—complicity in excusing it demand that citizens act to put an end to them. Without the “South African treatment” of global boycotts from outside supporting mass struggle inside, there is little hope of holding a state as powerful, belligerent, and increasingly fanatic as Israel accountable to international law. The fact that Israel is now seen by majorities in many countries in the world, including in most of the West, as the world's worst—or second worst—menace to international peace and security attests to the crucial need to stop Israel's warmongering and war crimes before it is too late.<sup>2</sup>

What could have stirred all this international moral indignation? one may wonder. The following representative samples of Israeli oppression of the three main sectors of the Palestinian people (under occupation, in exile, and in Israel) may help answer this question.

### Israel's Occupation

Before the Israeli massacre in Gaza in the winter of 2008–9 inflicted massive destruction on Gaza's civilian infrastructure and the killing of more than 1,440 Palestinians, predominantly civilians (of whom 431 were children),<sup>3</sup> perhaps the most blatant testimony to Israel's willful disregard for international law and world courts is its colonial wall, which it continues to build, mostly on occupied Palestinian territory, in open defiance of the

historic advisory opinion of the International Court of Justice (ICJ) at The Hague in July 2004, which condemned it—as well as the colonial settlements—as illegal.

Despite the wall's grave repercussions on Palestinian livelihood, environment, and political rights, a near total consensus exists among Israeli Jews in its support.<sup>4</sup> Former Israeli environment minister Yehudit Naot, however, did protest a specific aspect of the wall: “The separation fence severs the continuity of open areas and is harmful to the landscape, the flora and fauna, the ecological corridors and the drainage of the creeks. The protective system will irreversibly affect the land resource and create enclaves of communities that are cut off from their surroundings.”<sup>5</sup> Likewise, even after irises were moved and passages for small animals were created, the spokesperson for the Israel Nature and National Parks Protection Authority complained: “The animals don't know that there is now a border. They are used to a certain living space, and what we are concerned about is that their genetic diversity will be affected because different population groups will not be able to mate and reproduce. Isolating the populations on two sides of a fence definitely creates a genetic problem.”<sup>6</sup>

While so attuned to the welfare of wildflowers and little foxes, Israel treated Palestinian children as less worthy, even disposable, creatures. Professionally trained sharpshooters fatally targeted them in minor stone-throwing incidences. Medical sources<sup>7</sup> and human rights organizations, including Physicians for Human Rights, have documented in the first stage of the current Palestinian intifada a pattern of targeting the eyes and knees of Palestinian children with “clear intention” to harm.<sup>8</sup> The late Tel Aviv University professor Tanya Reinhart wrote, “A common practice [among sharpshooters] is shooting a rubber-coated metal bullet straight in the eye—a little game of well-trained soldiers, which requires maximum precision.”<sup>9</sup>

And when there was no stone-throwing incident to hide behind, Israeli soldiers had to provoke one. The veteran American journalist Chris Hedges exposed how Israeli troops in Gaza had methodically provoked Palestinian children playing in the dunes of southern Gaza in order to shoot them. While the kids were playing soccer, a voice would bellow out from Israeli

army Jeeps: “Come on, dogs.... Where are all the dogs of Khan Younis? Come! Come! . . . Son of a bitch!” Relating how the scheme would then unfold, Hedges writes:

The boys—most no more than ten or eleven years old—dart in small packs up the sloping dunes to the electric fence that separates the camp from the Jewish settlement. They lob rocks toward two armored jeeps parked on top of the dune and mounted with loudspeakers.... A percussion grenade explodes. The boys . . . scatter, running clumsily across the heavy sand. They descend out of sight behind a sandbank in front of me. There are no sounds of gunfire. The soldiers shoot with silencers. The bullets from the M-16 rifles tumble end over end through the children’s slight bodies. Later, in the hospital, I will see the destruction: the stomachs ripped out, the gaping holes in limbs and torsos.

Yesterday at this spot the Israelis shot eight [boys].... Children have been shot in other conflicts I have covered . . . but I have never before watched soldiers entice children like mice into a trap and murder them for sport.[10](#)

As outrageous as they are, Israeli violations of human rights in the occupied Palestinian territory are not the only form of oppression practiced against the Palestinians. Two other crucial dimensions of Israeli injustice and breaches of international law are no less important, if arguably less urgent—namely, Israel’s denial of Palestinian refugee rights and its legalized and institutionalized system of racial discrimination against its own Arab Palestinian, or “non-Jewish,” citizens. Palestinians cannot ignore either form of oppression.

### Israel and Palestinian Refugee Rights

Far from admitting its guilt in creating the world’s oldest and largest refugee problem, Israel has constantly evaded any responsibility for the Nakba, the catastrophe of Palestinian dispossession and uprooting around 1948. Most peculiar in the mainstream Israeli discourse about the “birth” of the state is the total denial of the fact that the state was created through the forcible displacement of a majority of the indigenous Palestinian population. In a unique case of inversion of truth, Israelis, with few bright exceptions, regard the Zionists’ ruthless destruction of more than 500

Palestinian villages and their wellplanned campaign of ethnic cleansing of more than 800,000 Palestinians as Israel's "independence." Even committed Israeli "leftists" often grieve over the loss of Israel's "moral superiority" *after* it occupied the West Bank and Gaza in 1967, as if prior to that Israel had been a normal, civil, and law-abiding state.

But the truth that was literally buried under the rubble in 1948 was eventually unearthed, thanks in no small part to Israel's new historians. [11](#) Today, the refugee question irrefutably remains the most consequential and morally charged issue in this entire colonial conflict.

Manipulating the Holocaust,[12](#) Israel has premised its rejection of Palestinian refugee rights on the theory that Jews are unsafe among Gentiles and must therefore live in a state, a settler colony, with a dominant Jewish character that is to be maintained as sacrosanct, regardless of international law and irrespective of the human and political rights of the displaced indigenous population of the land on which this state was erected. No other country in the world today claims a similar sanctimonious right to ethno-religious supremacy. When the victims of the "super-victims" are portrayed as only relative humans,[13](#) as possessing inferior comparative worth, the portrayal is largely tolerated by the world's hegemonic powers.[14](#)

While denying Palestinian refugees their basic rights, particularly their right to return to their homes of origin and to receive reparations, as stipulated in UN General Assembly resolution 194, Jews in Israel and the West have scored numerous successes in their campaigns for Holocaust restitution and compensation, which often have included the right to return to Germany, Poland, and other countries from which Jewish refugees were expelled during World War II. But the quintessence of moral inconsistency is betrayed by the World Sephardic Federation's pressure on Spain to recognize the descendants of the Jews expelled from Andalusia more than five centuries ago as Spanish citizens and to rehabilitate them accordingly.[15](#)

The fact that refugees form an absolute majority of the Palestinian people and the fact of their decades-old suffering in exile make the recognition of the basic, UN-sanctioned rights of the Palestinian refugees *the litmus test of morality* for anyone seeking a just and enduring solution to the Palestinian-



Israeli colonial conflict that is consistent with international law. Moral and legal rights aside, the denial of Palestinian refugee rights guarantees the perpetuation of conflict.<sup>16</sup>

### Palestinian Citizens of Israel—Institutionalized Racism

Israel may not be unique, or even the most brutal, in racially discriminating <sup>17</sup> against an indigenous national minority, but it is certainly unique in its remarkable and sustained success—thus far—in getting away with it while projecting a false image of enlightenment and democracy. At the core of Israel’s distinct form of apartheid<sup>18</sup> lies a deep-rooted view of the Palestinian citizens of the state not just as undesirable reminders of the “original sin”<sup>19</sup> but also as a demographic threat. Racial discrimination against them in every vital aspect of life has always been the norm. In fact, advocating comprehensive and unequivocal equality between Arabs and Jews in Israel has become tantamount to sedition, if not treason. An Israeli High Court justice once stated on record that “it is necessary to prevent a Jew or Arab who calls for equality of rights for Arabs from sitting in the Knesset or being elected to it.”<sup>20</sup> To date, significant majorities of Jewish Israelis have consistently opposed full equality with the indigenous Palestinian citizens of Israel.<sup>21</sup>

Even in cancer research Israeli apartheid is strongly present. In June 2001, the Israeli Health Ministry published a map of the geographical distribution of malignant diseases in Israel during the years 1984–1999. Although the detailed report presents data about such diseases in communities with more than ten thousand residents, it excluded all Arab Palestinian communities in Israel, with the exception of Rahat in the Naqab (Negev) desert. When asked why, ministry officials resorted to the ubiquitous and quite absurd excuse of “budgetary problems.” This research is particularly important because in Israel only when a correlation is shown between the presence of polluting sites and the incidence of malignant disease is it possible to prevent installation of new hazards or to demand tighter environmental controls. By intentionally omitting Palestinian towns and cities in its extensive cancer mapping, the Health Ministry has indirectly given a green light to polluters to relocate to those towns. The

results of such health apartheid are ominous. Between 1980 and 2010, the rate of malignant diseases in the Palestinian population *in Israel* rose by 97.8 percent among men and 123 percent among women, as opposed to a rise of 39.8 percent for men and 24.4 percent for women in the Jewish population. A spokesperson for the Center Against Racism commented: “The report has produced two different groups. One, an overprivileged group, whose lives are dear to the state and to the Health Ministry; a second, whose lives are of no importance to the state.”<sup>22</sup>

This systematic racial discrimination must be seen in the wider context of Israel’s perception of the Palestinians. Israeli politicians, intellectuals, academics, and mass media outlets often passionately debate how best to fight the country’s demographic “war” with the Palestinians. Racist walls have been erected in several localities inside Israel where Jews and Palestinians live in close proximity. In Lydda, Ramleh, and Caesaria, walls and barriers of various forms were built to demographically separate the two communities.<sup>23</sup>

South African minister Ronnie Kasrils and British writer Victoria Brittain addressed this rarely mentioned aspect of Israel’s apartheid in an article in the *Guardian*, where they wrote:

The desire for an ethnic-religious majority of Israeli Jews has seeped across from the occupied territories to permeate the Israeli “national” agenda, which increasingly views Palestinian citizens of Israel as a “demographic threat.” . . . The Palestinian minority in Israel has for decades been denied basic equality in health, education, housing and land possession, solely because it is not Jewish. The fact that this minority is allowed to vote hardly redresses the rampant injustice in all other basic human rights. They are excluded from the very definition of the “Jewish state,” and have virtually no influence on the laws, or political, social and economic policies. Hence their similarity to the black South Africans.<sup>24</sup>

Kasrils explains, “Apartheid was an extension of the colonial project to dispossess people of their land. That is exactly what has happened in Israel and the Occupied Territories—the use of force and the law to take the land. That is what apartheid and Israel have in common.”<sup>25</sup>



And Kasrils isn't alone—even a few prominent Israeli politicians draw the connection between Israeli and South African apartheid. Former Israeli attorney general Michael Ben-Yair wrote in 2002:

We enthusiastically chose to become a colonial society, ignoring international treaties, expropriating lands, transferring settlers from Israel to the occupied territories, engaging in theft and finding justification for all these activities. Passionately desiring to keep the occupied territories, we developed two judicial systems: one—progressive, liberal—in Israel; and the other—cruel, injurious—in the occupied territories. In effect, we established an apartheid regime in the occupied territories immediately following their capture. That oppressive regime exists to this day.<sup>26</sup>

Echoing a popular view in Israel, Major General (reserve) Shlomo Gazit, a ranking academic with the Jaffee Center for Strategic Studies, preaches: “Democracy has to be subordinated to demography.”<sup>27</sup> This once taboo, extreme-right slogan upheld by such fringe, racist figures as Rabbi Meir Kahane has now become part of the acceptable discourse about demography in the Israeli mainstream. Many Israelis from across the political spectrum now support various forms of ethnic cleansing of Palestinian citizens of Israel.<sup>28</sup>

The obsession with the Palestinian demographic “threat” has taken over Israel to the extent that it is overtly and frequently summoned to justify war crimes against the Palestinians, especially in the occupied Gaza Strip. For instance, on January 11, 2009, Reserve Colonel Yoav Gal, an Israeli Air Force pilot, told Army Radio during Operation Cast Lead:

I believe that it should have been even stronger! Dresden! Dresden! The extermination of a city! After all, we're told that the face of war has changed. No longer is it the advancing of tanks or an organized military. . . . It is a whole nation, from the old lady to the child, this is the military. It is a nation fighting a war. I am calling them a nation, even though I don't see them as one. It is a nation fighting a nation. Civilians fighting civilians. I'm telling you that we . . . must know . . . that stones will not be thrown at us! I am not talking about rockets—not even a stone will be thrown at us. Because we're Jews.... I want the Arabs of Gaza to flee to Egypt. This is

what I want. I want to destroy the city, not necessarily the people living within it.<sup>29</sup>

Similarly, in an interview with the *Jerusalem Post*, Israel's leading demographer, Arnon Soffer, who takes credit for the original idea of building a wall to surround Palestinian communities in the occupied Palestinian territory, stated:

We will tell the Palestinians that if a single missile is fired over the fence, we will fire 10 in response. And women and children will be killed, and houses will be destroyed. After the fifth such incident, Palestinian mothers won't allow their husbands to shoot Qassams, because they will know what's waiting for them.

Second of all, when 2.5 million people [*sic*] live in a closed-off Gaza, it's going to be a human catastrophe. Those people will become even bigger animals than they are today, with the aid of an insane fundamentalist Islam. The pressure at the border will be awful.

It's going to be a terrible war. So, if we want to remain alive, we will have to kill and kill and kill. All day, every day.... If we don't kill, we will cease to exist.... Unilateral separation doesn't guarantee "peace"—it guarantees a Zionist-Jewish state with an overwhelming majority of Jews.<sup>30</sup>

One conscientious Israeli who is revolted by all such language of demographic control is Dr. Amnon Raz-Krakotzkin of Ben-Gurion University, who says: "It's frightening when Jews talk about demography."<sup>31</sup>

By now, most Palestinians recognize Israel's entrenched system of colonialism, racism, and denial of basic human rights as including a form of apartheid. In fact, Palestinians are far from alone in holding this view of Israel; leading South African intellectuals, politicians, and human rights advocates subscribe to the same school of thought. In an article in the *Guardian* tellingly titled "Apartheid in the Holy Land," Archbishop Desmond Tutu writes: "I've been very deeply distressed in my visit to the Holy Land; it reminded me so much of what happened to us black people in South Africa.... Have our Jewish sisters and brothers forgotten their

humiliation? Have they forgotten the collective punishment, the home demolitions, in their own history so soon?”<sup>32</sup>

In fact, many have not forgotten. Even inside Israel, some Jewish politicians and journalists have made clear analogies between Israel and South Africa. In 2005, Roman Bronfman, chair of the Democratic Choice faction in the Yahad Party, criticized what he termed “an apartheid regime in the occupied territories,” adding, “The policy of apartheid has also infiltrated sovereign Israel, and discriminates daily against Israeli Arabs and other minorities. The struggle against such a fascist viewpoint is the job of every humanist.”<sup>33</sup>

As early as 2005, former Israeli education minister Shulamit Aloni stated that Israel commits war crimes, “utilizes terror,” and is “no different from racist South Africa.” When asked how she viewed Israel’s future, Aloni responded: “I can show you Mussolini’s books about fascism. If you read them you’ll reach the unequivocal conclusion that ministers in the current Israeli government are walking on the same path.”<sup>34</sup>

Esther Levitan, the prominent Jewish South African grandmother once condemned to indefinite solitary confinement without trial in apartheid South Africa for her activism in the ANC, admitted in an interview with *Haaretz* that she considered Israel appallingly racist: “Israelis have this loathsome hatred of Arabs that makes me sick.... They will create a worse apartheid here.”<sup>35</sup>

Brave Jewish South African leaders also made their voices heard against Israeli apartheid when they issued their famous Not in Our Names Declaration of Conscience, flatly condemning Israel’s denial of Palestinian rights as the root cause of the conflict. The declaration, authored by then government minister Ronnie Kasrils and legislator Max Ozinsky, and signed by hundreds of other leading Jewish South Africans, states, “It becomes difficult, particularly from a South African perspective, not to draw parallels with the oppression experienced by Palestinians under the hand of Israel and the oppression experienced in South Africa under apartheid rule.”<sup>36</sup>

More recently, even Knesset speaker Reuven Rivlin had this to say about Israel’s “democracy”: “The establishment of Israel was accompanied by

much pain and suffering and a real trauma for the Palestinians. Many of them encounter racism and arrogance from Israel's Jews; the inequality in the allocation of state funds also does not contribute to any extra love."<sup>37</sup>

### What's to Be Done, Then?

The abject failure of the international community in the last few decades to bring about Israel's compliance with international law has prompted people of conscience the world over to go beyond mere condemnation of Israeli crimes and human rights violations to explicitly endorse and advocate effective pressure on Israel, as was done with the apartheid regime in South Africa. In an article titled "Against Israeli Apartheid," Tutu states:

Yesterday's South African township dwellers can tell you about today's life in the occupied territories.... The indignities, dependence and anger are all too familiar.... Many South Africans are beginning to recognize the parallels to what we went through.... If apartheid ended, so can the occupation, but the moral force and international pressure will have to be just as determined. The current divestment effort is the first, though certainly not the only, necessary move in that direction.<sup>38</sup>

This is precisely the conclusion reached by Palestinian civil society. On July 9, 2005, marking the first anniversary of the ICJ's advisory opinion against Israel's wall, more than 170 Palestinian political parties, trade unions, professional associations, and other civil society organizations issued the Call for Boycott, Divestment and Sanctions directed against Israel until it fully complies with international law and universal principles of human rights. The BDS campaign is anchored in Palestinian civil resistance to Israeli oppression in all its dimensions. Setting an important precedent, this historic document was signed by representatives of the three constituent sectors of the people of Palestine: Palestinian refugees, Palestinian citizens of Israel, and Palestinians in the occupied territory. It was the first time such a nonviolent form of resistance was widely endorsed by virtually all sectors of Palestinian society. A crucial feature in the BDS Call is its direct appeal to conscientious Israelis to support it.

Support for boycotting Israel was strongest in South Africa. In October 2004, a call for a comprehensive boycott of Israel issued by solidarity

groups in South Africa was endorsed by major South African organizations and unions, including the Congress of South African Trade Unions (COSATU), Landless People's Movement, South African NGO Coalition, Anti-War Coalition, and Physicians for Human Rights.

So what is Palestinian civil society calling for exactly? Based on the above described three-tiered Israeli system of oppression, the Palestinian BDS Call states:

We, representatives of Palestinian civil society, call upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era. We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel. We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.<sup>[39](#)</sup>

The BDS Call is modeled after the earlier call issued by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), which became the center of focus during the debate leading to and following the British Association of University Teachers' (AUT) boycott of selected Israeli universities back in April 2005. That historic decision was overturned in May of the same year, after an intensive and extraordinary intimidation and bullying campaign was waged against the AUT by Israel and pro-Israel lobbies in the United Kingdom and the United States. Though short lived, and some would say in hindsight premature, the unprecedented British academic boycott placed the boycotting of Israel on the agenda, inspiring many academics, artists, and other intellectuals around the world to start considering their moral obligation to help end complicity with an outlaw state and its institutions. The AUT showed in a concrete way that Israel could be brought down from the pedestal it has been placed on in the West, to borrow Archbishop Tutu's metaphor. The statement issued by PACBI to welcome the AUT decision to boycott remained largely valid even after the decision was rescinded. It said:

Aside from passing the boycott motions, the debate itself about Israel's oppression and the collusion of Israeli academic institutions in it and the extensive media coverage that ensued have played a significant role in

educating many around the world about the Palestinian struggle for freedom, self-determination and equality.

The taboo has been shattered, at last. From now on, it will be acceptable to compare Israel's apartheid system to its South African predecessor. As a consequence, proposing practical measures to punish Israeli institutions for their role in the racist and colonial policies of their state will no longer be considered beyond the pale.

Indeed, throughout the process of debating, passing, rescinding, and debating again the British academic boycott of Israel, we witnessed a defining moment of transformation in the modus operandi of the solidarity movement from mostly raising awareness and issuing appeals or condemnations, as important as these forms of struggle are, to also applying effective sanctions to bring about justice and peace.

### Main Arguments against BDS

Many arguments were raised against the Palestinian boycott calls. Even some distinguished supporters of the Palestinian cause have argued against applying South-Africa style boycotts to Israel for various reasons. I shall summarize here the least irrational and most frequently used among them, giving counterarguments, the key to which is the principle of moral consistency.

1. *Unlike South Africa, Israel is a democracy; persuasion and soft power are far more effective than boycotts in this case.* This assumes that Israel is essentially a democratic country with a vibrant and mostly progressive civil society and a thriving peace movement, and therefore Israeli society deserves to be supported, not boycotted.

But how can an ethno-religious supremacy that is also a settler-colonial power ever qualify as a democracy? For instance, Tony Judt, the late New York University professor, calls Israel a “dysfunctional anachronism,” categorizing it among the “belligerently intolerant, faith-driven ethno states.”<sup>40</sup> And as far back as 1967 the famous Jewish-American writer I. F. Stone summed up the dilemma of Zionism thus: “Israel is creating a kind of moral schizophrenia in world Jewry. In the outside world, the welfare of Jewry depends on the maintenance of secular, non-racial, pluralistic



societies. In Israel, Jewry finds itself defending a society in which mixed marriages cannot be legalized, in which non-Jews have a lesser status than Jews, and in which the ideal is racist and exclusivist.”<sup>41</sup>

Henry Siegman, academic at the University of London and a former head of the American Jewish Congress, one of the main Israel lobby groups in the United States, argues:

When a state’s denial of the individual and national rights of a large part of its population becomes permanent—a permanence that has been the goal of Israel’s settlement project from its very outset (and that many believe has been achieved)—that state ceases to be a democracy. When the reason for that double disenfranchisement is that population’s ethnic and religious identity, the state is practicing a form of apartheid or racism. The democratic dispensation that Israel provides for its mostly Jewish citizenry cannot hide its changing (or changed) character. A political arrangement that limits democracy to a privileged class and keeps others behind military checkpoints, barbed-wire fences and separation walls does not define democracy. It defines its absence.<sup>42</sup>

In this context, the overused claim that Israeli academic, cultural, and other civil society institutions are “at the forefront” of the struggle against the occupation and must be supported, not ostracized, is increasingly being exposed as a fraud, an unfounded myth propagated and maintained mostly, but not exclusively, by some Zionist Israeli academics and intellectuals who count themselves on the “left.” Recent research shows beyond doubt the depth of complicity of Israel’s academic institutions in planning, executing, justifying, and whitewashing the state’s myriad violations of international law and even war crimes.<sup>43</sup> The vast majority of Israelis, including academics and artists, serve in the army’s reserve forces and therefore directly know of or participate in the daily crimes of occupation and apartheid. Moreover, with the exception of a tiny yet crucial minority, Israeli civil society is largely opposed to full equality of the Palestinians, is supportive of the state’s colonial oppression, or is acquiescently silent about it.

A disingenuous argument raised by some opponents of boycotting Israel who supported boycotting apartheid South Africa is that, unlike in South



Africa, the majority in Israel is opposed to boycott. Of all the anti-boycott arguments, this one reflects either surprising naiveté or deliberate intellectual dishonesty. Are we to judge whether to apply sanctions on a colonial power based on the opinion of the majority in the *oppressors'* community? Does the oppressed community count at all? Would those upholding this peculiar argument have withheld support for the South African boycott had the oppressed black population not been the majority? By this same skewed logic, should no one boycott any pariah state for oppressing its national or ethnic minorities anywhere in the world? Or does this “majority support” requirement apply only to Israel for some untold reason?

2. *Boycotting Israel is counterproductive, as it may harm the Palestinians more than help them.* The assumption here is that any party that endorses the boycott will lose the ability to influence Israel’s possible path to peace; will radicalize the Israeli right, and undermine the left; and will indirectly increase the suffering of Palestinians, as the vulnerable underdogs who stand to lose most, in terms of economic hardship and political repression at the hand of an even wilder, more isolated Israel.

On the point of influence, one cannot but wonder, *who* has real influence over Israeli policies? Europe hardly has any right now. The United States is the main sponsor, supporter, and protector of Israel, diplomatically, economically, militarily, and otherwise; its successive administrations have been, in fact, full partners in crime. Furthermore, the “Israelization” of US foreign policy, particularly in relation to the “Middle East,” has reached new depths, effectively tying the hands of any prospective US pressure aimed at curtailing, not to mention ending, Israel’s oppressive policies. The recent rebuffs of the Obama administration by the Netanyahu government when it rejected the US demand to extend the so-called freeze on colonial settlement construction in the occupied Palestinian territory were beyond humiliating; they reflected the entrenched power of the Israel lobby in shaping US foreign policy vis-à-vis Israel, the Palestinians, the Arab world, and far beyond.<sup>44</sup>

Given this, BDS presents an effective and empowering vehicle for grassroots movements to exert pressure on Israel to end its injustices as well

as on the US administration to stop being an accomplice in, and sometimes instigator of, Israel's crimes.

In regard to undermining "the left," what left? Gideon Levy opines, justifiably, that the fact that "there were no significant protests during Operation Cast Lead" indicates that "there is no left to speak of."<sup>45</sup> In fact most of what passes as "left" in Israel are Zionist parties and groups that make some far-right parties in Europe look as moral as Mother Teresa, especially when it comes to recognizing Palestinian refugees' rights or demanding full equality for the "non-Jewish" citizens of the state. Entrenched colonial racism aside, the overwhelming majority of Israelis are simply apathetic; they could not care less what their state and institutions are doing to the Palestinians so long as they can pursue as normal a life as possible without being bothered. This is the conclusion reached even in key mainstream publications not known to be remotely critical of Israel.<sup>46</sup>

On the other hand, the morally consistent, non-Zionist left is a principled but tiny group, whose members may inadvertently end up losing benefits and privileges as a result of boycott. This should compel us to nuance our boycott tactics to decrease the possibility of that. But as we all know, BDS is not an exact science (if any science is); we must emphasize the positive impact boycott can have on the overall struggle for human rights, equality, and real democracy even in Israel.

As for the counterproductiveness argument, one can only question how serious it is. If those who make it are indeed sincerely concerned about identifying the most productive and effective means of supporting the Palestinian struggle to attain justice and our inalienable rights under international law, then they must recognize that the Palestinian majority, which supports BDS, knows what is in its best interest far better than those who stand in solidarity with us. Usually the voices repeating the counterproductiveness argument fail to suggest any realistic and principled paths of struggle that could be more effective in attaining the same objectives. And if we scratch the surface, one quickly sees that they in fact reduce the objectives significantly and invariably prescribe goals that do not, and indeed cannot, empower or mobilize sustainable grassroots action. Regardless of the sincerity of their argument, it reveals an implicit colonial, patronizing attitude toward the Palestinians, as if its advocates know what is

best for us more than we do. Moreover, Palestinians are well aware of the price we must pay if BDS is to succeed; but we are mature and rational enough to accept this price in our pursuit of freedom, equality, and self-determination. So were our South African comrades who fought for emancipation and equality against all odds.

Reflecting on the use of this same argument to undermine the South African anti-apartheid boycott, Archbishop Tutu writes:

Consider for a moment the numerous honorary doctorates that Nelson Mandela and I have received from universities across the globe. During the years of apartheid many of these same universities denied tenure to faculty who were “too political” because of their commitment to the struggle against apartheid. They refused to divest from South Africa because “it will hurt the blacks” (investing in apartheid South Africa was not seen as a political act; divesting was).

Let this inconsistency please not be the case with support for the Palestinians in their struggle against occupation.<sup>47</sup>

3. *Boycotting Israel is an expression of anti-Semitism, as it targets Israel for being a Jewish state.* Holocaust guilt is often used to buttress this argument, whereby an attempt is made to manipulate that guilt to win exceptional impunity for Israel and protection from censure or worse.

As the French philosopher Étienne Balibar says, “Israel should not be allowed to instrumentalize the genocide of European Jews to put [itself] above the law of nations.”<sup>48</sup> Beyond that, by turning a blind eye to Israel’s oppression, as the United States and most of official Europe have done, the West has in fact perpetuated the misery, the human suffering, and the injustice that have ensued since the Holocaust.

As to the anti-Semitism charge, it is patently misplaced and is clearly being used as a tool of intellectual intimidation. It is hardly worth reiterating that the Palestinian BDS Call does not target Jews, or even Israelis qua Jews; the call is strictly directed against Israel as a colonial and apartheid power that violates Palestinian rights and international law. The identity of the oppressors hardly matters; all that matters is the fact that they continue to oppress us, forcing us to resist them by all means in harmony with international law and human rights principles. Further, the growing

support among progressive European, American, and Israeli Jews for effective pressure on Israel is one counterargument that is often suspiciously omitted in the arguments against BDS.<sup>49</sup>

#### How We Work—and Do Not Work—Together for Just Peace

BDS does not preclude joint Palestinian-Israeli cooperation projects so long as they recognize Palestinian rights, uphold the basic need for freedom and equality, and unambiguously aim to end Israel's colonial oppression of the Palestinian people.<sup>50</sup> The boycott campaign sets careful criteria for making such cooperation morally sound and politically effective. It is not enough to call for peace, for this word has become one of the most abused words in the English language, particularly when notorious and certified war criminals like Henry Kissinger and Menachem Begin are awarded the Nobel Peace Prize. Peace without justice is equivalent to institutionalizing injustice.

Peace projects that deliberately omit any mention of Israel's oppression of the Palestinians are nothing more than harmful and corrupt endeavors. Those who imagine they can wish away the conflict by suggesting some forums for rapprochement, détente, or "dialogue"—which they hope can somehow lead to authentic processes of reconciliation and eventually peace—without first recognizing the need to end injustice and uphold international law are clinically delusional or dangerously deceptive. Attempting, as many Western-funded projects do, to change and moderate the perception of the oppressed about "the conflict" rather than help end the system of oppression itself is an indicator of moral blindness and political short-sightedness. Prolonging oppression is not only unethical but pragmatically counterproductive as well, as it perpetuates the conflict.

Boycotts, divestment, and sanctions do not come in one size that fits all. If fundamental, inalienable Palestinian rights are recognized and the basic premise that Israel needs to be pressured in order to comply with international law and attain those rights is accepted, then diverse forms of BDS can be applied in accordance with specific contexts. Without principled and effective support for this minimal, civil, nonviolent form of resistance to oppression, international civil society organizations will be abandoning their moral obligation to stand up for right, justice, true peace,

equality, and a chance to validate the prevalence of universal ethical principles.

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## ACADEMIC BOYCOTT

### MORAL RESPONSIBILITY AND THE STRUGGLE AGAINST COLONIAL OPPRESSION

*In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.*

—Universal Declaration of Human Rights, Article 29(2)

*The hurdles Palestinian Arab students face from kindergarten to university function like a series of sieves with sequentially finer holes. At each stage, the education system filters out a higher proportion of Palestinian Arab students than Jewish students.*

—Human Rights Watch, “Second Class: Discrimination against Palestinian Arab Children in Israel’s Schools,”  
September 2001

#### *Background note*

In April 2005, the annual congress of the British academic union, Association of University Teachers (AUT), adopted a resolution calling for the boycott of two Israeli universities, Bar Ilan and Haifa, for various infringements, and asking AUT members to heed the call of the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI). In response, the American Association of University Professors (AAUP) issued a curt statement condemning academic boycotts. The statement declared that “since its founding in 1915, the AAUP has been committed to preserving and advancing the free exchange of ideas among academics

irrespective of governmental policies and however unpalatable those policies may be viewed. We reject proposals that curtail the freedom of teachers and researchers to engage in work with academic colleagues, and we reaffirm the paramount importance of the freest possible international movement of scholars and ideas.”<sup>1</sup>

Many boycott activists and academics criticized the AAUP statement, and some accused it of being misinformed and biased. The controversy over the academic boycott of Israel and AAUP’s position against it prompted the association to announce its intention to organize an invitation-only debate on this issue in February 2006 at the Rockefeller Conference Center in Bellagio, Italy. After a concerted campaign of pressure by Israeli lobby groups against this meeting, the main financial sponsors were scared off, leading to the scuttling of the meeting.<sup>2</sup> Still, the AAUP resolved to publish the papers that were to be discussed so as to “present the viewpoints that would have been debated at the conference.” The following is my contribution to the debate on the Palestinian Call for an Academic Boycott based on the papers that were published in the AAUP newsletter, *Academe*.

The American Association of University Professors ought to be commended for taking this timely and valuable initiative, promoting an open debate on academic boycotts and their bearing on the principle of academic freedom. Here I shall limit myself to critiquing the AAUP’s position on academic boycotts and academic freedom as expressed in its Committee A on Academic Freedom and Tenure report “On Academic Boycotts.”<sup>3</sup>

From my perspective, three sets of problems arise from the AAUP stance on this issue: in reverse order of importance, conceptual, functional, and ethical. Together, they pose a considerable challenge to the coherence of the AAUP’s position on the academic boycott of Israel, and they call into question the consistency of this position with the organization’s long-standing policies and modes of intervention—as delineated in the Committee A report—in cases where its principles are breached. Most important, by positing its particular notion of academic freedom as being of “paramount importance,” the AAUP effectively, if not intentionally, sharply



limits the moral obligations of scholars in responding to situations of oppression.

### Conceptual Inadequacy

The AAUP's conception of threats to academic freedom appears to be restricted to intrastate conflicts, mainly "governmental policies" that suppress the "free exchange of ideas among academics." A governmental decree in China, say, institutionalizing censorship of academic publications, would fall under this category. This leaves out academics in contexts of colonialism, military occupation, and other forms of national oppression where "material and institutional foreclosures . . . make it impossible for certain historical subjects to lay claim to the discourse of rights itself," as philosopher Judith Butler eloquently argues.<sup>4</sup> Academic freedom, from this angle, becomes the exclusive privilege of some academics but not others. The role of the US occupation forces in suppressing academic freedom in Iraq, for instance, would present a serious challenge to AAUP's restricted formulation.

Moreover, by privileging academic freedom above all other freedoms, the AAUP's notion contradicts seminal international norms set by the United Nations. The 1993 World Conference on Human Rights proclaimed, "All human rights are universal, indivisible ... interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis."<sup>5</sup> Finally, by turning the free flow of ideas into an absolute, unconditional value, the AAUP comes into conflict with the internationally accepted conception of academic freedom, as defined by the UN Committee on Economic, Social, and Cultural Rights (UNESCR), which states:

Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfill their functions without discrimination or fear of repression by the state or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. The enjoyment of academic freedom carries with it *obligations*, such as the duty to respect the academic

freedom of others, to ensure the fair discussion of contrary views, and to treat all without discrimination on any of the prohibited grounds.<sup>6</sup> (emphasis added)

When scholars neglect or altogether abandon such obligations, when they infringe on the “academic freedom of others,” they can no longer claim what they perceive as their inherent right to this freedom. This rights-obligations equation is the general underlying principle of international law in the realm of human rights. It also was one of the foundations of the AAUP’s initial view of academic freedom, as expressed in its 1915 *Declaration of Principles*, which conditioned this freedom upon “correlative obligations” to further the “integrity” and “progress” of scientific inquiry. Without adhering to a set of inclusive and evolving obligations, academic institutions and associations have little traction to discourage academics from engaging in acts or advocating views that are deemed bigoted, hateful, or incendiary.

Should a professor be free to write, “Among [Jews], you will not find the phenomenon so typical of [Islamic-Christian] culture: doubts, a sense of guilt, the self tormenting approach. . . . There is no condemnation, no regret, no problem of conscience among [Israelis] and [Jews], anywhere, in any social stratum, of any social position”? In fact, if we substitute for the words in brackets—in order—“Arabs,” “Judeo-Christian,” “Arabs,” and “Muslims,” the above becomes an exact quotation from a book by David Bukay of Haifa University.<sup>7</sup> A Palestinian student of Bukay’s filed a complaint against him alleging racially prejudiced utterance. The university’s rector exonerated Bukay of any wrongdoing, although Israel’s deputy attorney general ordered an investigation of Bukay “on suspicion of incitement to racism.”<sup>8</sup> In this case, the institution itself becomes implicated.

Criminal law aside, should an academic institution tolerate, under the rubric of academic freedom, a hypothetical lecturer’s advocacy of the “Christianization of Brooklyn,” say, or some “scientific” research explicitly intended to counter the “Jewish demographic threat” in New York? Arnon Soffer of Haifa University has worked for years on what is exactly the same, the “Judaization of the Galilee,” and he is launching projects aimed at

fighting the perceived “Arab demographic threat” in Israel.<sup>9</sup> In his university and in the Israeli academic establishment at large, Soffer is highly regarded and often praised.

Do academics who uphold Nazi ideology, deny the Holocaust, or espouse anti-Semitic theories enjoy the right to advocate their views in class? Should they? Does the AAUP notion of academic freedom have the competence to consistently address such thorny cases?

### Operational Inconsistency

Throughout its report, the AAUP fails to maintain fairness and commensurability when dealing with Israeli academics and their Palestinian counterparts. According to the report, what provoked the AAUP’s “prompt” condemnation of the AUT decision to apply academic boycott to Israeli academic institutions was the perceived violation of a specific aspect of Israeli scholars’ academic freedom—their right to interact freely with international academics. The injustices that prompted the AUT’s motion and that constituted, among various breaches of human rights, a much more radical and comprehensive denial of Palestinian academic freedom did not invite even censure from the AAUP. Indeed, when the AAUP report refers to these injustices at all, it reduces them to “what some see as the Israeli occupation’s denial of rights to Palestinians,” implying that most do not see military occupation as antithetical to the very claim to or exercise of freedom and rights.

It is worth mentioning that thirty-four days after adopting the academic boycott of Bar Ilan and Haifa Universities, the AUT was compelled to rescind it under enormous pressure from Israel lobby groups. In a statement issued just before the Special Congress of AUT decided to reverse the boycott policy, passed on April 22, 2005, PACBI attributed this inevitable reversal to three main factors:

(1) The extensive intimidation tactics used by organized Israeli and Zionist interest groups in the UK, Israel and even the US to vilify boycott leaders and to effectively suppress any rational debate<sup>10</sup> on Israel’s oppression of the Palestinians, the main motive behind the boycott;

(2) The blanket media coverage given only to one side of the debate, that of the anti-boycott forces, with an almost complete preclusion of Palestinian voices;

(3) The appalling misinformation campaign waged by Israel and its apologists, including some key figures in the Israeli “left,” who joined the establishment chorus in this regard.<sup>[11](#)</sup>

While the AAUP report cited above asserts that the organization has approved numerous resolutions condemning “regimes and institutions that limit the freedoms of citizens and faculty,” the organization, to the best of my knowledge, has never taken a public stand in response to Israel’s military closure of Palestinian universities and schools for several consecutive years in the late 1980s and early 1990s and its simultaneous “criminalization” of all forms of alternative, “underground” education.<sup>[12](#)</sup> Despite ample documentation by major human rights organizations and UN organs as well as extensive media reports, Israel’s current policy of hampering and often denying Palestinians access to their schools and universities—through its illegal colonial wall, its roadblocks, and “Israeli-only” roads—has also been ignored by the AAUP. The same can be said of the Israeli army’s intentional shoot-to-harm policy against demonstrators, including schoolchildren.<sup>[13](#)</sup>

Another aspect of the violations of the Palestinian right to education that has eluded the AAUP censure system is Israel’s contravention of the right to equality in education of its own Palestinian Arab citizens. A groundbreaking 2001 study by Human Rights Watch reached the following conclusions:

Discrimination at every level of the [Israeli] education system winnows out a progressively larger proportion of Palestinian Arab children as they progress through the school system—or channels those who persevere away from the opportunities of higher education. The hurdles Palestinian Arab students face from kindergarten to university function like a series of sieves with sequentially finer holes. At each stage, the education system filters out a higher proportion of Palestinian Arab students than Jewish students. . . . Although Israel’s constitutional law does not explicitly recognize the right to education, its ordinary statutes effectively provide such a right. However,

these laws, which prohibit discrimination by individual schools, do not specifically prohibit discrimination by the national government. And Israel's courts have yet to use either these laws or more general principles of equality to protect Palestinian Arab children from discrimination in education.<sup>14</sup>

Doesn't this institutionalized racial discrimination evoke parallels with South African apartheid? According to former Israeli education minister Shulamit Aloni, Israel is "no different from racist South Africa."<sup>15</sup> Also, Knesset member Roman Bronfman criticized what he termed "an apartheid regime in the occupied territories," adding, "The policy of apartheid has also infiltrated sovereign Israel, and discriminates daily against Israeli Arabs and other minorities."<sup>16</sup> Doesn't this call for a similar divestment initiative in response? It is worth mentioning that in the South African case, the AAUP expressly justified its call for sanctions as directed "against apartheid" in general, whereas in the Palestinian case, it restricted its interest to "violations of academic freedom."

Further, if calls for academic boycotts as a rule invite the AAUP's censure, did the organization condemn the American Library Association when it implemented an academic boycott against South Africa in the 1980s? What about the Anti-Defamation League's call for a counterboycott of British universities after the AUT boycott decision?<sup>17</sup>

### Ethical Responsibility

The AAUP report "On Academic Boycotts" asks, "If there is no objective test for determining what constitutes an extraordinary situation, as *there surely is not*, then what criteria should guide decisions about whether a boycott should be supported?" (emphasis added). While "objective" criteria may indeed be an abstract ideal that one can strive for without ever reaching it, some ethical principles have acquired sufficient universal endorsement to be considered relatively objective, at least in our era. Prohibitions against committing acts of genocide and against murdering children are two obvious examples. The growing body of UN conventions and principles must be considered the closest approximation to objective criteria to guide

us in adjudicating conflicts of rights and freedoms, particularly in situations of oppression.

UN norms and regulations may not be wholly consistent among themselves, but they are mostly informed by the ultimate ethical principle of the equal worth of all human lives and the indivisibility and interdependence of human rights to which every human being has a claim. Arguably, the violation of these principles was the strongest motivation behind the AAUP's laudable call for divestment from South Africa during apartheid. This precedent is worth highlighting, as it deals with criteria, implicit though they may be, for deciding what constitutes an "extraordinary situation" necessitating exceptional measures of intervention.

The AAUP's support for a form of boycott against South Africa can be interpreted or extrapolated to show that when a prevailing and persistent denial of basic human rights is recognized, the ethical responsibility of every free person and every association of free persons, academic institutions included, to resist injustice supersedes other considerations about whether such acts of resistance may directly or indirectly injure academic freedom. This does not necessarily mean that academic freedom is relegated to a lower status among other rights. It simply implies that in contexts of dire oppression, the obligation to help save human lives and to protect the inalienable rights of the oppressed to live as free, equal humans acquires an overriding urgency and an immediate priority. This is precisely the logic that has informed the call for boycott issued by the PACBI.

### Misunderstanding the PACBI Call

Legitimate criticism from the AAUP and other organizations and individuals of the "exclusion clause"<sup>18</sup> in the Palestinian call for boycott, coupled with PACBI's resolute opposition to alleged "ideological tests" or "blacklisting," convinced the campaign to omit this clause altogether. The initial PACBI Call, issued in 2004, had a clause excluding from the proposed boycott measures against Israeli institutions "any conscientious Israeli academics and intellectuals opposed to their state's colonial and racist policies." Clearly, the presence of such an exclusion clause in a boycott call that is *institutional* in nature caused confusion, and PACBI



concluded that it was unneeded and irrelevant. It was removed as a result. The intention of including it in the first place was not to draw up lists, but to nuance the call in order to address the inevitable gray-area situations where it is not clear whether academics or intellectuals are acting in their personal capacities or as representatives of institutions subject to boycott.

But overall, the AAUP largely misread the PACBI call. Since it is accustomed to dealing with violations of academic freedom perpetrated by governments or university administrations against academics, the AAUP report seems not to take account of possible institutional complicity of the academy itself in maintaining or furthering a system of oppression outside its gates, as is the case in Israel.

PACBI's call specifically targets Israeli academic institutions because of their complicity in perpetuating Israel's occupation, racial discrimination, and denial of refugee rights. This collusion takes various forms, from systematically providing the military-intelligence establishment with indispensable research—on demography, geography, hydrology, and psychology, among other disciplines—that directly benefits the occupation apparatus to tolerating and often rewarding racist speech, theories, and “scientific” research; institutionalizing discrimination against Palestinian Arab citizens; suppressing Israeli academic research on the Nakba,<sup>19</sup> the catastrophe of dispossession and ethnic cleansing of more than 750,000 Palestinians and the destruction of more than four hundred villages during the creation of Israel; and directly committing acts that contravene international law, such as the construction of campuses or dormitories in the occupied Palestinian territory, as Hebrew University has done, for instance.<sup>20</sup>

Accordingly, although the ultimate objective of the boycott is to bring about Israel's compliance with international law and its respect for Palestinian human and political rights, PACBI's targeting of the Israeli academy is not merely a means to an end but rather a part of that end. In other words, the boycott against Israel's academic institutions, which is one component of the general campaign for boycott, divestment, and sanctions against Israel, not only aims at *indirectly* undermining Israel's system of oppression against the Palestinians but also *directly* targets the academy itself as one of the pillars of this oppressive order.



Regardless of prevailing conditions of oppression, the AAUP has been consistent in opposing academic boycotts, preferring only economic boycotts and those only in extreme situations. In justifying its preference, the AAUP argues, among other points, that an academic boycott injures blameless academics. But doesn't an economic boycott hurt many more innocent bystanders, and not just in the academic community? Boycott is never an exact science, if any science *is* exact. Even when focused on a legitimate target, it invariably causes injury to others who cannot with any fairness be held responsible for the disputed policy. The AAUP-endorsed economic boycott of South Africa during apartheid certainly resulted in harming innocent civilians, academics included. But as in the South African boycott, rather than focusing on the "error margin," as important as it is, proponents of the boycott of Israel, while doing their utmost to reduce the possibility of inadvertently hurting innocent individuals, must emphasize the emancipating impact that a comprehensive and sustained boycott can have not only on the lives of the oppressed but also on the lives of the oppressors. As South African leader Ronnie Kasrils and British writer Victoria Brittain have argued, "The boycotts and sanctions ultimately helped liberate both blacks and whites in South Africa. Palestinians and Israelis will similarly benefit from this nonviolent campaign that Palestinians are calling for."<sup>21</sup> The Israel boycott, in this light, can be a crucial catalyst for processes of transformation that promise to bring us closer to realizing a just and durable peace anchored in the fundamental and universal right to equality.

### Recommendations

Between 2006, when I wrote this critique of the AAUP's position, and the publication of this book in 2011, the AAUP policy on the matter has remained unaltered. So the recommendations made originally still stand. They are as follows:

- a. Consistent with its long-standing principles and practices, the AAUP is urged to censure Israel for its systematic infringement of Palestinian rights, including academic freedom.
- b. Following the model of its action in South Africa, the AAUP is urged to consider calling for divestment from companies that

directly or indirectly prolong Israel's military occupation, colonization, and other forms of grave oppression of the Palestinians. UN standards similar to but more comprehensive than the Global Sullivan Principles of Corporate Social Responsibility ought to be the proper frame of reference guiding such divestment.

- c. Recognizing the evolving centrality of the United Nations in establishing international principles in most situations affecting freedoms, rights, and conflict resolution, the AAUP is advised to revamp its notion of academic freedom and its principles of intervention in extraordinary situations to conform with international standards and to become more relevant globally and more responsive to situations of conflicting freedoms and rights. This would bring the AAUP's conception of academic freedom closer to the ideal evoked in the preamble quoted in my epigraph.

## JUST INTELLECTUALS?

### OPPRESSION, RESISTANCE, AND THE PUBLIC ROLE OF INTELLECTUALS

“Your essay is great, but can you make it less ‘intellectual,’ less analytical, and more personal?” This was the reaction I received from an editor in New York after submitting an article on art and oppression she had solicited from me for publication in a collection of similar essays. Remarks like this—this was not the first time!—often betray a deep-seated perceived dichotomy, even among those committed to social justice, between intellectuals in the “global North” and their counterparts in the “global South,” where the former are better equipped to think, analyze, reflect, create, and theorize while the latter are “naturally” (excuse the Aristotelian allusion) more predisposed to merely exist, experiencing corporal aspects of life and reacting to them.

The way most Israeli academics and intellectuals, particularly those self-defined as “leftists,” reacted to the Palestinian call for an academic and cultural boycott of Israeli institutions<sup>1</sup> starkly embodied that dichotomy. Some screamed that they felt “betrayed” by the “ungrateful” Palestinians; others openly lectured us that such a boycott was “counterproductive” to our own interests; yet others resorted to innuendo and all sorts of deception and intellectual dishonesty to refute the strong case for boycott—inspired mainly by the anti-apartheid struggle in South Africa. Many were genuinely shocked that Palestinians would be so impertinent as to take the initiative and decide how best we want the world to help us resist Israel’s own colonial and apartheid system. Having gotten used to their “self-appointed role as sole licensers of the form the anti-occupation struggle should take,” these Israeli leftists, predominantly soft Zionists who publicly oppose the occupation but otherwise endorse the apartheid reality of Israel and stand

firmly against Palestinian refugee rights, have “arrogated to themselves the exclusive right to arbitrate every issue dealing with the Palestinians .”<sup>2</sup> It is as if they’ve created in their minds an unconsciously racist, static image of us, the native intellectuals, as servile followers or even *relative* humans <sup>3</sup> who lack the faculty of reason or, at best, possess it but lack the ability to put it to use for our own good.

Colonial patronizing aside, these Israeli “thought leaders,” intentionally or otherwise, became effective instruments used by Israel and its Zionist backers abroad in fighting the spreading boycott, especially in Europe and the United States, through an immoral, protracted campaign of sheer intimidation, defamation, smearing, and all-out bullying.<sup>4</sup>

The claim most parroted by these self-styled progressives in numerous well-publicized columns in the mainstream Western media was that academic and cultural boycotts stifle the open exchange of ideas, hamper cultural dialogue, and infringe on academic freedom. Other than the hypocrisy of anyone who supported blanket boycotts of apartheid South Africa in the past and now moralizes about the “intrinsic” danger of boycott against Israel, there is a disturbing bias in this claim, because it regards only Israeli academic freedom as worthy of any consideration or concern. In addition, it invalidly privileges academic freedom as superior to other freedoms.<sup>5</sup>

Moreover, almost all of those who stood against the Palestinian-led academic and cultural boycott of Israel *on principle* and under the misleading pretense of defending academic/artistic freedom have by now endorsed the spreading academic and cultural boycott of institutions in Israel’s colonial settlements built in the occupied Palestinian territory.<sup>6</sup> Regardless of the scope of their selective boycott, the point is that their earlier *categorical* rejection of boycott in the academic and cultural field has suddenly collapsed, giving way to acceptance of the tactic when it serves their narrower political agenda, “saving Israel from itself,” not ending its myriad violations of international law and denial of fundamental Palestinian political and human rights.

But, some have questioned, shouldn’t Palestinian intellectuals just focus on what they can do best, producing unadulterated, apolitical thought and

art that can in their own right contribute much more substantially to the Palestinian cause? Isn't activism best left to activists? Admittedly, some of our own workers in the cultural and academic fields uphold similar ideas. One glaring problem in this line of argumentation is that it creates another, no less artificial dichotomy between thinkers and doers, intellectualism and activism, thereby drawing a static hierarchy that treats intellectuals as the patriarchs and activists as the hapless masses who are in desperate need of direction. While each group may have its own domain of action and creation, there are actually no solid, impermeable boundaries that separate the two. And there is a truly dialectical relationship between the two that ought not be dismissed or ignored.

Another serious flaw in the above argument is that it assumes that intellectuals in the context of colonial oppression can indeed just be intellectuals in the pure sense, if such a sense ever exists, who can and should distance themselves from the pressing and often depressing *political* reality of oppression to generate creative, high-quality *intellectual* works that might have potential for countering the oppressor's occupation of the mind—a far more dangerous and tenacious affliction than occupation of the land. Maintaining a distance from politics and focusing entirely on intellectual creation, the argument goes, can rekindle hope in the oppressed community, in the process nourishing self-development, particularly in the key cultural field. From my personal experience as an analyst and dance choreographer working in the midst of “conflict,” I do not think that in a situation of oppression intellectuals have a choice of whether or not to reflect the impact of conflict on them and their society. Oppression, in a way, forces itself upon their work, their creative process. Their basic choice seems to be, then, whether to passively reflect it or to actively transcend it. Oppression, it seems, has its own way of touching everyone within its reach, irrespective of one's actual involvement in it or desire to be involved in it.

Anti-boycott writers would argue, in this case, why boycott and not engage “positively”? There are many more “constructive” ways of engaging in resisting oppression, the most potent of which is winning over substantial sectors of the oppressor community to your side through dialogue and joint projects in every field, the argument goes. With the lucrative funding available from European countries—bent on repenting for their Holocaust

by sacrificing Palestinian rights under international law—and the prestige and personal gains that come with it, even some conscientious Palestinian intellectuals may acquiesce to shifting the focus of their work from resisting oppression to communicating with the oppressor, or a part of the oppressor community, to bring about change through persuasion, even if their own record shows dismal failure in this endeavor.

A joint Palestinian-Israeli dance work, for example, may be highly sought after as the ultimate model for promoting coexistence and mutual recognition between the “two sides.” Such an agenda—for these projects more often than not stem from underhanded political agendas—essentially advocates a change in the “consciousness of the oppressed, not the situation which oppresses them,”<sup>7</sup> to cite Simone de Beauvoir’s perceptive remark. Or worse, it aims at changing the world’s perception of the conflict by giving the impression of symmetric, normal, even amiable relations between artists on the two sides of the divide. The inescapable implication is that all that is needed is to accumulate enough of such collaborations to eventually overcome the “hatred” embedded in this “conflict.” With time, however, impression and image replace ending oppression as the ultimate objective sought in this peace business.

Those who think they can wish away a conflict by suggesting only some intellectual channels of rapprochement, détente, or “dialogue” are crucially seeking only an illusion of peace, and one that is devoid of justice at that. Striving for peace divorced from justice is as good as institutionalizing injustice, or making the oppressed submit to the overwhelming force of the oppressor, accepting inequality as fate.<sup>8</sup>

Boycott, on the other hand, remains one of the most morally sound nonviolent forms of struggle that can force the oppressors out of their oppression, thereby allowing true coexistence, equality, justice, and sustainable peace to prevail. South Africa attests to the potency and potential of this type of civil resistance.

Even if we forget the main political issues involved in the above arguments, is it possible to have equitable, mutually nourishing intellectual communication with members of the oppressor community? Of course, but not under all circumstances. A crucial problematic of interculturalism in a context of persistent oppression is *asymmetry*. Beyond all the complexities

of cultural differences per se, asymmetry adds a whole new dimension, more vertical than horizontal. And because it has to do with stratification, it can be detrimental to an intercultural encounter if not addressed properly or sufficiently.

There is also the concern that the “weaker” side in such an asymmetric communication process may be exploited by the “stronger” party as an object, a tool, in an ostensibly progressive, considerate, and quite open atmosphere—with excellent intentions, but as a tool nonetheless. This would negate any possibility of having a two-way bridge between the communicating sides; only a ladder could work!

At the core of this problem lies the relative worth attached by the stronger side, or even both, to the perceptions, wishes, and needs of the weaker side. If those are relegated to a comparatively lower status, the communication becomes another instrument of oppression, with the needs and objectives of the stronger party as the main driving force behind the process. Under these circumstances, dialogue is simply not possible. Any communication at this stage is within the realm of negotiation. Only after both sides have challenged preset attitudes and stereotypes and agreed a priori on the basic principles of justice that ought to govern their communication and common struggle can the relationship become more equitable, more balanced. Any relationship between intellectuals across the oppression divide must then be aimed, one way or another, at ending oppression, not ignoring it or escaping from it. Only then can true dialogue evolve, and thus the possibility for sincere collaboration.

In conclusion, in contexts of colonial oppression, intellectuals, especially those who advocate and work for justice, cannot be just—or mere—intellectuals in the abstract sense; they cannot but be immersed in some form or another of activism, to learn from fellow activists through real-life experiences, to widen the horizons of their sources of inspiration, and to organically engage in effective, collective emancipatory processes aimed at reaching justice without the self-indulgence, complacency, or ivory-townerness that might otherwise blur their moral vision. In short, to be *just* intellectuals, committed to justice as the most ethical and durable foundation of peace.



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## FREEDOM VERSUS “ACADEMIC FREEDOM”

### DEBATING THE BRITISH ACADEMIC BOYCOTT

*With Lisa Taraki<sup>a</sup>*

On May 26, 2005, the Association of University Teachers (AUT) in Britain reversed its previous decision—taken on April 22 of that year—to boycott Israeli universities. Intimidation and bullying aside, no tool was as persistently used, abused, and bandied about as much as the claim that academic boycott infringes on academic freedom. Freedom to produce and exchange knowledge and ideas was deemed sacrosanct regardless of the prevailing conditions. There are two key faults in this argument. It is inherently biased because it regards as worthy only the academic freedom of Israelis; the fact that Palestinians are denied basic rights as well as academic freedom due to Israel’s military occupation is lost on those parroting it. And its privileging of academic freedom as a super-value above all other freedoms is in principle antithetical to the very foundation of human rights. In situations of grave violation of human rights, the right to live and freedom from subjugation and colonial rule, to name a few, must be of more import than academic freedom. If the latter contributes in any way to suppression of the former, more fundamental rights, it must give way. By the same token, if the struggle to attain the former necessitates a level of restraint on the latter, then so be it. It will be well worth it.

But is there a compulsory trade-off? Is academic freedom mutually exclusive with basic human rights? In most cases, no; but in specific situations of persistent oppression and enduring breach of international law, supported—explicitly or implicitly—by academic institutions, the answer is a resounding yes. Toward the end of the apartheid era, when the world boycotted South African academics—as part of the overall regime of

sanctions and boycotts endorsed by the United Nations at the time—a degree of violation of academic freedom was indeed entailed. That was accepted by the international community, though, as a reasonable price to pay in return for contributing to the defeat of apartheid and the attainment of more basic freedoms that had been denied black South Africans for generations. From an ethical perspective, freedom from racism and colonial subjugation was correctly perceived as more profound than the “unwanted side effects” caused to academic and other freedoms of individual academics opposed to apartheid. The march to freedom had to temporarily restrict a subset of freedom enjoyed by only a portion of the population.

And, upholding the principle of moral consistency, one cannot but view Israel in a similar light. As the South African Council of Churches, Archbishop Desmond Tutu, ANC leader and government minister Ronnie Kasrils, and hundreds of leading academics, trade unionists, and human rights activists in South Africa have publicly recognized, Israel’s system of racial discrimination and colonial oppression is sufficiently similar to the defunct apartheid regime as to warrant Palestinian calls for sanctions similar to those declared against South Africa in the past. The same trade-off accepted in the South African case will be encountered in the Palestinian struggle for freedom, justice, and peace.

However, it should be noted that in the Israeli context, what is being so valiantly defended by the opponents of the boycott is not only Israeli academics’ unfettered access to the global community of scholars and participation in the “free exchange of ideas” but also the material and symbolic privileges of academic life. In this sense, rejecting academic boycotts in order to preserve Israeli academics’ freedoms and privileges, while ignoring the more vital rights and freedoms of Palestinians—whether academics or not—is a blatant case of double standard.

It is also worth mentioning that the concept of academic freedom has been abused by opponents of the boycott and misunderstood by many others in this particular case. In democratic societies, the academy takes a grave view of scholars whose writings and activities can be interpreted as inciting to racial hatred. For example, academics in the United States and Europe who have denied that the Holocaust occurred, or who have challenged accepted facts about it, have faced harsh disciplinary measures from their universities and censure from colleagues and professional

associations. In Israel, however, where racism against Palestinians and Arabs is a normal feature of everyday discourse and practice in the mainstream of society, the concept of academic freedom is so elastic as to include the freedom to propound racist theories and incite to hatred, ethnic cleansing, and worse.

Boycotts and sanctions are not exact sciences—if any science is. They affect real institutions providing jobs and services to real people, many of whom may not be directly implicated in the injustice that motivated those punitive measures in the first place. Any boycott, intended to redress injustice, will in the process harm some innocent people. That goes without saying. One must therefore resort to clear, morally consistent criteria of judgment to arbitrate whether the causes of the called-for boycott and its intended outcome adequately justify that unintended harm. In the case of Israeli universities, the weight of the causes cannot be more morally imperative or politically pressing.

### Israel Boycott

For decades, Israeli academic institutions have been complicit in Israel's colonial and racist policies. Funded by the government, they have consistently and organically contributed to the military-security establishment and therefore to perpetuating its crimes, its abuse of Palestinian human rights, and its distinctive system of apartheid. Contrary to the false image—created and skillfully marketed by Israel and its apologists, academics included—of the Israeli academy as a “bastion of enlightenment” and a solid base for opposition to the occupation, this academy is in fact part of “the official Israeli propaganda,” according to Ilan Pappé, one of the leading Israeli “New Historians” who exposed the systematic ethnic cleansing of Palestinians during the Nakba.<sup>1</sup>

Not only do most Israeli academics defend or justify their state's colonial narrative, but they play an active role in the process of oppression. Almost all of them obediently serve in the occupation army's reserve forces every year, thereby participating in, or at least witnessing in silence, crimes committed with impunity against Palestinian civilians. Despite decades of Israel's illegal occupation, very few of them have conscientiously objected to military service in the occupied territories. Likewise, those who have

politically opposed the colonization of Palestinian land in any public forum have remained a depressingly tiny minority.<sup>2</sup>

Even the revered academic freedom on Israeli campuses that Israeli propaganda tries to project in the media is grossly exaggerated. It is well constrained within limits set by the Zionist establishment; dissenters who dare challenge those boundaries are fiercely ostracized and demonized. This is why another purpose of the proposed academic boycott is to “provide a means to transcend the publicly-sanctioned limits of debate,” in the words of Oren Ben-Dor,<sup>3</sup> a British academic of Israeli origin. “Such freedom is precisely what is absent in Israel,” he adds. From this angle, the boycott is seen as the means of *generating* true academic freedom. “The Zionist ideology which stipulates that Israel must retain its Jewish majority is a non-debatable given in the country—and the bedrock of opposition to allowing the return of Palestinian refugees. The very few intellectuals who dare to question this sacred cow are labeled ‘extremists.’” Ben-Dor attacks those on the Israeli “left” who opposed the boycott as “sophisticated accomplices to the smothering of debate.”

Irrespective of the individual accountability of Israeli academics, a judicious and methodical scrutiny of the culpability of Israeli academic institutions in the crimes perpetrated against the Palestinian people will reveal an abundance of incriminating evidence. Even Baruch Kimmerling, a renowned Israeli academic who is opposed to the academic boycott, writes: “I will be the first to admit that Israeli academic institutions are part and parcel of the oppressive Israeli state that has . . . committed grave crimes against the Palestinian people .”<sup>4</sup> The facts presented below are only a small part of the evidence proving this institutional culpability. They are particularly pertinent in light of the misinformation propagated by some academics on the Israeli left who experienced nothing less than a moral collapse when they joined the establishment choir in spreading half-truths—or worse—to shield their academic institutions from international reproach.

### Haifa University: Institutional Racism

Haifa University not only condones racist utterances and pronouncements by its faculty but also provides institutional sponsorship and thus legitimacy to the activities of academics engaged in scholarship that has been widely

characterized as racist or inciting to racism and ethnic cleansing against the Palestinians of the occupied territories and the Palestinian citizens of Israel itself. This legitimacy is conferred by the university through its sponsorship of academic departments and research centers under whose aegis racist work is carried out.

Despite its substantial Arab Palestinian student population, Haifa University harbors, or at least tolerates, a culture of racism—against Arabs in general and Palestinians in particular—which manifests itself in the fact that members of its faculty espouse racist “theories,” publish bigoted research papers, and advocate ethnic cleansing with impunity. The university has consistently and systematically failed to censure such academics or to properly investigate accusations regarding their racism.

The most notorious of these academics is Arnon Sofer (sometimes spelled Soffer), chair of geostrategy at Haifa University and vice chair of its Center for National Security Studies. Sofer is known in Israel as the prophet of the “Arab demographic threat.” He takes credit for the route of the Israeli apartheid wall—declared illegal by the International Court of Justice in The Hague on July 9, 2004—saying, “This is exactly my map.”<sup>5</sup>

Professor Sofer, who views the high birth rate of the Bedouin Palestinian citizens of Israel as a “tragedy” and has no patience for “democracy and pretty words,”<sup>6</sup> has for many years openly advocated “voluntary transfer”—or soft ethnic cleansing—of Palestinians in the occupied territories, as well as Palestinian citizens of Israel, in order to guarantee “a Zionist-Jewish state with an overwhelming majority of Jews.” In one particularly telling prediction, Sofer says, “When 2.5 million [Palestinians] live in a closed-off Gaza, . . . those people will become even bigger animals than they are today, with the aid of an insane fundamentalist Islam. . . . So, if we want to remain alive, we will have to kill and kill and kill. All day, every day. If we don’t kill, we will cease to exist. The only thing that concerns me is how to ensure that the [Jewish-Israeli] boys and men who are going to have to do the killing will be able to return home to their families and be normal human beings.”<sup>7</sup>

Haifa University’s promotion of the principles behind the infamous “Mitzpim Project,” which aimed at “Judaizing” the Galilee in the 1970s and ’80s, is another dark spot on its record of complicity in projects that

espouse racial discrimination against Palestinian Arabs. A pamphlet examining the success of the project in reaching its goal, namely changing the demographic balance in that area in favor of Israeli Jews, is being distributed by Haifa University in high schools and academic institutions, thus “inculcating in future generations unacceptable norms that raise serious questions,” according to *Haaretz*.<sup>8</sup> Sofer himself takes pride in having “an effect on where the Jewish hilltop communities [in Hebrew *mitzpim*] were later established.”<sup>9</sup>

These mitzpim were designed, in the words of one of Sofer’s colleagues, Avraham Dor, to increase the Jewish population in the Galilee and “to drive wedges between the blocs of Arab settlements, in order to block their ability to create a territorial continuity.” Another goal was to make possible “a maximum distribution of [Jewish] settlement sites and the ‘conquest’ of the territory by means of access roads to them and by means of the permanent Jewish presence in the area.” *Haaretz* comments on the project, saying, “Without mincing words, the study reveals that underlying the project were principles of ethnic discrimination, demographic phobia, and the concept that the country’s Arab citizens are not equals but constitute a threat to its existence,” and that “discrimination and inequality [against Arabs] are not a systemic failure but a deliberate intention.”<sup>10</sup>

A more recent example of Haifa University’s culpability in the advocacy of ethnic cleansing was the convening of a conference on May 17, 2005, titled “The Demographic Problem and Demographic Policy in Israel.” Blessed by the rector of the university, this pseudo-academic forum for the purveyance of “demographic racism”—not innocently timed to coincide with the fifty-seventh anniversary of the Nakba—included almost all the academic and political luminaries of ethnic cleansing, such as Arnon Sofer, Yoav Gelber, Yitzhak Ravid, Brigadier-General Herzl Getz, General Uzi Dayan, and Yuval Steinetz. Ravid, a researcher at Rafael, the Israeli manufacturer of arms, has been an advocate of inhibiting the natural growth of the Palestinian population in Israel, claiming that “the delivery rooms in Soroka Hospital in Be’er Sheva have turned into a factory for the production of a backward population.”<sup>11</sup>



Moreover, Haifa University's rector has recently "exonerated" Dr. David Bukay, [12](#) who teaches in the Department of Political Science, of any wrongdoing despite the fact that Israel's attorney general had ordered an investigation against him on suspicion of "racist incitement," upon receiving an official complaint filed by Mossawa—The Advocacy Center for Arab Citizens of Israel. Bukay made "unprecedented" racist remarks against Arabs and Muslims during his lectures, according to Mossawa. His publications, in which he defended his racist theories of "the Arab character," include titles such as "Mohammad's Monsters" and "The First Cultural Flaw in Thinking: The Arab Personality."[13](#)

Mossawa's lawyer wrote: "Dr. Bukay's statements listed above contain expressions of degradation, humiliation, hostility and violent incitement against a part of the population based on its national affiliation; and this, in our opinion, violates [the relevant Israeli law against incitement] of 1977 which prohibits racist incitement. In addition, the listed declarations, which contain admiration, sympathy, cheering and actual support for violence and terror, also constitute an infringement of [the law] of 1977." Mossawa argued that there is no room for "tolerating racist and inciting discourse" like Bukay's, which "hides behind the walls of 'academic freedom.' "

In a letter dated March 13, 2005, responding to Mossawa's complaint, deputy attorney general Shai Nizan wrote: "After studying the matter, I've decided to issue an order to the police to open an investigation of Dr. Bukay on the charge of racist incitement." But in a typical act of institutional cover-up, Haifa University's rector, Professor Yossi Ben Artzi, conducted his own "investigation" only to conclude that the remarks attributed to Bukay in the media "were not made in the way they were quoted and parts of sentences that were uttered in different contexts were yoked together by manipulation."[14](#)

Even Ken Jacobson, associate national director of the US-based Anti-Defamation League, was "shocked" after reading Bukay's article on "the Arab personality." Concurring with Mossawa's last point, he blames Haifa University's president for not censuring Bukay: "Naturally we respect academic freedom and understand that this is the only way academe can operate, but we believe that university presidents should condemn such things. It is not enough for a university president to say that his institution

practices academic freedom. He must also say that such statements are obnoxious.”<sup>15</sup>

The *Haaretz* reporter who covered the story and interviewed all parties involved wrote: “Something strange is happening at the University of Haifa. On the one hand, the Anti-Defamation League is ‘very disturbed’ by Bukay’s article because of its ‘destructive prejudices’ and the attorney general has initiated an investigation against Bukay on suspicion of racist incitement. On the other hand, the university is conducting a disciplinary process against the student who accused Bukay of racism.”<sup>16</sup>

### Hebrew University: Colonial Land Grab

An indictment presented to the AUT executive by the Palestinian Federation of Unions of Universities’ Professors and Employees against the Hebrew University exposes the following well-documented facts.

In 1968, more than one year after Israel’s military occupation of Gaza and the West Bank (which includes East Jerusalem, according to UN Security Council resolutions), the Israeli occupation authorities confiscated 3,345 dunums of Palestinian land, justifying their action with reference to articles 5 and 7 of the Land (Acquisition for Public Purpose) Ordinance 1943. The decision was published in the official *Israeli Gazette*—the Hebrew edition—number 1425. Most of that land was (still is) privately owned by Palestinians living in that area.

A large part of the confiscated land was then given to the Hebrew University to expand its campus. The Palestinian landowners refused to leave their properties, arguing that the confiscation order of 1968 was illegal. In 1973, as expected, the Israeli court ruled in favor of the university and the state. The court decided that the Palestinian families must evacuate their homes and be offered alternative housing.

According to authoritative legal experts, the Hebrew University land confiscation deal is illegal because this land is part of East Jerusalem, which is an occupied territory according to international law (numerous UN resolutions recognize East Jerusalem as an inseparable part of the occupied Palestinian territories). Israel’s unilateral annexation of East Jerusalem, expropriation of Palestinian land, and efforts at forced eviction of its Palestinian owners in this area are illegal under the terms of International

Humanitarian Law.<sup>17</sup> The annexation of occupied East Jerusalem into the state of Israel and the application of Israeli domestic law to this area have been repeatedly denounced as null and void by the international community, including the UN Security Council.<sup>18</sup>

By moving Israelis (staff and students) to work and live on occupied Palestinian land, the Hebrew University, like all Israeli settlements illegally established on occupied territories, is gravely violating article 49 of the Fourth Geneva Convention of 1949, which states, “The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

Based on the above, the Hebrew University of Jerusalem *cannot invoke Israel’s domestic law* in order to justify the oppressive and illegal measures it has been taking in order to evict the Palestinian families who under international law remain the legal owners of the land in question.

Given the multifaceted complicity of their institutions in oppressing Palestinians, Israeli academics should either mobilize to oppose what is done in their names, with their direct and indirect help, or stop complaining when conscientious academics around the world decide to take them to task.

## REFLECTING ON THE CULTURAL BOYCOTT

*Then there are occasions when merely having your name added to a concert schedule may be interpreted as a political act that resonates more than anything that might be sung and it may be assumed that one has no mind for the suffering of the innocent.*

—Elvis Costello, May 15, 2010<sup>1</sup>

While having a “mind for the suffering of the innocent” may convince many to commit, often with fervor, to BDS (boycott, divestment, and sanctions) when it relates to boycotting Israeli products, calling on institutions to divest from companies profiting from Israel’s occupation and apartheid, or even lobbying their elected representatives to exclude Israel from free trade and arms agreements, it is not immediately the case when people are asked to support the notion of a cultural or academic boycott of Israel. In a meeting I had with a prominent Jewish British actor in Ramallah, she confessed from the onset: “I completely agree with BDS, but it is the academic and cultural bit that concerns me. Honestly, this is the only aspect I cannot get myself to support.”

I asked for the reason—almost sure of the response. Indeed, she replied, “As an artist, I cannot condone cutting off communication channels; we need to keep those open to convince, to argue, to debate. How else can we convince others of their wrongdoing?”

I told her, “As a dance choreographer myself, I cannot condone cutting off communication channels either; but where in the Palestinian call for the academic and cultural boycott of Israel do you see us calling for that?” I went on to explain how most objections to the academic and cultural boycott are in fact based on a wrong premise—that we are calling for ostracizing individual Israeli academics, writers, and artists.

PACBI (Palestinian Campaign for the Academic and Cultural Boycott of Israel) never issued *that* call.

The 2004 PACBI Call and all PACBI documents and speeches on record ever since have consistently called for an *institutional* boycott of Israel in the academic and cultural field, not a boycott of individuals. Unlike the South African academic and cultural boycott, which was a blanket action that targeted everyone and everything South African, the Palestinian boycott targets institutions only, due to their entrenched complicity in planning, justifying, whitewashing, or otherwise perpetuating Israel's violations of international law and Palestinian rights. As argued elsewhere, we have never targeted individual artists or academics—not because they tend to be more progressive or opposed to injustice than the rest of society, as is often mistakenly assumed, but because we are opposed *on principle* to political testing and blacklisting. If the United Nations eventually develops well-conceived and sufficiently justified lists based on widely accepted criteria of international law, as it did in the last stage of the struggle against apartheid in South Africa, then that will be fine; but the BDS movement, of which PACBI is a part, being a civil society movement, does not subscribe to drawing up lists to decide who is a good Israeli and who is not based on some arbitrary political criteria. A quick—or thorough—review of the PACBI guidelines for applying the international academic<sup>2</sup> and cultural<sup>3</sup> boycott will confirm the institutional nature of the Palestinian boycott against Israel.

Those who are now hesitant to support a boycott of Israel's academic and cultural institutions though in the past they endorsed or even struggled to implement a blanket academic or cultural boycott against apartheid South Africa are hard pressed to explain their inconsistency. Some in the Zionist “left” camp, for instance, who vehemently and angrily opposed the PACBI Call when it was first issued, citing the need to uphold “academic freedom” or “artistic communication channels,” are now endorsing a full cultural boycott of the Israeli colonial settlement of Ariel and all other colonies built in the occupied Palestinian territory in contravention of international law. Suddenly the lofty language of rejecting boycott in the cultural field in the name of protecting free speech and dialogue disappears, and the boycott

becomes not only legitimate but an absolute moral duty when it fits the narrow political agenda of that Zionist “left.”<sup>4</sup>

A brief recollection of the history of the South Africa cultural boycott is quite enlightening in this context.

In 1965, the American Committee on Africa, following the lead of prominent British arts associations, sponsored a historic declaration against South African apartheid, signed by more than sixty cultural personalities. It read: “We say no to apartheid. We take this pledge in solemn resolve to refuse any encouragement of, or indeed, any professional association with the present Republic of South Africa, this until the day when all its people shall equally enjoy the educational and cultural advantages of that rich and beautiful land.”<sup>5</sup> If one were to replace “Republic of South Africa” with “state of Israel,” the rest should apply just as strongly, if not more.

A year before that, in 1964, the Irish Anti-Apartheid Movement issued a declaration signed by twenty-eight Irish playwrights who vowed not to permit their work to be performed before segregated audiences in South Africa.<sup>6</sup>

Israel today—sixty-plus years after its establishment through a deliberate and systemic process of ethnic cleansing of a large majority of the indigenous Palestinian population—still practices racial discrimination against its own “non-Jewish” citizens; it still maintains the longest military occupation in modern history; it still denies Palestinian refugees—uprooted, dispossessed, and expelled over the last six decades—their internationally recognized right to return to their homes and properties; and it still commits war crimes and violates basic human rights and international humanitarian law with utter impunity.

Israel has established a more sophisticated, evolved, and brutal form of apartheid than that of its South African predecessor, according to authoritative statements by South African anti-apartheid leaders like Archbishop Desmond Tutu and the country’s past cabinet minister Ronnie Kasrils, who is Jewish. The Palestinian cause therefore deserves from all people of conscience around the world, particularly those who opposed South African apartheid, the same measures of solidarity and human compassion, through an effective application of BDS against Israel until it abides by international law and respects basic human rights.

Some may argue, though, that art should transcend political division, unifying people in their common humanity. They forget, it seems, that masters and slaves do not really share anything in common, least of all any notion of humanity. Rather than reinventing the wheel, I recall the wise words of Enuga S. Reddy, director of the UN Centre against Apartheid, responding in 1984 to criticism that the cultural boycott of South Africa infringed on freedom of expression:

It is rather strange, to say the least, that the South African regime which denies all freedoms . . . to the African majority . . . should become a defender of the freedom of artists and sportsmen of the world. We have a list of people who have performed in South Africa because of ignorance of the situation or the lure of money or unconcern over racism. They need to be persuaded to stop entertaining apartheid, to stop profiting from apartheid money and to stop serving the propaganda purposes of the apartheid regime.<sup>7</sup>

It is worth noting that the United Nations General Assembly adopted a special resolution on the cultural boycott of South Africa in December 1980, almost two decades after civil society unions and associations in Britain, Ireland, and later the United States, adopted such a boycott. That decision also heeded consistent appeals by black organizations in South Africa that effectively censured several foreign entertainers who violated the boycott.

### Brand Israel

In a 2010 statement, Isaac Zablocki, director of the Israel Film Center in New York, said: “The goal of the center is to share with the public these amazing cinematic achievements coming out of a country that is normally only seen through news headlines. Through our viewing library, screenings and promotion of films, we hope to share with the public a new slice of Israeli reality . . . an Israel filled with innocence, humor, and Ideals.”<sup>8</sup> This strikingly echoed the logic of the official Brand Israel campaign, launched by the government of Israel as early as 2005 and intensified ever since, particularly at every juncture when Israel faces international fury after it has committed war crimes, as happened in 2006 in Lebanon, in the winter of



2008–9 in Gaza, and in the bloody 2010 attack on the humanitarian flotilla destined for Gaza.

Some projects that are not officially related to the Brand Israel campaign may still serve the same objectives of that Israeli propaganda campaign by adopting similar messaging, ignoring the reality of occupation and racial discrimination, and promoting the same false notions of Israel as a “democracy” or an “enlightened” member of the community of nations that is advanced in arts and sciences. What is essentially glossed over here is the inconvenient fact that Israel is a state practicing occupation, colonialism, and apartheid. One such project is the Other Israel Film Festival in New York. The festival director’s own introduction of the project states:

The Other Israel Film Festival was founded to be a vehicle for cultural change and social insights into the nature of Israel as a democracy and the complex condition of the lives of its minorities that are living in the Jewish state.... It is not about the conflict—it is not about taking sides—this festival is about people. . . .

I care deeply about Israel and its future. Growing up in a democratic Jewish state has without any doubt shaped the cultural and national identity of all of its inhabitants and citizens—who know no other home. These films and artistic expressions are paving the way to co-existence and a new, more inclusive culture in the Middle East.”<sup>9</sup>

In a statement exposing the festival’s violation of the Guidelines for the International Cultural Boycott of Israel (Appendix 4), PACBI states:

Describing Israel as a “democracy,” endorsing the oxymoron notion of a “democratic Jewish state,” and avoiding taking a position consistent with international law and human rights is a form of whitewashing Israel’s colonial and apartheid reality, regardless of intentions. Instead of upholding equal rights for all, freedom, an end to the occupation, and speaking out against the institutionalized and legalized system of racial discrimination, that prevails in Israel, the OIFF website and project chose to cover up Israel’s colonial and racist policies, portraying the state as a “democracy,” albeit with some challenges.<sup>10</sup>

The Brand Israel campaign, which was agreed upon by the directors of Israel's three most powerful ministries, involved a new plan to improve Israel's image abroad "by downplaying religion and avoiding any discussion of the conflict with the Palestinians," as reported in *Forward* at the time.<sup>11</sup> Non-Jewish Americans in focus groups gathered for the purposes of this campaign "almost universally saw Israel only as 'militaristic' and 'religious,'" the report revealed. It went on to describe the campaign thus: "[This] is the latest manifestation of a growing movement—began in America—to 're-brand' Israel, or to reinvent the country's image in the eyes of both Jews and non-Jews. The driving concept is that Israel will win supporters only if it is seen as relevant and modern rather than only as a place of fighting and religion." A former deputy director general of the Israeli ministry, Nissim Ben-Sheetrit, explained upon launching the Brand Israel campaign in 2005: "We are seeing culture as a *hasbara* [propaganda] tool of the first rank, and I do not differentiate between *hasbara* and culture."<sup>12</sup>

After the Israeli war of aggression against the besieged Gaza Strip, Israel's image took a further steep dip, prompting the government to throw more money into the Brand Israel campaign. One of the main figures in the campaign, Arye Mekel, deputy director general for cultural affairs in the Israeli foreign ministry, told the *New York Times*: "We will send well-known novelists and writers overseas, theater companies, exhibits. This way you show Israel's prettier face, so we are not thought of purely in the context of war."<sup>13</sup> And indeed Israel has been sending more and more dance companies, orchestras, poets, and films abroad, particularly after Operation Cast Lead. The greater the number of innocent victims of Israel's incessant brutality and belligerence, the more money it needs to spend, the argument goes, to whitewash its gruesome image.

This much is now well known. What is less known or discussed in the media is a hidden secret of the Brand Israel effort—a contract that obliges artists and writers, as "service providers" who receive state funding, to conform to and indeed promote state policies. Basically, the contract buys the artists' and writers' consciences, making a mockery of the "freedom of expression" mantra.

This contract was revealed in an article in *Haaretz* instructively titled “Putting Out a Contract on Art” by the famous Israeli writer Yitzhak Laor. Because of the exceptional importance of this contract for revealing the organic partnership between the state and the duly complacent and complicit intelligentsia, its most relevant excerpts are reproduced here:

The service provider undertakes to act faithfully, responsibly and tirelessly to provide the Ministry with the highest professional services. The service provider is aware that the purpose of ordering services from him is to promote the policy interests of the State of Israel via culture and art, including contributing to creating a positive image for Israel. . . .

The service provider will not present himself as an agent, emissary and/or representative of the Ministry. . . .

The Ministry is entitled to terminate this contract, or a part thereof, immediately and at the Ministry’s sole discretion, if the service provider does not provide the Ministry with the services and/or does not fulfill his obligations under this contract and/or does not provide the services and/or fulfill his obligations to the Ministry’s full satisfaction, and/or provides the services in an inadequate fashion and/or deviates from the timetable, and/or if the Ministry does not need the services of the service provider for any reason and/or for budgetary, organizational or security and/or policy reasons, and the service provider will make no claim, demand or suit based on the termination of the contract by the Ministry.<sup>14</sup>

### Dancing around Apartheid

A key clause in the PACBI Guidelines for the Cultural Boycott of Israel focuses on this aspect of cultural complicity:

The general principle is that an event or project carried out under the sponsorship/aegis of or in affiliation with an official Israeli body [or a Brand Israel type non-Israeli body] constitutes complicity and therefore is deserving of boycott. It is also well documented now that Israeli artists, writers and other cultural workers applying for state funding to cover the cost of their—or their cultural products’—participation in international events must accept to contribute to Israel’s official propaganda efforts.

Accepting such conditioned funding, PACBI argues, transforms the touring artists or writers in question into “service providers” who willingly

serve the propaganda agenda of the state and get paid handsomely for it, thereby forfeiting their disingenuous claim to “artistic freedom.” Thus the boycott.

A glaring example of this “art in the service of Israeli propaganda” is the famous Israeli dance company Batsheva, whose tours are more often than not, especially lately, carefully planned to coincide with postmassacre efforts by Israel to cover up its crimes.

Adalah-NY: The New York Campaign for the Boycott of Israel and Artists against Apartheid’s New York City chapter launched a protest campaign against Batsheva’s September 2010 performance in New York, attended by Israeli president Shimon Peres and cosponsored by the Israeli consulate. The *New York Times*, quite uncharacteristically, covered the protest in its main review of the show. The reviewer wrote:

I must say that the only distinction of real note [between the two Batsheva performances in New York] was the presence, on Saturday, of the Israeli president, Shimon Peres, accompanied by a considerable security detail and heckled by members of Adalah-NY: The New York Campaign for the Boycott of Israel.

Adalah-NY has been protesting throughout Batsheva’s run, picketing and handing out pamphlets criticizing Israeli policies toward Palestinians and urging a boycott of the company, which receives substantial support from its government. Mr. Peres’s arrival raised the ante: as audience members and passers-by were firmly herded to the end of the block by police and security officers and the protesters yelled “You’re dancing around apartheid,” Mr. Peres and his contingent swept into the theater.<sup>15</sup>

Batsheva artistic director Ohad Naharin said in an interview in 2005: “I continue to do my work, while 20 km from me people are participating in war crimes.” But Batsheva is far from apathetic about war crimes; indeed, by affirming its relationship with the Brand Israel campaign, the group has been accused of planning some of its performances specifically to divert attention from those very war crimes. In their statement calling for boycotting Batsheva’s performance, the two protest groups wrote: “Because of your ties to Brand Israel and in response to the Palestinian civil society

call for the Academic and Cultural Boycott of Israel, we are calling for a local boycott of your performances.”<sup>16</sup>

A slogan on a placard carried by one of the protesters outside the dance group’s performance said: “Don’t dance around apartheid. End it!”<sup>17</sup>

### Hurting the Victims of Apartheid?

An argument often raised to counter the case for a cultural boycott of Israel is that such a boycott, if it entails refusing to show artworks in Israel, may actually hurt the state’s victims, the Palestinians, more than it would hurt Israel itself. This general argument of “counterproductiveness” has been adequately rebutted elsewhere in this book, so I shall limit the discussion here to the *cultural* boycott and, again, the South African precedent.

US filmmaker Jonathan Demme, who with Martin Scorsese cofounded Filmmakers United against Apartheid to protest the racist regime in South Africa in the 1980s, was asked whether denying American movies to all South African audiences would punish blacks as well as the white regime. He replied: “We believe the answer is no. Leaders of the (opposition) African National Congress have said they fervently want a boycott. . . . As far as denying the consciousness-raising among whites that American films could provide, the consensus is that it will take more than one movie or group of movies to raise the consciousness of the white rulers.”<sup>18</sup>

Israeli cultural, as well as academic, institutions will always claim that a boycott would infringe upon their freedom and would punish artists and academics who are the most progressive and opposed to “the occupation” in Israeli society. In fact this argument, aside from being quite disingenuous, is intended to deflect attention from two basic facts: first, the Palestinian academic and cultural boycott of Israel targets institutions, not individuals; and second, those institutions, far from being more progressive than the average in Israel, are main pillars of the Israeli structure of colonial and apartheid oppression. Not only do the oppressed lose nothing when people of conscience boycott institutions that are persistently complicit in the system of oppression; in fact, they gain enormously from the ultimate weakening of this complicity that results from an effective and sustained boycott.

Archbishop Desmond Tutu reflected on this same argument recently while defending the call for the University of Johannesburg to sever ties with Ben-Gurion University of the Negev in Israel over its racist policies and complicity with the army:

Consider for a moment the numerous honorary doctorates that Nelson Mandela and I have received from universities across the globe. During the years of apartheid many of these same universities denied tenure to faculty who were “too political” because of their commitment to the struggle against apartheid. They refused to divest from South Africa because “it will hurt the blacks” (investing in apartheid South Africa was not seen as a political act; divesting was).<sup>19</sup>

“Out of Israel” and into Complicity<sup>20</sup>

One of the largest “branding” efforts was organized in 2008 by the Israeli government for the so-called 60th Anniversary of the establishment of the state. Some of the most prominent artists, politicians, academics, and others were invited to celebrate with Israel. In response, PACBI, in cooperation with the Palestinian NGO Network (PNGO), took out a half-page advertisement in the *International Herald Tribune* titled “No Reason to Celebrate Israel at 60,” after having collected dozens of endorsements from prominent international cultural figures, including the foremost poet in the Arab world, the late Palestinian Mahmoud Darwish, along with John Berger, Ella Shohat, Ken Loach, Augusto Boal, Roger Waters, André Brink, Judith Butler, Vincenzo Consolo, Nigel Kennedy, and many others. It stated:

The creation of the state of Israel almost 60 years ago dispossessed and uprooted hundreds of thousands of Palestinians from their homes and lands. With their peaceful lives ruined, society fragmented, possessions pillaged and hope for freedom and nationhood dashed, Palestinian refugees held on to their dream of return, and Palestinians everywhere nourished their aspiration for freedom, dignified living, and becoming whole again.

There is no reason to celebrate! Israel at 60 is a state that is still denying Palestinian refugees their UN-sanctioned rights, simply because they are “non-Jews.” It is still illegally occupying Palestinian and other Arab lands,



in violation of numerous UN resolutions. It is still persistently and grossly breaching international law and infringing fundamental human rights with impunity afforded to it through munificent US and European economic, diplomatic and political support.

It is still treating its own Palestinian citizens with institutionalized discrimination.

In short, celebrating “Israel at 60” is tantamount to dancing on Palestinian graves to the haunting tune of lingering dispossession and multi-faceted injustice.

There is absolutely no reason to celebrate! But there are myriad reasons to reflect, to engage, to work towards peace and justice.[21](#)

In the same year, and as part of the same effort, no doubt, two New York theaters hosted Israeli dance groups. The Joyce Theater featured an Israeli dance program by Emanuel Gat, and the 92nd Street Y presented “Out of Israel,” a program featuring Israeli artists Saar Harari, Lee Sher, and Netta Yerushalmy. The two theaters effectively declared their acquiescence to partnering in rebranding Israel by helping it to cover up its persistent violation of international humanitarian law and to present a deceptive image of a normal, even “cultured,” state.

But what does dance have to do with all this? one may ask. Shouldn’t art be above politics?

Despite the obvious differences, was art above politics in the 1940s? Were German arts groups invited then to perform in London and New York, so that peers in these places could have a constructive dialogue with them and dissuade them from supporting the genocidal regime? Were Afrikaner dance groups given a platform in Europe or the United States in the 1980s? Of course not. But wasn’t art above politics then? Why the double standard?

Aren’t Israeli dance companies opposed to the occupation, though? In fact, no. None of them has ever issued a public condemnation of the occupation. While Ohad Naharin, arguably Israel’s leading choreographer, has condemned—in his personal capacity, not as a representative of his company—“war crimes” by his country, he has never explicitly called for an end to the occupation. Nor has his group, for that matter. Moreover, Israeli dancers, artists, academics, and intellectuals, in harmony with the



rest of Israeli society, apart from the occasional refusenik, obediently serve in the occupation army's reserve forces, oppressing Palestinians and participating in, or at the very least witnessing in disturbing silence, what Amnesty International has termed "war crimes." This makes them complicit.

In response to such charges of collusion, some in the Western mainstream media often attempt to justify Israel's oppression by citing Palestinian armed attacks against it. I have written openly and consistently, in Arabic and English, about the moral problems raised by any indiscriminate act of violence,<sup>22</sup> whether from the oppressor or oppressed, despite the immeasurable moral difference between the two. Even when it is in reaction to colonial violence, an indiscriminate attack on the civilian community of the oppressors is morally unjustifiable, in my opinion. But I can never accept any claim of parity between the oppressors and oppressed. Israel's decades-old state terrorism and its current acts of genocide in Gaza are far more lethal, immoral, and illegal than any act of Palestinian resistance. This is not only about body counts, which should always refer to human beings with names and faces on either side; it is about power asymmetry and the built-in moral asymmetry that goes with the territory, so to speak, when you have a colonial and apartheid regime like Israel's on one side and a colonized and dehumanized community on the other. Again, this does not in any way give Palestinians, or any other oppressed community, *carte blanche* to indiscriminately target civilians on the other side. International law does give nations under occupation the right to resist foreign occupation "by all means," including violent ones; but it never condones deliberate or criminally negligent attacks against civilians. I fully endorse that.

As the influential Brazilian educator Paulo Freire writes:

Any situation in which "A" objectively exploits "B" or hinders his and her pursuit of self-affirmation as a responsible person is one of oppression. Such a situation in itself constitutes violence even when sweetened by false generosity; because it interferes with the individual's ontological and historical vocation to be more fully human. With the establishment of a relationship of oppression, violence has *already* begun. Never in history has violence been initiated by the oppressed. How could they be the initiators, if they themselves are the result of violence? How could they be the sponsors

of something whose objective inauguration called forth their existence as oppressed? There would be no oppressed had there been no prior situation of violence to establish their subjugation.<sup>23</sup>

The question, therefore, should be, why don't the Joyce Theater and the 92nd Street Y "do the right thing" and join the many prominent international cultural organizations and individual artists that have heeded the Palestinian calls for a boycott against Israel until it fully complies with its obligations under international law? Ken Loach, a distinguished Palme d'Or winner at Cannes, joined the growing boycott of Israel. The world-renowned British author and artist John Berger has issued his own boycott statement—endorsed by dozens of leading artists and intellectuals—supporting the Palestinian call for an institutional cultural boycott of Israel. One of the leading dance companies in Europe, Les Ballets C. de la B., of Belgium, issued a statement supporting the boycott.

It is quite ironic that in one of the Y's featured Israeli works, Netta Yerushalmy's *Bifocale*, a dance in which, according to the press release, two women "find themselves in a narrow, confined space," the choreographer resorted to extraordinary measures "to re-create the sense of confinement" needed for her theme. If she wanted real, genuine, and "natural" confinement, she might as well have set her dance in any Palestinian city or village, surrounded by a nine-meter-high wall and endless, suffocating military roadblocks.

Finally, inviting Israeli arts groups to any festival or theater in 2008, in particular, was a slap in the face to morality and civility, especially given Israel's rolling acts of genocide in Gaza and the celebration of its sixtieth "birthday" that was careful to ignore its dispossessed victims. In this context, welcoming complicit Israeli dance companies, whether or not they are based in Israel, amounts to celebrating Israel at a time when those whose homes it is occupying—or demolishing—and whose lives it is decimating have precious little to celebrate. Conducting business as usual with Israel in any field, dance included, as if it were a normal country, not an apartheid state, is an egregious act of complicity, no less.

So You Think You Can Dance?

Some international dance groups that crossed the picket line of the Palestinian boycott and agreed to perform in Israel as part of its celebrations nevertheless got a taste of Israeli apartheid from the moment they entered the country. Security officers at Tel Aviv's Lydda (Ben-Gurion) Airport in September 2008 forced an African American member of the Alvin Ailey American Dance Theater—by far the bestknown touring dance company in the United States—to perform twice for them in order to prove he was a dancer before letting him enter the country. Even after he complied, one of the officers suggested that Abdur-Rahim Jackson change his name. Jackson felt humiliated and “deeply saddened,” according to an Ailey spokesperson, particularly because his Arab/Muslim-sounding first name, given to him by his Muslim father, was the reason that he was the only member of his company subjected to the ethnic profiling typical of Israeli society.

While still officially illegal in the United States, ethnic profiling, described as “racist” by human rights groups, is widespread in Israel at entrances to malls, public and private buildings, airports, and so forth. Israeli citizens and permanent residents with Arab names—or often just Arab accents—are commonly singled out for rough, intrusive, and painfully humiliating “security” checks. Even though I have an Israeli ID, whenever I travel through the Tel Aviv airport, for instance, stickers with the number 6 are stamped on my passport, luggage, and ticket. Israeli Jews, in comparison, usually get 1. A 6 leads to the most thorough and degrading check of luggage and person. The smaller figures, in contrast, mean you get whisked through security with just an x-ray scan of your luggage. A couple of years ago, people like me used to get a bright red sticker, while Israeli Jews got light pink or similarly “benign” colors. Some astute Israeli officials must have been alerted that color-coding passengers according to their ethnicity or religion was too overtly apartheid-like, so they switched to the supposedly “nuanced” number coding. No wonder Nobel Prize-winning Archbishop Desmond Tutu described Israeli practice as constituting a “worse” form of apartheid—it is more sophisticated than the original version.

The Alvin Ailey troupe was celebrating its fiftieth anniversary with a multicountry tour starting in Israel. Despite the above incident, the show went on as scheduled, and the company did nothing substantial to even protest the discriminatory policy to which one of its members had been

subjected, notwithstanding artistic director Judith Jamison’s statement to *Haaretz* that “we are here to irritate you, to make you think.” This silence and business-as-usual attitude only enhances Israel’s sense of impunity. More crucially, by the dance company’s very performance in Israel, whether one of its members was targeted by Israeli ethnic profiling or not, the group has violated the 2004 Palestinian call for a cultural boycott of Israel due to that country’s persistent violation of international law and fundamental human rights.<sup>24</sup>

More recently, the famous British dance and music group Faithless decided *not* to perform in Israel. Explaining the band’s decision, Faithless front man Maxi Jazz unequivocally stated: “While human beings are being willfully denied not just their rights but their NEEDS for their children and grandparents and themselves, I feel deeply that I should not be sending even tacit signals that this is either ‘normal’ or ‘ok.’ It’s neither and I cannot support it. It grieves me that it has come to this and I pray every day for human beings to begin caring for each other, firm in the wisdom that we are all we have.”<sup>25</sup>

Humanity—and above all human dignity—is at the core of many of the works of Alvin Ailey. His company, and indeed all other artists and cultural entities that care about human rights and realize that art and moral responsibility should never be divorced, are called upon by their Palestinian colleagues and the public at large not to perform in Israel until justice, freedom, equality, and human rights are established for all, irrespective of ethnic, religious, gender, or any other form of identity. This is what the international arts and academic communities (Ailey codirects a degree program at Fordham University) did as their contribution to the struggle to end apartheid rule in South Africa. This is precisely what they can do to end injustice and colonial conflict in Palestine. Only then can dancers named Abdur-Rahim, Fatima, Paul, or Nurit be viewed and treated equally.

**FIGHTING APARTHEID IN SOUTH AFRICA,  
CELEBRATING APARTHEID IN ISRAEL**

OPEN LETTER TO NADINE GORDIMER

*With Haidar Eid<sup>b</sup>*

*Nadine Gordimer is a highly acclaimed liberal Jewish South African writer who won a Nobel Prize for Literature, among several other accolades. She vehemently opposed apartheid, and her work largely reflected and promoted the antiapartheid struggle. Still, she insisted on violating the Palestinian cultural boycott by participating in a festival largely sponsored by the Israeli government.*

April 28, 2008

In your response to our letters of concern<sup>1</sup> and protest over your planned visit to Israel to participate in a writers' festival largely endorsed by the Israeli government, you brush off our criticism, citing the role of literature in "opening up the human mind" and claiming that "whatever violent, terrible, bitter and urgent chasms of conflict lie between peoples, the only solution for peace and justice exist and must begin with both sides talking to one another." So talking, in your opinion, has replaced resistance as the starting point for ending injustice and fighting apartheid and colonial rule? Is that what you and your fellow antiapartheid colleagues did in your struggle in South Africa—talk to the "other side"?

It is also worth reminding you that Palestinian writers in the occupied Palestinian territory (OPT), like all Palestinians under Israeli occupation, are denied their basic rights, including the "privilege" of freedom of

expression that you—and all of us—so highly value. They are often denied their right to travel, sometimes even within the OPT; many are denied access to conferences and festivals where they could participate in a free exchange of ideas with their peers on an international level; and some are imprisoned, injured, or killed by the occupation forces. By attending this conference you are helping to perpetuate this special form of apartheid that denies us our human rights.

You start your letter asserting that you are “not invited to Israel by the Israeli Government.” Is this accurate? Even if it is, is it relevant? You are invited, technically, by the International Writers Festival; but the festival itself is primarily funded, promoted, and sponsored by Israeli government sources. Hair-splitting aside, you are indeed invited by the Israeli government. Even if that festival were not at all supported by the government, does it in any way take a stand against the occupation, racism, and apartheid that essentially define the reality of Israel today?

Let us not forget, either, that those Israeli writers who invited you are themselves not exactly opposed to their state’s key forms of racist and colonial oppression against the indigenous people of Palestine. They are virtually all Zionists who fully endorse and sometimes openly advocate, to varying degrees, the main pillars of the system of racial discrimination against Palestinian citizens within Israel, the denial of the Palestinian refugees’ right to return, in accordance with international law, and even some aspects of the military occupation and colonization of the West Bank, especially in East Jerusalem. Imagine what your reaction would have been if a liberal international writer of your stature had accepted an invitation by some group of Afrikaner writers—most of whom did not oppose apartheid itself but supported only a subset of rights for blacks under apartheid—to a festival in apartheid South Africa that took no public position against the system of racial discrimination there.

Do you need to be reminded of how you, and the late Palestinian intellectual Edward Said, lobbied Susan Sontag to reject the Jerusalem Prize? As far as we know, your logic was that the involvement of the state, represented by Shimon Peres as a judge of the “literary” prize at the time, meant that Sontag and other writers should not participate.

In addition, we are utterly disappointed and saddened by your insulting attempt to “balance” your act of complicity by promising to visit a

Palestinian university or some venue in Ramallah! Was visiting a bantustan ever a moral or rational excuse for participating in a largely pro-apartheid gathering in South Africa? Your participation simply violates the Palestinian Call for Academic and Cultural Boycott of Israel,<sup>2</sup> issued in 2004 and widely respected by progressive writers, academics, and cultural figures around the world.

And what about the timing? You know well that this festival, like all other cultural events scheduled to take place in Israel during this period, is planned to, and most likely will, promote the “Israel at 60” celebrations.<sup>3</sup> Regardless of your intentions, taking part in such an occasion that ignores the fundamental truth that Israel came into existence sixty years ago as a result of a systematic and brutal campaign of ethnic cleansing, what Palestinians refer to as the Nakba, that led to the dispossession and expulsion of more than 750,000 Palestinians is itself an act of collusion in whitewashing Israel’s seminal crime. Doing so at this particular time, when Israel is committing war crimes and “acts of genocide,” as international law expert Richard Falk characterizes them, in occupied Gaza is indicative of a regrettable crossover to the side of the oppressor and a betrayal of your principles in defense of the oppressed.



**BETWEEN SOUTH AFRICA AND ISRAEL**UNESCO'S DOUBLE STANDARDS<sup>1</sup>

*With Jacqueline Sfeir<sup>2</sup>*

Palestinians can no longer understand or accept the fact that some United Nations organizations have started dealing with Israel as if it were just another liberal democracy, not the world's last surviving colonial bastion. We are particularly concerned about UNESCO's recent support for establishing a joint Palestinian-Israeli scientific organization, which in our view marks a serious setback for the cause of just peace in Palestine.

Under the noble aim of the World Science Day to "help focus the attention of young people on science and how its goals are congruent with their own aspirations," another message, which is subtle yet highly damaging politically, is being communicated. Through supporting the establishment of the Israeli-Palestinian Science Organization (IPSO), UNESCO is actually placing itself at odds with the decision of the Palestinian Council for Higher Education, which has repeatedly rejected "technical and scientific cooperation between Palestinian and Israeli universities." This move also conflicts with the Palestinian call for boycotting Israeli academic institutions, which was endorsed by dozens of the most important unions, associations, and organizations in the occupied West Bank and Gaza, including the Federation of Unions of Palestinian Universities' Professors and Employees.<sup>2</sup> Furthermore, by blessing IPSO, UNESCO is providing an international cover for a thinly veiled Israeli attempt to improve its image in the world and its status in UN organizations

without having to comply with international law, which calls for an end to its illegal occupation, among other forms of its oppression of the people of Palestine.

Seemingly innocent activities with noble aims are increasingly used, sometimes with good intentions and often without, to give the impression that if Palestinians and Israelis jointly work on scientific, environmental, cultural, or health projects, they somehow make peace more possible or more attainable. Nothing could be further from the truth. Joint projects that claim to be “apolitical” are often the most blatantly politicized—and most readily deployed to defend an oppressive order—since they deliberately disregard the context of colonial oppression and deceptively imply the possibility of achieving peace without addressing the root causes of conflict. Ostensibly apolitical collaborations actually substitute transient, superficial gestures of peace for the real struggle needed to achieve a just and lasting peace. Consequently, they fail to serve the cause of peace.

Normal relations between peoples can flourish only after oppression has ended, not before and not as a prelude to it. From our perspective, the only joint projects that ought to be encouraged in the process of addressing injustice are those that contribute to resisting this injustice. At the very least, any sincere joint project must be fundamentally based on the principle of equality and the rejection of military occupation and racial discrimination. Unfortunately, both essential elements are glaringly absent from the IPSO project description and UNESCO’s endorsement of it. UNESCO’s support for IPSO therefore legitimizes the attempt to convey a false perception of the possibility of peaceful coexistence and scientific cooperation despite oppression, rather than promoting all efforts to end this oppression.

Calling for sanctions under such circumstances is far from unique to Palestinians. During apartheid rule in South Africa, the United Nations established a regime of sanctions that eventually brought down the racist regime there and helped create democratic rule. South African scientists, athletes, artists, academics, and businesspeople were all subject to boycott then. As we all know, UNESCO played a distinguished and widely commended role in promoting sanctions and various forms of boycott against apartheid South Africa, by organizing no fewer than eight international conferences and seminars addressing a wide range of topics,

including “solidarity,” “resistance against occupation, oppression and apartheid,” “sports boycott,” “sanctions against racist South Africa,” and the “educational needs of the victims of apartheid.”<sup>3</sup> The most significant event that triggered sanctions in that case was the 1971 advisory opinion of the International Court of Justice (ICJ), which denounced South Africa’s occupation of Namibia as illegal. When the ICJ issued a similar advisory opinion on July 9, 2004, condemning Israel’s colonial wall and the entire occupation regime as violating international law, Palestinians, Arabs, and indeed all peace-loving people around the globe were hoping that the UN and its institutions would launch appropriate punitive measures against Israel to bring about its compliance with UN resolutions.

Some conscientious opinion leaders and organizations have endorsed various forms of such measures. Human-rights leader and Nobel Peace Prize winner Desmond Tutu has pointed out many similarities between Israel and apartheid South Africa, calling for boycotts against the former similar to those applied to the latter.<sup>4</sup> In 2005 the World Council of Churches urged its members to “give serious consideration to economic measures” against Israel to bring an end to its occupation of Palestinian territories.<sup>5</sup> It also praised the action of the Presbyterian Church USA, which started a process of “selective divestment” from companies linked to the illegal Israeli occupation. Several universities in the United States and Europe have started considering divesting from Israel or applying selective boycotts against its institutions. British celebrities and members of Parliament have launched a campaign against Israel’s colonial wall, and some have gone so far as to call for outright sanctions against Israel.<sup>6</sup>

Alas, some UN organizations chose instead to overlook or undermine the gravity of Israel’s own “occupation, oppression and apartheid,” thereby encouraging its belligerent flouting of international law. UNESCO’s support for joint Palestinian-Israeli projects that completely ignore the reality of occupation and oppression on the ground is inexplicable and disappointing.

Since Israeli academic institutions (mostly state controlled) and the vast majority of Israeli scientists and academics either have contributed directly to maintaining, defending, or otherwise justifying their state’s oppression of the Palestinians or have been complicit in this oppression through their

silence, we believe that the international community, led by the UN and its organizations, ought to call for boycotts and sanctions against Israeli academic and scientific institutions.

In the spirit of international solidarity, moral consistency, and resistance to injustice, we strongly feel that UNESCO ought to immediately withdraw its support for IPSO and any other similar effort that assists, cooperates with, or otherwise promotes Israeli scientific or cultural institutions until Israel desists from violating Palestinian human rights and fully complies with the pertinent precepts of international law and UN resolutions. Failing to do so would be further proof of UNESCO's double standards.

## WHAT WE REALLY NEED!

### A RESPONSE TO ANTI-BOYCOTT ARGUMENTS

Since the launch of the Palestinian boycott movement a few years ago, we have experienced an awkward phenomenon that demands urgent comment. Several Palestine solidarity organizations in the West that have been known for years—in some cases decades—for their tireless work for Palestinian rights have stood, for various reasons, firmly against the Palestinian civil society Call for Boycott, Divestment and Sanctions, BDS, since it was first issued on July 9, 2005. Some said that such tactics were “harmful” to the Palestinian struggle. Others opined that BDS would undermine the so-called Israeli peace movement. Still others stated that boycotting Israel would invite accusations of anti-Semitism and betrayal of Holocaust victims, thereby setting back Palestine solidarity work in a substantial way.

Many other anti-BDS arguments have been recorded in hundreds of articles over the years, but those were less significant or consequential, so I shall focus only on the above three.

#### Boycott Is Counterproductive?

Is it? Who is to judge? A call signed by more than 170 Palestinian political parties, unions, nongovernmental organizations, and networks, representing the entire spectrum of Palestinian civil society—under occupation, in Israel, and in the Diaspora—cannot be “counterproductive” unless Palestinians are not rational or intelligent enough to know or articulate what is in their best interest. This argument smacks of patronization and betrays a colonial attitude that we thought—hoped!—was extinct in the liberal West.

Pragmatically speaking, the BDS process has proved over the past few years that it is among the most effective forms of civil, nonviolent Palestinian resistance to the Israeli colonial and apartheid regime. The sheer breadth and depth of support this call has garnered among major trade unions, academic associations, church groups, and other grassroots organizations in such places as South Africa, the United Kingdom, Ireland, Canada, Norway, Sweden, and even the United States attest to the efficacy and enormous potential of this campaign in resisting Israeli injustice. For the first time in decades, many movements in Europe that have supported peace with justice in Palestine through demonstrations, public appeals, and—mostly marginal—media work discovered a process that they can actively and effectively contribute to and that promises to bring about concrete results on the ground, as proved to be the case in the struggle against apartheid struggle in South Africa. Judging by results so far, and as our South African comrades have told us repeatedly, our BDS campaign is moving at a faster pace than theirs ever did.

### BDS Undermines the Israeli “Peace” Movement?

What Israeli peace movement? There is no such creature. The so-called peace groups in Israel largely work to improve Israeli oppression against the Palestinians, rather than eliminate it, with their chief objective being the guarantee of Israel’s future as a “Jewish”—that is, exclusivist—state. The most radical Israeli “Zionist-left” figures and groups are still Zionist, adhering to the racist principles of Zionism that treat the indigenous Palestinians as lesser humans who are an obstacle or a “demographic threat” to be dealt with in order to maintain Israel’s character as a colonial, ethnocentric, apartheid state. Specifically, they are opposed to the UN-sanctioned rights of the Palestinian refugees, ethnically cleansed during the establishment of the state and ever since, to return to their homes and lands, simply because they are the “wrong” type. For instance, celebrated Israeli writers A. B. Yehoshua and Amos Oz wrote: “We shall never be able to agree to the return of the refugees to within the borders of Israel, for the meaning of such a return would be the elimination of the State of Israel.”<sup>1</sup>

The left-leaning former foreign minister Shlomo Ben-Ami acknowledged some justice in the Palestinian demand for this right, but quickly offered the

Palestinian leadership a sobering choice between two options: “justice or peace.”<sup>2</sup> From Ben-Ami’s point of view, the two are mutually exclusive in the context of the Arab-Israeli colonial conflict.

Danny Rabinowitz suggested “dropping the definite article ‘the’ ” before the phrase “right of return” in order to diminish that right and avoid the “maximalist” interpretation that is demanded by international law.<sup>3</sup> He later suggested limiting the right of return to only those Palestinian refugees born in Palestine before 1948, without their families, saying that: “There are about 200,000 people who fit that description, all of them over the age of 55, most of whom will not be having more children.”<sup>4</sup>

Uri Avnery, while criticizing the mainstream Israeli left position on Palestinian refugee rights, especially as articulated by Yehoshua and Oz, censured then prime minister Ehud Barak for bringing it up at the Camp David II talks, “kicking the sleeping lion in the ribs” by insisting prematurely on “end of the conflict” language at Camp David. Proposing an “annual quota of 50,000 for ten years” and keeping in mind Israel’s annual absorption of 50,000 Jewish immigrants, Avnery meant to preserve the nation’s “Jewish character” and maintain “the demographic picture.” A large majority of Palestinian refugees, under Avnery’s “generous” offer, would have to give up their right to return.<sup>5</sup> The underlying premise in all these proposals is that Israel somehow has a unique right to violate international law and to exist as a racist state that denies the indigenous population of Palestine, whether inside historic Palestine or in exile, their basic rights.

These same “leftists” also oppose ending the unique form of apartheid that dominates the entire state of Israel, where a decades-old system of institutionalized racial discrimination, enshrined in law, treats “non-Jewish” citizens of the state as second-class citizens who are not entitled to all the rights that Jewish citizens enjoy. Most of them unabashedly support ending Israel’s 1967 occupation of the West Bank and Gaza *in order to* preserve Israel’s character as a “Jewish state.” If this is the Israeli “peace” movement, then no conscientious person should feel sorry about undermining it!



Israeli-British academic and political activist Moshe Machover commends the courageous actions by some of those Israeli self-described peace activists, but chastises them for contributing to Israel's propaganda. Machover writes:

[T]heir self-description as "peace activists" reveals a profound misapprehension as to the nature of the Israeli-Palestinian conflict and a delusion as to how it might be resolved.

The image it evokes is essentially symmetric: two sides, two nations, at war with each other, locked in a series of battles over a piece of disputed turf. To end the conflict, the two sides need to end the war, sit down together, and make peace.

In fact this is also the image promoted by Israeli *hasbarah* (propaganda). It likes to speak the symmetric language of "war" and "peace". . . .

The key to a proper understanding of the conflict is that it is an extremely asymmetric one: between settler-colonisers and the indigenous people. It is about dispossession and oppression.<sup>6</sup>

Those who claim that "most" Israelis simply are not aware of the crimes of the occupation and need to be talked to, not boycotted, are not only assuming wrong premises but also reaching a false conclusion. Most Israelis obediently serve in the occupation army without qualms or moral pangs, as part of the obligatory reserve duty. They know firsthand the occupation's crimes, since they either directly participate in committing them or watch in silence as they are perpetrated, thereby indirectly colluding in them. Besides, the Palestinian BDS was never a blanket boycott against individual Israelis. It is consistently institutional in nature, targeting all Israeli academic, cultural, economic, and political institutions, specifically because they are complicit in maintaining the occupation and other forms of racist and colonial oppression against the indigenous Palestinians. Finally, "talking" to Israelis, as in the flourishing "peace" industry's dialogue groups, not only has been misleading and terribly harmful to the struggle for a just peace, giving the false impression that coexistence can be achieved despite the Zionist oppression, but has also failed to bring about any positive shift in Israeli public opinion toward supporting justice as a condition for peace.<sup>7</sup> To the contrary, the Israeli-

Jewish public is steadily and dangerously shifting to the fanatical right, with a growing majority supporting extremist solutions such as ethnic cleansing—called “transfer” in the sanitized Israeli mainstream jargon of the remaining indigenous Palestinians.

Dialogue and joint Palestinian-Israeli struggle can be justifiable, constructive, and conducive to just peace only if directed against the occupation and other forms of oppression and based on international law and basic human and political rights, particularly our inalienable right to self-determination.

Based on the above, the only true fighters for peace in Israel are those who support our three fundamental rights: the right of return for Palestinian refugees; full equality for the Palestinian citizens of Israel; and ending the occupation and colonial rule. These are our true partners. They all support various forms of BDS, not only out of principle but also because they realize that genuine, sustainable peace and security for all can never be achieved without justice, international law, universal human rights, and, most crucially, equality. BDS will only strengthen that true peace—with justice—movement in Israel and everywhere else.

European solidarity groups that consciously allow Zionist-left figures and movements to dictate their agendas, steering them away from coordinating with Palestinian civil society and understanding its real needs, away from committing themselves first and foremost to human rights and international law, hardly deserve the name “solidarity groups.”

On the other hand, groups that for tactical reasons support only a subset of BDS, or a targeted boycott of specific products or organizations in Israel or supporting Israel, are still our partners. Boycott is not a one-size-fits-all type of process. To be most effective it must be customized to suit a particular context. What is important to agree on, though, is why we are boycotting and toward what ends. BDS is a rights-based approach with clear objectives that ought to form a common denominator for all groups in solidarity with Palestine. Ending the three main forms of Israeli injustice and advocating the corresponding Palestinian rights are the basic requirements for this international campaign to be effective and in harmony with the express needs and aspirations of Palestinian civil society.

## BDS Promotes Anti-Semitism?

The anti-Semitism charge is patently misplaced and is wielded as a tool of intellectual intimidation. It is hardly worth reiterating that Palestinian calls for boycott, divestment, and sanctions do not target Jews or even Israelis *qua* Jews. Our calls are directed strictly against Israel as a colonial power that violates Palestinian rights and international law. The growing support among progressive European and American Jews for effective pressure on Israel is one counterargument that is not well publicized.

Moreover, characterizing actions and positions that target Israeli apartheid and colonial rule as anti-Semitic is *itself* anti-Semitic, for such arguments assume that Jews are a monolithic sum that Israel represents and can speak on behalf of and, moreover, that all Jews per se are somehow responsible for Israeli crimes, a patently racist assumption that belongs to the “collective responsibility” school of thought—criminalized at Nuremberg—and directly feeds anti-Semitism.

BDS is a civil form of struggle against Israel, regardless what religion most Israelis follow. It hardly matters what faith your oppressors belong to, really—whether they are Jewish, Christian, Muslim, or Hindu is irrelevant! The *only* thing that matters is that they are illegally, immorally oppressing you and that you want to be free and enjoy equal rights.

Projects supporting Palestinian steadfastness under occupation, whether in the health, education, social, or even political domain, are crucial and always needed. Many Palestinians, particularly the most vulnerable, cannot survive the cruelty of occupation without them. We appreciate the support for these projects tremendously—at least those of them that are not corrupt or corrupting, as many are. But this does not mean that we are for a moment convinced that such projects alone, plus token support for some abstract notion of “peace,” can advance our struggle for freedom and justice. Only by ending the occupation and apartheid can we get there. And, experience tells us, the most reliable, morally justifiable way to do that is by treating Israel as apartheid South Africa was, by applying various context-sensitive and evolving measures of BDS against it. There is no better way to achieve just peace in Palestine and the entire region.

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## DERAILING INJUSTICE

### PALESTINIAN CIVIL RESISTANCE TO THE “JERUSALEM LIGHT RAIL”

*I believe that this [Jerusalem Light Rail] should be done, and in any event, anything that can be done to strengthen Jerusalem, construct it, expand it and sustain it for eternity as the capital of the Jewish people and the united capital of the State of Israel, should be done.*

—Ariel Sharon, August 2005

“Swimming against the tide” is regarded by many cultures, including Arab culture, as unwise, if not altogether irrational and desperately futile; swimming against the tide and hoping to reach your desired destination would, then, defy common sense and call into question one’s sanity. Taking such defiance to a new level, the Palestinian civil society campaign for Boycott, Divestment and Sanctions (BDS) and its international supporters in the solidarity movement have been contributing to resisting Israel’s multifaceted oppression against the indigenous people of Palestine by mobilizing international civil society to apply effective, nonviolent, and sustained pressure against it until it fully complies with its obligations under international law and respects Palestinian rights.

The campaign against the “Jerusalem Light Rail” is a case in point that tellingly illustrates the potency and potential of such a struggle as well as the challenges stacked against it.

#### Realizing Herzl’s Vision

According to its official brochure, the Jerusalem Light Rail (JLR) is intended to fulfill Theodore Herzl’s vision of Jerusalem: “modern neighborhoods with electric lines, tree-lined boulevards . . . a metropolis of

the 20th century.”<sup>1</sup> The other crucial element of Herzl’s Eurocentric vision for the entire land of Palestine as a Jewish state has been even more faithfully adhered to by the project planners.

While the professed goals of the JLR cite typical urban planning priorities such as relieving traffic congestion and renewal of the city center, the actual map of the JLR’s planned route and stations reveals the unspoken underlying objective of the project: to irreversibly entrench the “Judaization” of Jerusalem<sup>2</sup> and perpetuate its current condition as a unified city with a predominantly Jewish population under Israeli control. By connecting its most significant colonies, or “settlement blocs,” illegally built on the occupied Palestinian territory (OPT) including East Jerusalem,<sup>3</sup> in contravention of international law,<sup>4</sup> Israel hopes to use the JLR—as part of a comprehensive long-term strategy that includes the wall and other repressive measures<sup>5</sup>—to cement the integration of those blocs into an ever-wider-sprawling “Greater Jerusalem.” Thus it will create the third most important fact on the ground, after the 1948 Nakba,<sup>6</sup> with the mass forcible displacement of hundreds of thousands of Palestinians that accompanied it, and the 1967 military occupation of the West Bank and Gaza.

The political and legal implications of the JLR cannot be fully appreciated unless they are seen within the context of Israel’s strategic plans for Jerusalem, particularly the “secret plan” sponsored by the Israeli prime minister’s office and the mayor of Jerusalem to “strengthen Jerusalem as the capital of the State of Israel.” This plan, exposed in *Haaretz* in 2009, aims at creating Israeli “hegemony” over the area around the Old City, “inspired by extreme right-wing ideology.”<sup>7</sup> A recent Palestinian position paper on the JLR states, “The overarching policy framework for Jerusalem is illustrated most fully by the Master Plan 2020 document (2004) . . . , which outlines measures to prevent the growth of Palestinian communities and encourage the growth of Jewish settlements, with the goal of creating a 70:30 ratio of Jews to Palestinians, as stipulated by government decisions. Doing this involves ethnically cleansing Palestinian communities from Jerusalem through a variety of mechanisms, including the Wall and the revocation of identity papers.”<sup>8</sup>

The JLR is the brainchild of the Jerusalem Transportation Master Plan, jointly administered by the Ministry of Transport and the Jerusalem Municipality. Its strategic role in Israel's colonial plans for Jerusalem stems from the fact that it purports to treat the increasing inadequacy of the existing Israeli road and mass transit system to meet the needs associated with the uncontrolled growth of Israel's illegal colonies in the occupied territory. After all, since the signing of the Oslo Peace Accords between Israel and the Palestine Liberation Organization in 1993, the population of Jewish settlers in the OPT has almost doubled. As the official route of the JLR reveals,<sup>9</sup> the tram's various routes are predominantly intended to serve Israel's illegal colonies in and surrounding occupied East Jerusalem, such as Atarot Airport, Neve Ya'kov, Pisgat Ze'ev, Ramot, Har Ha-Tzofim campus of the Hebrew University, and Gilo.

#### Perpetuating Injustice: The Legal Case against the JLR

Based on the Fourth Geneva Convention, numerous UN resolutions have condemned as illegal Israel's colonies (settlements) built on what is internationally recognized to be occupied Palestinian land. The most recent reaffirmation of this verdict of international law came from the International Court of Justice, which on July 9, 2004, issued an advisory opinion against Israel's wall and colonies in the OPT,<sup>10</sup> a ruling that is widely recognized as a legal and political watershed in the Palestinian struggle against Israel's occupation. Infrastructure and other projects that serve these colonies or act in any way to perpetuate their existence are, by extension, illegal. Not only does the JLR significantly contribute to Israeli designs to make its illegal annexation of occupied Palestinian territory irreversible; it also provides the colonies with a crucial service, connecting them to Israel. Accordingly, the JLR is considered an integral part of Israel's illegal colonial regime and thus a violation of international law that may amount to a war crime. Companies that participate in building and running the JLR, or in constructing, maintaining, and servicing Israeli colonies<sup>11</sup> more generally, can be regarded as "aiding and abetting" these crimes.

Citing the Hague Convention IV on Respecting the Laws and Customs of War on Land (October 18, 1907), the PLO's Negotiation Support Unit argues: "As an occupant, Israel has no sovereign rights or title to the OPT,



including East Jerusalem. Consequently, it may only undertake changes in East Jerusalem and the rest of the OPT for the benefit of the occupied Palestinian population or for military necessity. As the Light Rail neither caters to the needs of Palestinian civilians nor serves any genuine military purpose, the Light Rail constitutes an illegal change to East Jerusalem and neighbouring West Bank areas.”<sup>12</sup>

The above furnished the legal basis of a lawsuit in France against Veolia and Alstom, two of the companies involved in the consortium that signed the contract with the state of Israel to build and manage the JLR project. Both companies are French conglomerates involved in vast projects in dozens of countries around the world, mostly focusing on transportation, water, and sanitation. An unprecedented case brought before the Court of Nanterre, France, by the PLO and the Association France-Palestine Solidarité (AFPS) in 2007,<sup>13</sup> though still being deliberated, has made enough progress to inspire similar action elsewhere against companies implicated in the JLR project. In April 2009 the High Court of Nanterre (Tribunal de Grande Instance de Nanterre), according to an AFPS press statement, thwarted relentless efforts by Veolia and Alstom to have the case dismissed by declaring that it has jurisdiction to hear AFPS’s legal claim against them regarding the construction and operation of East Jerusalem’s light railway. Moreover, when Veolia and Alstom argued that the suit was invalid because the state of Israel enjoys sovereign immunity from being sued in foreign courts, the Nanterre court ruled that “apart from the fact that the state of Israel is not party to this action, this state could not seriously have standing in relation to disputed contracts in the guise of a sovereign state since this state is in fact an occupying power of the area in the West Bank where the light rail system is being built and where its exploitation is contentious, an area recognized by the international community and the International Court of Justice as being part of the Palestinian territory.”<sup>14</sup>

In the United Kingdom, meanwhile, Daniel Machover, a prominent attorney and cofounder of Lawyers for Palestinian Human Rights, has adopted an innovative legal approach to challenge Veolia and other companies. Machover invokes UK 2006 Public Procurement Regulations, the British implementing measure of EU Directive 2004/18/EC,<sup>15</sup> to argue

that a local authority may be subjected to legal challenge if it does not agree to exclude Veolia from a public bid as an economic operator. Specifically, he bases his case on article 45 of the EU Directive, which includes the provision that any economic operator “may be excluded from participation in a contract” if it “has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate.”

Machover argues that this type of discretionary decision by a public body in the United Kingdom can be subject to a legal challenge in the High Court. It is expected that when local authorities are presented with hard evidence of Veolia’s “grave professional misconduct,” coupled with substantial public pressure and a credible threat of High Court involvement, they may opt to exclude Veolia to avoid the trouble. If this approach yields positive results, it is likely to be emulated across other EU states, where the same laws apply.

### Derailing Veolia and Alstom

In October 2008 in partnership with Mewando, the leading Basque solidarity network, the Boycott, Divestment and Sanctions Campaign National Committee (BNC)<sup>16</sup> organized in Bilbao Europe’s first civil society conference focusing on BDS. The main outcome of this effort was the Bilbao Initiative,<sup>17</sup> which endorsed BNC’s groundbreaking, in-depth analysis of Israel’s regime over the Palestinian people, “United against Apartheid, Colonialism and Occupation: Dignity and Justice for the Palestinian People,”<sup>18</sup> and focused on specific, practical BDS campaigns to be coordinated across Europe and beyond. The campaign against Veolia and Alstom was declared a top priority.

One of the earlier BNC efforts to counter JLR-implicated corporations was an appeal<sup>19</sup> sent to the Kingdom of Saudi Arabia by the Palestinian Grassroots Anti-Apartheid Wall Campaign and the Civic Coalition for Defending the Palestinians’ Rights in Jerusalem, urging the Saudi government not to award Alstom a \$2.5 billion contract to build a power plant. On top of presenting the legal, political, and moral arguments against Alstom, the document detailed Saudi Arabia’s historic commitment to the Palestinian cause in general and the question of occupied Jerusalem in

particular, concluding that awarding this lucrative contract to a company that is colluding in Israel's declared intent to further colonize and "Judaize" the Holy City would, for all intents and purposes, undermine these unique commitments, not to mention obligations under international law. Unfortunately the Saudi government has yet to respond to the appeal, let alone heed it. In fact, according to a recent report in the Dubai-based *Gulf News*, "Alstom is part of a consortium awarded a \$1.8 billion (Dh6.6 billion) civil works contract in March for the Makkah-Madinah railway, the Haramain Express."<sup>20</sup> It is a bitter irony that Saudi Arabia is allowing the same company that is unapologetically complicit in colonizing Jerusalem, regarded by Islam as a holy city, to build a railway connecting Islam's two holiest cities, Mecca and Medina. This has prompted even the normally complacent Palestinian Authority to register an official complaint with the Saudis and try to convince them to scrap Alstom's involvement in the Haramain Express.<sup>21</sup>

In Europe, meanwhile, the scene was friendlier for the campaign against JLR partner companies. As part of the aforementioned Bilbao Initiative, human rights lawyers, activists, and trade unionists, in full coordination with the BDS National Committee, launched several focused BDS campaigns, targeting corporations and institutions that are unmistakably complicit in aspects of Israel's multifaceted system of oppression of Palestinians. Thus the "Derail Veolia" campaign was born, aiming to coordinate already existing efforts in several countries and launching new ones to pressure Veolia, as well as Alstom, to withdraw from the illegal project by threatening public boycott campaigns if it failed to do so.

Other significant local campaigns against the two French companies involved in the JLR project, detailed below, shed some light on the innovative and principled tactics used and the impressive achievements reached to date.

After a long pressure campaign initiated by one determined and resourceful human rights activist and eventually endorsed by influential civil society groups in the Netherlands, the Dutch bank ASN, which identifies itself as an "ethical bank" that upholds international law and human rights, decided in November 2006 to divest from Veolia Transport and other companies that benefit from Israel's occupation of Palestinian

territory.<sup>22</sup> The decision followed months of meticulous research, networking, and public awareness efforts undertaken by the campaign organizers. United Civilians for Peace, a coalition of Dutch organizations advocating peace, human rights, and development, produced a well-researched document detailing the links between Dutch companies and the Israeli occupation of Palestinian territory. The Palestinian Grassroots Anti-Apartheid Wall Campaign was also involved in the campaign at various stages, providing empirical data and advice. Simultaneously, questions were raised in the Dutch Parliament about a specific Dutch company involved in the construction of the illegal wall. Veolia's initial claims that it was not aware that its involvement in the JLR was illegal ring hollow, given the fact that Amnesty International in France had issued a clearly worded document stating just that, months earlier,<sup>23</sup> and had warned Veolia's management not to get involved in this project.

Together, these developments led to extensive media coverage of the whole issue of the complicity as well as the legal and ethical responsibility of companies, which in turn raised the level of pressure on ASN Bank significantly, convincing it to start a process of investigation of Veolia's involvement in the objectionable project and, eventually, to end its investments in it.

A Swedish coalition of faith-based groups, led by Diakonia, was quick to follow suit. During Israel's atrocious war on Gaza, the Stockholm community council announced<sup>24</sup> that Veolia, which had been the operator of the Stockholm County metro for the previous ten years, had lost the contract for the next eight years. Worth 3.5 billion euros (approximately \$4.5 billion), this contract is considered the largest ongoing public procurement process in Europe. And although the council stated that its decision was based solely on commercial considerations, the massive public campaign waged by Swedish groups against Veolia in the months leading up to the decision could not but have been a decisive factor for any politician hoping to get reelected.

Adri Nieuwhof, a human rights advocate who has played a leading role in exposing European corporate complicity in Israel's occupation, had this to say about the impressive Swedish public campaign against Veolia:

Swedish activists informed the public about the role of companies in benefiting from the occupation through several actions. The Swedish non-governmental organization Diakonia's research on [the] Mul-T-Lock factory in the Barkan Industrial Park in a West Bank settlement led to the October 2008 decision of [factory] owner Assa Abloy to divest from the company. At that time Veolia was bidding for an eight-year, \$4.5 billion contract to run the subway in Stockholm County. Swedish journalists questioned politicians about Veolia's role in an Israeli tramway project that links Israeli settlements and normalizes the illegal situation of the settlements. At the Give Veolia the Red Card event on 15 November 2008, passengers on the Stockholm subway were asked to attach a red card to their clothes to protest Veolia's involvement in the Jerusalem tramway on occupied Palestinian territory.<sup>25</sup>

Weeks after this meaningful defeat for Veolia in Sweden, its partner in the JLR project suffered just as momentous a setback when the Swedish national pension fund, AP7, decided to exclude Alstom from its investment portfolio.<sup>26</sup> Considering the size of the Swedish fund, \$15 billion, this decision was bound to have serious consequences for Alstom and other companies in a similar situation. This time, however, the decision was explicitly justified on the grounds of Alstom's involvement in the illegal JLR project, reflecting the intensifying discontent in the Swedish public, especially after Gaza, with companies that profit from unethical and illegal Israeli projects and a determination to make them—literally—pay for it.

In March 2009, Palestine Solidarity Campaign (PSC) in the West Midlands, United Kingdom, celebrated another significant victory in the campaign against the JLR. The Sandwell Metropolitan Borough Council decided not to consider further Veolia's bid for the Waste Improvement Plan contract, which is worth about \$1.5 billion over twenty years.<sup>27</sup> Again, the council insisted that the decision was commercial, not political. And again, the public pressure that was brought to bear before the decision looked too sweeping to ignore.

Elsewhere in the UK, several local campaigns have sprouted to derail Veolia from a number of large public works contracts. From Hampshire County to Liverpool to Camden to South Yorkshire, local authorities are

facing mounting political, and sometimes legal, pressure from Palestine solidarity groups, mainly associated with PSC, to exclude Veolia from bidding for public projects.

Most recently, Veolia started feeling the heat right at home. The Greater Bordeaux local government announced that it was awarding—on commercial grounds, of course—a \$1 billion contract for the biggest urban network in France to Veolia’s competitor, despite intense lobbying by Veolia. La Plateforme BDS Bordeaux marked this achievement by saying, “Veolia’s involvement in the situation of [Israeli] apartheid has already led to its loss of several contracts, and this is just the beginning.”<sup>28</sup>

### Artistic Resistance

In Australia, the campaign against Veolia’s subsidiary Connex took on an entirely new shape. Award-winning visual artist Van Thanh Rudd created a stir in Melbourne with his installation *Economy of Movement: A Piece of Palestine*. Rudd’s installation, which looks like a museum display, shows a stone sitting on a glass base. A panel hanging behind it reads “The stone exhibited is from East Jerusalem (Occupied Palestinian Territory). It was thrown at an Israeli Defense Force (IDF) tank by a Palestinian youth.” Another panel to the right reads “IDF tanks are protecting French companies Veolia (Connex) and Alstom as they conduct illegal operations on Occupied Palestinian Territory.”

Rudd explained his motives saying, “I thought it would be a great opportunity to make artwork that would clearly outline Veolia’s illegal operations on occupied Palestinian territory.”<sup>29</sup>

### Recent Developments: Veolia’s Setbacks and Exposed Segregation

In an unexpected turn of events, after months of intensive lobbying and awareness-raising by the Derail Veolia and Alstom campaign, *Haaretz* reported that Veolia was “abandoning” the JLR and was even “trying to sell its 5% stake in Citypass, the light rail consortium.” According to the report, “The organization based itself on an article in French law that allows the court to void business agreements, signed by French companies, that violate international law.” However, it cites “political pressure” and the loss of “major projects in Europe because of its involvement in the Jerusalem job”



as the “real reason” for Veolia’s withdrawal from the JLR, according to unnamed observers.<sup>30</sup>

Reportedly due to contractual obligations, however, Veolia said it was unable to sell its share and instead embarked on a public relations campaign, conducting a survey, partially to try to show that Palestinians in occupied East Jerusalem are content with the JLR. The fact that the survey’s scientific credibility was very much in doubt only confirmed the view that it was little more than Veolia’s latest attempt to whitewash and deflect attention from the JLR’s indisputable colonization and dispossession impact on the Palestinian people, especially in occupied Jerusalem. As Adri Nieuwhof reports: “The bad publicity around the [Veolia] survey—described as racist by even members of the Israeli government—is an ironic turn of events.... Veolia, which plays a key role in the rail project that strengthens Israel’s grip on occupied East Jerusalem, has used dubious surveys of Palestinians in attempt to put a positive spin on its involvement in the project.”<sup>31</sup>

The JLR consortium, CityPass, had asked Jerusalem residents whether they were comfortable with JLR stations in Palestinian neighborhoods of occupied East Jerusalem and whether they were bothered by both Jews and Arabs mounting freely “without undergoing a security check.” In a letter to CityPass, Yair Maayan, Jerusalem’s municipal director general, wrote: “We were flabbergasted to see how a private commercial consortium dared to address these subjects, which are none of its business whatsoever; to ask such racist questions and to arouse strife and contention in the city.”<sup>32</sup>

Meanwhile Palestinians are affected by the JLR in various harmful ways, according to Nieuwhof’s report:

Two-thousand square meters of land belonging to Shuafat resident Mahmoud al-Mashni have been confiscated for the light rail project, and more of his land will be confiscated for the parking lot next to the station. “It is not good for us, it is good for the Jewish settlements,” al-Mashni explained in a telephone interview with *The Electronic Intifada*. “We cannot afford to pay the fees. One ticket will cost 15 shekels [\$4]. Our income is low. The bus to East Jerusalem costs us only four shekels [\$1].” . . . According to al-Mashi, as the light rail uses half of the width of the main



road that cuts through Shuafat, it is no longer possible to cross the road. Traffic is now restricted to two lanes in each direction, causing traffic jams when buses and cars stop at the shops along the road.<sup>33</sup>

In another scandal, Israeli TV revealed that the qualifications for a JLR control and operations management job included the requirement that candidates must have completed “full military/civic service.” This blatantly discriminatory requirement, which echoes racist job requirements used for decades by Israeli public and private employers, automatically excludes the great majority of Palestinian citizens of Israel, who do not serve in the Israeli army. Despite reports that Veolia had retracted the ad, it is still prominently displayed on its website.<sup>34</sup>

While claiming “a clear, non-discriminatory policy based on free access for all parts of the population,” the JLR is in fact entrenching the status quo of racial segregation that prevails in Jerusalem. CityPass spokesperson Ammon Elian told a Belgian researcher: “If Palestinians would want to make use of the light rail, both groups [Palestinians and Jewish Israelis] will not meet on the train, because of their different life patterns.”<sup>35</sup>

Racial segregation is not the only form of discrimination condoned by Veolia. The company has also colluded in making some of the bus lines it operates gender segregated to appease Jewish fundamentalists. Nieuwhof writes:

Meanwhile, Veolia Transport continues to operate the segregated bus service 322 from Tel Aviv to Ashdod. At the terminal for bus 322 in Tel Aviv, small posters promise eternal damnation for those who do not observe the rules of halacha, or Jewish religious law. On 8 April [2010] chairman of the municipal council in Tel Aviv Yael Dayan told the Swiss newspaper *Le Temps* that bus service 322 is a “kosher” bus route, meaning that gender segregation is practiced with the agreement of the authorities. Women enter through the rear of the vehicle and the men from the front. They cannot touch each other or sit next to one another. In some buses, a thick blanket is hung in the middle of the bus between the two sexes. “It’s the return of the Middle Ages,” Dayan told *Le Temps*. Veolia Transport confirmed in a phone call with Who Profits from the Occupation? that bus 322 is segregated.<sup>36</sup>

As a result of its ongoing involvement in such violations of international law and human rights, Veolia has suffered major setbacks in several places. The London-based Islamic Human Rights Commission recently reported that “Tehran’s mayor scrapped plans for Veolia to have a key role in the city’s urban transport system.”<sup>37</sup> The BNC had sent a letter to the Iranian leadership last May through European NGOs in Geneva, during the UN Durban Review conference, reminding Tehran of its commitments and obligations to contribute to the defense of Jerusalem against Israel’s colonial designs and urging it to exclude Veolia and Alstom from all Iranian public works contracts due to the companies’ involvement in the illegal JLR project.

On May 10, 2010, the Dublin City Council unanimously passed a resolution calling on its city manager not to sign or renew any contracts with Veolia. The Irish Palestine Solidarity Campaign, which led the Derail Veolia/Alstom campaign in Ireland, expressed joy at this sweeping, hard-earned victory. IPSC spokesperson David Landy stated that this was “just the latest in a string of such defeats,” adding, “Veolia has suffered as a result of their active participation in Israel’s apartheid policies.... The IPSC once again urges Veolia to heed the Palestinian call for BDS and divest now from its Israeli operations in the occupied Palestinian territories. However, until it does so, the IPSC will continue to campaign for Veolia not to be granted contracts in Ireland.”<sup>38</sup>

Following this inspiring victory in Ireland, the third in a row against Veolia, it was Wales’s turn. On June 17, 2010, the Council of Swansea, the second largest city in Wales, set a precedent in the United Kingdom by voting to exclude Veolia from municipal contracts due to its complicity in violations of international law. The resolution states: “This Council therefore calls on the Leader & Chief Executive not to sign or allow to be signed any new contracts or renewal of any existing contracts with Veolia or any other company in breach of international law, so long as to do so would not be in breach of any relevant legislation.”<sup>39</sup>

The Derail Veolia and Alstom Campaign will continue its civil pressure on both companies until they completely sever their links with all Israeli projects that are in violation of international law, not just the JLR. Specifically, Veolia is still involved in providing bus services that link

Jerusalem with illegal colonies and in the dumping of waste from Israel and its settlements in the Tovlan landfill in the occupied Jordan Valley.[40](#)

### Final Remarks

From Melbourne to Stockholm and from Bordeaux to Dublin and Swansea, companies implicated in the JLR project are not just facing symbolic protests by marginalized demonstrators; they are experiencing real, deep losses that are directly connected with their JLR involvement. What initially seemed like a desperate swim against the tide to reach the shores of justice is increasingly looking like a great wind that may well cause the tide itself to be reversed.

**“BOYCOTTS WORK”**OMAR BARGHOUTI INTERVIEWED BY ALI MUSTAFA<sup>d</sup>

Why do you characterize Israel as an apartheid state, and how is it similar to or different from apartheid South Africa?

The most important point is that we don't have to prove that Israel is *identical* to apartheid South Africa in order to deserve the label *apartheid*. Apartheid is a generalized crime according to UN conventions, and there are certain criteria that may or may not apply in a given situation—so we judge a situation of institutionalized discrimination in a state on its own merits regarding whether it fulfills the conditions to be called an apartheid state. According to the basic conventions of the UN defining the crime of apartheid,<sup>1</sup> Israel satisfies the conditions to be assigned the label *apartheid*.

Beyond the clear racial separation in the occupied West Bank between Jews and “non-Jews” (indigenous Palestinians)—separate roads, separate housing, separate everything—apartheid is also alive and well *inside* Israel, despite deceptive appearances. Israel's version of apartheid is more sophisticated than South Africa's was; it's an evolved form.

South African apartheid was rudimentary, petty, primitive, so to speak—literally black and white, clear separation, no rights. Israel's apartheid is more hidden and covered up with a deceptive image of “democracy.” Palestinian citizens of Israel (the indigenous population that survived the massive ethnic cleansing campaign of 1948 and remained put) have the right to vote, and that is a huge difference from South Africa; however, in every other vital domain they are discriminated against by law—not only by policy but by law. In addition, they are only allowed to vote for a system that enshrines apartheid! Any party that calls for dismantling Israel's racist

laws, instituting unmitigated equality, and transforming the state into a real democracy as a state of all its citizens, cannot run for the Knesset.

Israel's system is a *legalized* and *institutionalized* system of racism that enables one racial group to persistently dominate another, and that's what makes it apartheid. Even successive US State Department reports on human rights have repeatedly condemned Israel's "institutional, legal and societal discrimination" against its "non-Jewish" minority.<sup>2</sup>

There is racism in Canada and other Western democracies as well, one may argue, but the difference is that it's not institutionalized and legalized, at least not any longer. The United States did have an apartheid situation in the Jim Crow South when there were different laws governing whites and nonwhites, but today we cannot say that about the United States in the legal sense, despite the prevalence of racism there in other, indirect forms.

A compelling case can be made, and indeed has been made, that Canada's and the United States' treatment of their respective indigenous populations, the first nations of the land, constitute institutionalized racism that is designed to deny them their right to self-determination on their ancestral lands and to receive reparations. Things are far more blatant in Israel, though.

There are basic laws, equivalent to constitutional laws in other countries (as Israel does not have a constitution), where there is clearcut discrimination between Jews and non-Jews. The most important rights that are given to Jewish citizens and not to non-Jewish citizens are the rights to automatic citizenship *and* nationality for any Jewish immigrant who comes from abroad to Israel. By contrast, Palestinian refugees who were ethnically cleansed by Zionist militias and later Israel in 1948, and ever since, are not entitled to go back to their homes of origin, as stipulated in international law, simply because they are not Jewish. There is no officially recognized "Israeli" nationality, but there is "Jewish nationality"—Palestinians as citizens can never get nationality in Israel, because the Israeli establishment, including the High Court, does not recognize an Israeli nationality. This is the kind of apartheid we have in Israel.<sup>3</sup>

Another very important point is that almost all the land in Israel is by law off limits to the state's so-called non-Jewish citizens. As Chris McGreal writes in the *Guardian*: "Israeli governments reserved 93% of the land—

often expropriated from Arabs without compensation—for Jews through state ownership, the Jewish National Fund and the Israeli Lands Authority. In colonial and then apartheid South Africa, 87% of the land was reserved for whites.”<sup>4</sup> This is worse than South Africa—*93 percent of land* is for the benefit of Jewish citizens of the state of Israel and Jews around the world, and them alone. If this is not apartheid, I don’t know what is.

Indeed many analysts would argue that Israel’s occupation, colonization, and denial of refugee rights is much worse than anything South Africa had, and that is true. South Africa, unlike Israel, did not employ ethnic cleansing to expel most of the indigenous population out of the country, although they did transfer populations as a form of social engineering apartheid. In South Africa the overall plan was to exploit blacks not throw them out of the whole country. Israel’s highest policy priority since its creation is getting rid of as many Palestinians as possible and grabbing as much of their land as practical, without inviting the full wrath of the world. South African apartheid force also never bombed bantustans with F-16s; they never reached Israel’s level of sustained, massive, outright violence, medieval siege, and massacres. Of course there was Sharpeville, there were massacres in Soweto and so on, but it all pales in comparison to what Israel has been doing to the Palestinians, and this is according to testimonies from Desmond Tutu, former ANC leader and government minister Ronnie Kasrils, and other South African leaders.

One of the most contentious aspects of the BDS campaign is of course the academic boycott. Can you clarify exactly what this means and why Israeli academic institutions are, as you argue, such a fundamental extension of the Israeli state and state policy?

The academic boycott, which was called for by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) in July 2004, is an institutional boycott—so it’s a call to every conscientious academic and academic institution to boycott *all* Israeli academic institutions because of their ongoing deep complicity in perpetuating Israel’s occupation and other forms of oppression.<sup>5</sup> What do we mean by “complicity”? That’s a very fluid term. Complicity of the academy in the case of Israel is different from academic complicity elsewhere. In Canada, for example, your biggest

universities are certainly complicit in Canadian policy, especially because they're all state-funded institutions, exactly as in Israel (all universities in Israel are state funded). What's different is that in Israel they are in full, organic partnership with the security-military establishment, implicating them in war crimes and other grave violations of international law. Many weapons for the Israeli army are developed through the universities; most of the research used in planning, justifying, and whitewashing the oppression of the Palestinians and denial of Palestinian rights is done by academics in university programs; and major colonization projects that under international law are classified as war crimes have been produced by universities. There are many specific examples. The idea of the Israeli wall to be built on occupied Palestinian territory was produced in an academic environment, as was the wall's design. An academic at Haifa University claims that this is his brainchild—and there is no reason not to believe him, as he has produced other projects that were terribly involved in ethnic cleansing Palestinians even inside Israel. So at every level there is a very deep, entrenched complicity of the Israeli academia in the security-military establishment.

Also, nearly all Israeli academics, like other adult Israelis in a defined age group, serve in the occupation reserve army—that is, they serve as occupying soldiers—for three months each year. They leave academia, research, everything else, and serve at a military roadblock or a post that is even worse. During that service period, they're either participating in the commission of human rights violations and war crimes or watching them in apathy and silence. In either case they are complicit. The universities not only tolerate this reserve duty but promote it—it is part of the system. Omnipresent on campuses, the military-security establishment goes almost unnoticed, like any normal part of the academy.<sup>6</sup>

Despite this, we are not calling for boycotting individual academics but institutions. If our boycott is were focused on individuals, it would be McCarthyist—it would involve some form of McCarthyism or political testing: who is a good Israeli academic, who is bad, and, crucially, who decides and according to what criteria? We are opposed to that *on principle*. It's a very troubling prospect to impose political tests; that's why we have chosen an unambiguously *institutional* boycott.



One common argument against the BDS campaign is that dialogue is more constructive than boycotts. How would you respond?

That's a false argument, factually and logically. Factually, there have been so many attempts at "dialogue" since 1993 when the so-called peace process was launched at Oslo. Many grassroots dialogue organizations and initiatives were established; it became an industry—we call it the "peace industry." You could get rich and/or famous rather quickly by getting involved in one of those dialogue groups, plus you get to travel to Europe and stay in fancy hotels and get some other benefits as well. But otherwise it produces absolutely nothing on the ground in terms of advancing the cause of a just peace and ending oppression. The main reason is because this peace industry is morally flawed and based on a false premise: that this "conflict" is mainly due to mutual hatred and implies mutual responsibility, and thus you need some kind of therapy or dialogue between those two equivalent, symmetric, conflicting parties. Put them in a room, entice them—or force them—to talk to one another, and then they will fall in love, the hatred will go away, and you will have a Romeo and Juliet story. Of course, this is deceitful and morally corrupt because the conflict is a colonial conflict—it's not a domestic dispute between a husband and a wife in a culture of social equals. It's a colonial conflict based on ethnic cleansing, racism, settler colonialism, and apartheid. Without removing the root causes of the conflict, you cannot have any coexistence, at least not *ethical* coexistence.

There are many other issues related to this dialogue industry. Within it you don't have *dialogue* between asymmetric parties, you have lopsided *negotiations*. To have a dialogue you have to have a certain minimal-level common denominator, or a common vision for the ultimate solution based on freedom, equality, democracy, and ending injustice. If you don't have that common denominator, then it's *negotiation* between the stronger and weaker party. In such a situation, as I've written elsewhere, you can't have a bridge between them but only a ladder where you go up or down not across—because there is no across. I call this the master-slave type of coexistence. It's also a form of "peace": a master and a slave can reach an agreement where the enslavement is accepted as reality and the slave cannot challenge

it but only make the best out of it. There is no war—no conflict, nobody is killing anybody—but the master remains master and the slave remains slave.

That is not the kind of peace that we, the oppressed, are seeking or can ever resign ourselves to. The minimal requirement for ethical coexistence is a peace based on justice and full respect for human rights. Only with justice can we have a sustainable peace. So dialogue between oppressor and oppressed cannot work when it is devoid of agreement on the basis for justice—it has not worked in reality and cannot work in principle.

Boycotts, on the other hand, work in reality and in principle, as was shown in the South African anti-apartheid struggle. There is absolutely no reason why they cannot work in our case too. Israel's total impunity, perpetuated through the official support it receives from the West in all fields (diplomatic, economic, cultural, academic, and so on), means that unless the price of its system of oppression is sufficiently raised through concerted civil-society pressure campaigns, it will never give it up; it will never concede on any of our inalienable, UN-sanctioned rights.

Of course there is the historical example of South African apartheid, but I am wondering whether there are any other historical forms of nonviolent resistance besides boycotts—that the PACBI and BDS campaigns draw their inspiration from.

Yes, we draw our inspiration and experience primarily from our rich Palestinian history of nonviolent, or civil, resistance. For a hundred years, well before the South African resistance movement's inspiration, our own history has had fertile roots of civil resistance against the settler-colonial conquest of Palestine. We have resisted mostly with *civil* resistance, not armed resistance, contra the common myth that Palestinian resistance is only armed. Palestinians from all segments of society have always resisted with social, political, cultural, and artistic popular resistance, strikes, demonstrations, tax boycotts, women's and trade union organizing, and so on. ... The majority of our people have always been involved in nonviolent resistance even before the inspiration of Gandhi, King, and Mandela.<sup>7</sup>

Many academics, even those generally sympathetic to the Palestinian cause, argue that any proposed academic boycott jeopardizes the principle of academic freedom.<sup>8</sup> Is there any truth to that claim?

The claim itself is quite biased in that it privileges Israeli academic freedom over any other freedom for the Palestinians. Those making this claim completely ignore that by denying Palestinians their basic rights—all our freedoms—Israel is infringing deeply on our academic freedom. That doesn't count, it seems.

The conception of academic freedom implied in the question is used primarily to muzzle serious debate about the complicity of the Israeli academy in planning, executing, and whitewashing Israel's occupation, colonization, and apartheid. It seems to be restricted to the suppression of the "free exchange of ideas among academics," leaving out the situation of academics in contexts of colonialism, military occupation, and other forms of national oppression, where "material and institutional foreclosures . . . make it impossible for certain historical subjects to lay claim to the discourse of rights itself," as Judith Butler eloquently argues.<sup>9</sup> Academic freedom, from this perspective, becomes the exclusive privilege of some academics but not others.

We never heard those same liberal voices protest when Israel shut down Palestinian universities during the first intifada—Birzeit University, for example, was shut down for four consecutive years. We didn't hear much of an outcry among those liberals who are now shouting "Academic freedom!" Is academic freedom a privilege for "whites" only? Do we, global southerners, deserve academic freedom as well? Are we equally human or not?

Those who care about academic freedom only when it pertains to Jewish Israelis—perceived as "white," "European," "civilized"—and not when it pertains to us brown Palestinians are hypocritical, to put it mildly. Moreover, the academic boycott that PACBI is calling for and that all our partners are adopting is *institutional*, targeting academic institutions due to their entrenched complicity. It does not infringe on the rights and privileges of Israeli academics to go out and participate in conferences and so on, so long as this is not the product of an institutional link. We are calling for cutting all *institutional* links, not for cutting off visits by individual

academics, artists, or cultural figures to participate in events. It is, then, quite inaccurate and politically motivated to call the institutional academic boycott of Israel a form of infringement on academic freedom.

Some have actually claimed that such an academic boycott would *enhance* the academic freedom of Israeli academics. Could you elaborate on that a little bit?

Yes. Professor Oren Ben-Dor, for instance, who is an Israeli British philosopher supporting the boycott, argued this in an article a few years ago.<sup>10</sup> He wrote that one of the purposes of the proposed academic boycott is to “provide a means to transcend the publicly sanctioned limits of debate,” adding, “Such freedom is precisely what is absent in Israel.” The academic boycott, from this viewpoint, is credited for “generating,” not repressing, academic freedom. “The Zionist ideology which stipulates that Israel must retain its Jewish majority,” Ben-Dor says, “is a non-debatable given in the country—and the bedrock of opposition to allowing the return of Palestinian refugees. The very few intellectuals who dare to question this sacred cow are labeled ‘extremists.’ ”

My next question is along these lines. Another common argument made by critics of the BDS campaign is that only after Hamas ceases launching rockets into Israel will peace be possible. How would you respond to this claim?

OK, where do I start? Well, let’s start with the occupied West Bank. In the West Bank you have a largely obedient Palestinian Authority (PA) that acts mainly as a subcontractor for the Israeli occupation, serving its “security” needs and relieving it of its civic burdens of running the education, health, sanitation, and other systems for the Palestinian population in most of the occupied territory. Israel gets indispensable support from the Palestinian Authority in Ramallah, which lacks any democratic mandate from the Palestinian people under occupation. The PA has not succeeded in stopping Israel’s construction of the wall (which is illegal according to the 2004 advisory opinion of the International Court of Justice at The Hague), or the construction of colonial settlements (which are also illegal—fitting the definition of war crimes under the Fourth Geneva Convention), or the

checkpoints (there are more than six hundred roadblocks and checkpoints that severely curtail Palestinian freedom of movement), or the confiscation of land, or the indiscriminate killings (including of children), or house demolitions (the collective punishment of choice in occupied Jerusalem), or the incarceration of political prisoners, or any of the other repressive occupation measures that are designed to ethnically cleanse the indigenous Palestinians in a very slow and gradual, but persistent, manner, especially in and around Jerusalem. We have not seen any difference between Israel's repression in the West Bank and its repression in Gaza, prior to the siege and the latest war of aggression of course. In other words, with or without Hamas, Israel's multifaceted colonial oppression hardly changes. Its master plan is to get rid of us or as many of us as politically possible, no matter who "rules" us. In the West Bank there is no Hamas in power—it's the US- and Israel-backed PA—but still Israel continues with its policies of colonization and racism. It's irrelevant whether or not Hamas accepts Israel's so-called right to exist as a Jewish state (read: an apartheid state)<sup>11</sup> or accepts the '67 borders—totally irrelevant. Israel will never accept our rights as a people unless it is compelled to.

No colonial settler regime, from Northern Ireland to Algeria to South Africa, ever gave up power voluntarily or through persuasion, history teaches us, without effective, persistent, and ever-evolving resistance, coupled with massive and sustained international solidarity, the oppressed have little hope in ending injustice and achieving real peace. Our sixty-two years of experience with Zionist colonial oppression and apartheid have shown us that unless we resist by all means that are harmonious with international law—particularly civil resistance—in order to force Israel into a pariah status in the world, like that of South Africa in the 1980s, there is no chance of advancing the prospects for a just peace.

Finally, you have argued numerous times in your published works that ultimately you would like to see in historic Palestine a binational, secular, democratic state . . .

Not a *binational* state! I am completely against "binationalism" in our context. A secular, democratic state yes, but not binational. There is a big difference.

OK, so maybe you can clarify that for me—a secular, democratic state in which Palestinians and Israeli Jews can live together with equal rights under the law. Israeli policy that has rendered a viable two-state solution unlikely and the so-called international consensus aside, what exactly is the sentiment on the ground in Palestine on this question?

OK, first I must clarify that the BDS movement takes no position on the shape of the political solution. It adopts a rights-based, not a solution-based, approach. In other words, the BDS movement is neutral on the one-state, two-state debate. It is largely a consensus movement among Palestinians, focusing on our three fundamental rights, which very few Palestinians disagree with.

On a personal level, not as a representative of the BDS movement, I have for over twenty-five years consistently supported the secular democratic unitary state solution in historic Palestine, based on justice and full equality. I am categorically against binationalism as a solution for the question of Palestine, for several moral and logical reasons that would take me too long to explain.<sup>12</sup> Let me just give a primary reason. The binational model assumes that there are two nations with equal and competing moral claims to the land, and therefore we have to accommodate both national rights.

I prefer to stick to the model I support, which is a secular, democratic state: one person, one vote—regardless of ethnicity, religion, nationality, gender, and so on and so forth—full equality under the law with the inclusion of the refugees (this must be based on the right of return for Palestinian refugees to their homes of origin, per UN resolutions). In other words, I am calling for a secular, democratic state that can reconcile our *inalienable* rights as indigenous Palestinians with the *acquired* rights of Israeli Jews as colonial settlers, once they've shed their colonial character and privileges and accepted justice and international law.

Why do I see this as the most moral and sustainable solution? It's ethically superior, in my view, because it treats people as equal humans. The two-state solution is not only impossible to achieve now—Israel has made it an absolute pipe dream that cannot happen—but also, crucially, an *immoral* solution. At best, it would address some of the rights of Palestinians in the occupied West Bank and Gaza, a mere one-third of the

Palestinian people, while ignoring the majority of Palestinians—those in exile, the refugees, as well as the Palestinian citizens of Israel. There are three segments of the Palestinian people; unless the basic requirements of justice for all three segments are guaranteed, as the BDS Call and entire campaign insists, we shall not have exercised our right to self-determination. The only way that we can exercise our right to self-determination, without imposing unnecessary injustice on our oppressors, is to have a secular, democratic state where nobody is thrown into the sea, nobody is sent back to Poland, and nobody is left suffering in refugee camps. We can coexist ethically with our inalienable rights given back to us, and everyone's and every community's rights are safeguarded and promoted.

Now on the ground—back to your question—there is no political party in Palestine now or among Palestinians in exile calling for a secular, democratic state solution. Despite this, polls in the occupied West Bank and Gaza in the last few years have consistently shown some 25–30 percent support for a secular, democratic state.

Two polls in 2007 showed two-thirds majority support for a singlestate solution in all flavors—some of them think of a purely Palestinian state without Israelis, for example. In exile, the percentage of support for one state is much higher, because the main issue is that refugees in particular, and people fighting for refugee rights as I am, know that you cannot practically reconcile the right of return for refugees with a *negotiated* two-state solution, as Israel will never accede to it. It must be *compelled* to accept applying international law in this regard, as apartheid South Africa was. That is the big elephant in the room, and people are ignoring it. Realizing the UN-stipulated right of return and reparation for Palestinian refugees would radically transform Israel from an ethnocentric, racist Jewish state to a true democracy based on justice and equality. The right of return is a basic individual and collective right that cannot be given away and is not voided by the passing of time; it's inalienable.

A two-state solution was never moral, and it's no longer practically attainable either—it's impossible with all the Israeli colonies and structures of control. So we need to move on to the more moral solution that treats everyone as equal under the law, whether they are Jewish Israelis or Palestinians.



You hear a lot of academics and public intellectuals—including those opposed to the occupation—saying that the two-state solution represents the “international consensus,” and that the one-state solution of the kind you speak of is unrealistic. How do you respond?

The siege of Gaza is also an expression of “international consensus” of sorts, a consensus of the world’s hegemonic powers, not the peoples’; still, that doesn’t make it right. It’s an international conspiracy of complicity and silence; it is a war crime, indeed a crime against humanity, despite support from the US-controlled UN and all the powers that be around the world. It’s quite peculiar—and unfortunate—for activists, and public intellectuals who are counted as activists, to support the international consensus when they like to and oppose it on every other account. Opposing the Indonesian occupation of East Timor and calling for its independence from it at a time when there was an international consensus supporting Indonesia is a case in point. Progressive intellectuals the world over are not supposed to be fettered by some illusion of “international community,” which effectively means the United States, the European Union, and their satellites.

So “international consensus” often means that the main powers agree to perpetuate an unjust order because it fits their interests. That doesn’t mean we have to accept that; we have to struggle to change it, and the way we do that is on the ground. By proposing the more moral solution, we are saying that this can mobilize universal support from around the world—except from those who are keen to maintain Israel as a racist, ethnocentric state, or an evolved apartheid.

## BOYCOTTING ISRAELI SETTLEMENT PRODUCTS

### TACTIC VERSUS STRATEGY

A spate of news reports in 2008 on international companies moving out of the occupied Palestinian territory (OPT) to locations inside pre-1967 Israeli borders gave the impression that boycotting products originating in illegal Israeli colonies is on its way to becoming mainstream, handing the growing Boycott, Divestment and Sanctions (BDS) movement a fresh, substantial victory. While this development should indeed be celebrated by BDS activists everywhere, caution is called for in distinguishing between advocating such a targeted boycott as a *tactic*, leading to the ultimate goal of boycotting all Israeli goods and services, and advocating such a targeted boycott as the ultimate *strategy*. While the former may be necessary in some countries as a convenient and practical tool to raise awareness and promote debate about Israel's colonial and apartheid regime, the latter, despite its lure, would be in direct contradiction with the stated objectives of the Palestinian boycott movement.

In 2008, the Swedish company Assa Abloy heeded appeals from the Church of Sweden and other prominent Swedish organizations<sup>1</sup> and decided to move its Mul-T-Lock door factory from the industrial zone of the illegal Israeli colony of Barkan in the occupied West Bank to an as yet unannounced location inside Israel. In a thinly veiled warning, the Swedish NGO Diakonia, which led civil society efforts to bring about Assa Abloy's abandonment of the Barkan industrial colony, had stated that "international humanitarian and human rights laws primarily set out obligations for state actors. Under the principle of individual criminal responsibility, however, individuals—also CEOs of companies—can be held individually

responsible for certain grave violations of international law, including war crimes.”

Assa Abloy actually followed the lead of Barkan Wineries, a partially Dutch-owned company that had already left Barkan to Kibbutz Hulda.<sup>2</sup> The fact that part of this kibbutz sits on top of an ethnically cleansed Palestinian village (whose name, Khulda, the kibbutz had—typically—appropriated) was apparently not viewed as worthy to be mentioned in the documents that had initially accused the wine maker of wrongdoing under international law and some nevertheless welcomed its rectification of that infringement when it moved to the kibbutz.<sup>3</sup> This inconsistency raises serious questions about the commitment of some human rights and other civil society organizations to the *comprehensive* application of international law, not its selective application only to convenient cases that are acceptable to the—usually Western—funders, with their restrictive political agendas.

Moreover, in a noteworthy precedent, the *Independent* reports that the British government has angered Israeli officials by its decision to “crack down on exports from Israeli settlements,” based on the fact that Israel has persistently violated its trade agreements with the European Union, which provide tariff exemptions only for goods produced within Israel, not those produced in the occupied Palestinian territory (OPT).<sup>4</sup> Conforming to UN resolutions and international law, the United Kingdom and its EU partners, along with almost the entire so-called international community, consider Israeli settlements illegal, even a war crime, according to the Fourth Geneva Convention, and therefore ostensibly refuse to extend any tariff privileges to their products.

In reality, though, EU countries have for decades looked the other way while Israel exported its colonies’ products as produce of Israel.

According to an article in *Haaretz* on the background to this unfolding trade row between Israel and the United Kingdom—and potentially the whole European Union—Israel had agreed, in past disputes with the European Union, to indicate on products exported to the EU countries the geographic origin of its goods. Britain, however, charges that “Israeli companies located in settlements try to get around the agreement by registering company offices within the Green Line,”<sup>5</sup> effectively

obfuscating the lines distinguishing settlement products from other Israeli products and thereby breaching clauses in its agreements with the EU that specifically target the former.

Following intensive pressure from British and Palestinian human rights groups as well as from a fast-spreading—and quite promising—boycott campaign against Israel in the United Kingdom that reached the ivory tower of the academy as well as the largest trade unions, it seems that the British government is finally taking note of Israel's most obvious and unmistakable illegal practices and trying—albeit still lukewarmly—to work with its partners to put an end to them.

This evolving, commendable British policy, actually a belated recognition of the need to respect and implement a long-approved European policy, shows that the position advocated by the Palestinian Boycott, Divestment and Sanctions (BDS) campaign to boycott *all* Israeli products is not only morally but also pragmatically sound. At a most basic level, the BDS campaign's ceiling of demands should aim to be rather higher than that of the British government.

In fact, while the Palestinian BDS movement has consistently expressed its deep appreciation for every effort to treat Israel as apartheid South Africa was, it views the approach of focusing on banning only settlement products as the ultimate goal—rather than as a first, convenient step toward a general Israeli products boycott—as problematic, practically, politically, and morally.

At a practical level, as argued above, Israel has made it extremely difficult to differentiate between settlement and other Israeli products, simply because the majority of parent companies are based inside Israel or because colony-based companies have official addresses there. Most organic Israeli products, for instance, are produced in the illegal colonies in the OPT, but are labeled as products of Israel since the companies that *sell* them are based inside Israel, and that's where the final packaging (the last phase of the production process) is often done. This type of deception is common, especially since Israel is well aware that it is violating the EU-Israel trade agreement and is doing its best to get around the restrictions included in it. The only reason Israel has managed to get away with such blatant violation for so long is not technical but political: shameful—and,

unfortunately, quite typical—EU official complacency and treatment of Israel as a state above the law of nations.

Still, some genuine supporters of Palestinian rights may argue, it is much easier to continue to target settlement products with boycotts, as there is a consensus of sorts on the illegality of the settlements, whereas the same cannot be said about other Israeli injustices that would motivate a more comprehensive boycott, as urged in the Palestinian BDS Call. Even if one were to accept this pragmatic argument, the fact that Israel has failed to distinguish between settlement products and other Israeli products should justify—at a tactical level—advocating a boycott of all Israeli products and services, at least until Israel adequately complies with the EU requirement of labeling settlement products clearly and accurately.

Politically speaking, though, and even if distinguishing between produce of settlements and produce of Israel were possible, activists who on principle—rather than out of convenience—advocate a boycott of *only* the former may argue that they are merely objecting to the Israeli military occupation and colonization of 1967 and have no further problems with Israel. In other words, the fact that Israel is a state that practices apartheid, or institutionalized racial discrimination, against its own “non-Jewish” citizens and denies Palestinian refugee rights, sanctioned by the UN, does not raise their interest or burden their conscience. They seem content with supporting most of the rights of a mere one-third of the Palestinian people, ignoring the basic rights of the other two-thirds. Even if one ignores those other grave injustices committed by Israel, and irrespective of what solution to this entire oppression any of us may uphold, one cannot but recognize the inherent flaws in this argument.

When a state X occupies another “state” Y and persistently violates UN resolutions calling for an end to this occupation, the international community often punishes X and not some manifestation of X’s occupation. Governments aside, international civil society organizations have repeatedly boycotted entire states implicated in prolonged belligerent occupation, apartheid, or other severe human rights violations, and not just parts of those states. Was there ever a movement calling for boycotting the bantustans alone in South Africa? Are there calls for boycotting only the Sudanese army, or government officials and companies present in Darfur

today? Did any of the free-Tibet activists ever call for boycotting only those Chinese products made in Tibet?

As far as the legal dimension is concerned, the state of Israel, without doubt, bears full legal responsibility for its persistent infringements of international law. The eminent international law expert—and current UN special rapporteur for human rights in the occupied Palestinian territories—Professor Richard Falk lucidly makes this point.

From an international law perspective the broader view of Israel's responsibility for violations of international law is also beyond serious debate. In this respect, to single out the settlements has no particular relevance from the perspective of international law. The comprehensive blockade maintained by Israel in relation to Gaza since mid-2007 or the recurrent practice of house demolitions are shocking instances of collective punishment in direct violation of Geneva Convention IV, Article 33, and arguably of a more serious character from a humanitarian perspective and carried out directly by the Israel Occupation Forces or other official instruments of the Israeli government. The Government of Israel is clearly responsible for such practices, and many others, and should be held accountable under international law. For a civil society campaign to seek a boycott of Israeli official institutions or divestment from corporations doing profitable business in Israel, especially if in some way related to the occupation, is entirely appropriate, and arguably, is a civic duty supportive of the implementation of international law. . . .

The prevailing [legal] view is that all such [BDS] activities are consistent with international law and the legal positions repeatedly adopted by the United Nations. In light of the persistence and severity of the Israeli violation of fundamental Palestinian rights for a period of over sixty years, and given the failure of the United Nations and the governments of the world to implement Palestinian rights, it is politically and morally appropriate, as well as legally correct, to accord maximum support to the BDS campaign.<sup>6</sup>

Forgetting for the moment the fact that Israel was born out of ethnic cleansing of a majority of the Palestinian people and the systematic destruction of the indigenous Palestinian society, Israel is the state, the legal entity, that built and is fully responsible for maintaining the illegal Jewish colonies. Why should anyone punish the settlements and not Israel? This hardly makes any sense, politically speaking. Despite their noble intentions, people of conscience supporting peace and justice in Palestine who accept this distinction are effectively accommodating Israeli exceptionalism, or Israel's status as a state above the law.

Finally, and most crucially, there is a moral problem that must be addressed in this approach. Ignoring Israel's denial of refugee rights and its system of racial discrimination against its "non-Jewish" citizens, the two other fundamental injustices listed in the BDS Call, is tantamount to accepting these two grave—certainly not any less evil—violations of human rights and international law as givens, or things that "we can live with." Well, *we* cannot. Why should the European civil society that fought apartheid in South Africa accept apartheid in Israel as normal, tolerable, or unquestionable? Holocaust guilt cannot morally justify European complicity in prolonging the suffering, bloodshed, and decades-old injustice that Israel has visited upon Palestinians and Arabs in general, using the Nazi genocide as pretext.

This whole paradigm needs to be challenged, not accepted as common wisdom.

Therefore, wherever necessary in a particular context, advocating a boycott of settlement produce should be only a first, relatively easy step toward a full boycott of all Israeli products and services. It cannot be the final goal of activists committed to international law and human rights in a morally consistent way.



## OUR SOUTH AFRICA MOMENT HAS ARRIVED

As Israel shifts steadily to the fanatic, racist right, as 2009 parliamentary election results have shown, Palestinians under its control are increasingly being brutalized by its escalating colonial and apartheid policies, designed to push them out of their homeland to make a self-fulfilling prophecy out of the old Zionist canard “a land without a people.” In parallel, international civil society, according to numerous indicators, is reaching a turning point in its view of Israel as a pariah state acting above the law of nations and in its effective action, accordingly, to penalize and ostracize Israel as it did to apartheid South Africa.

Palestinian communities in Jerusalem, Jaffa, Hebron, the Jordan Valley, and the Naqab (Negev), among others, have been recently subjected to some of the worst ongoing Israeli campaigns of gradual ethnic cleansing intended to “Judaize” their space.<sup>1</sup> Qalqilya is suffocated by the colonial apartheid wall that surrounds it almost from all sides, while Nablus is often subjected to prolonged siege. In October 2008 the Palestinian community in Acre was brutally attacked by Jewish-Israeli fundamentalists and xenophobes in one of the worst pogroms witnessed by Palestinians inside Israel in recent memory.<sup>2</sup>

Still, Gaza today stands out as *the* test of our common humanity and of our indispensable morality. A thorough analysis of the role played by Western and some Arab governments in relation to Israel’s criminal war of aggression against Gaza will demonstrate a resounding failure on both accounts. Throughout the atrocious assault, the official West, the governments of Egypt and Saudi Arabia, the Ramallah-based Palestinian Authority leadership, and the obsequious UN leadership<sup>3</sup> were willing accomplices in Israel’s grave violations of international law and basic human rights.

In words that can quite accurately be used to describe Israel, Robert Kagan, a leading neoconservative ideologue, once justified US hegemonic tendencies as a prerogative of the mightiest: “The United States remains mired in history, exercising power in the anarchic Hobbesian world where international laws and rules are unreliable and where true security and the defense and promotion of a liberal order still depend on the possession and use of military might.”<sup>4</sup> True to this paradigm, Israel has for decades maintained a regime of occupation, colonization, and apartheid over the indigenous people of Palestine through the “possession and use of military might,” in addition to the requisite collusion of Western powers, whose unconditional largesse has for six decades enabled Israel to maintain and develop its multifaceted system of colonial oppression against the Palestinian people.

By contributing to Israel’s illegal blockade of Gaza and its criminal war against it, the European Union and other Western states have reached a qualitatively different stage of complicity, becoming, more blatantly than ever, full partners in the US-Israeli policy of undermining the rule of law and espousing in its stead the law of the jungle, thereby promoting the Bush–Bin Laden self-fulfilling prophecy of a dichotomous world divided surgically into good and evil, with each side regarding the other as evil.

In response to this fatal alliance of savage capitalism in the West with Israeli racism, exclusion, and colonial subjugation, the global movement for boycott, divestment, and sanctions (BDS) against Israel presents not only a progressive, antiracist,<sup>5</sup> sophisticated, sustainable, moral, and effective form of civil nonviolent resistance but also a real chance of becoming the political catalyst and moral anchor for a strengthened, reinvigorated international social movement capable of reaffirming the rights of all humans to freedom, equality, and dignity and the right of nations to self-determination.

### Gaza: The West’s Complicity in War Crimes

As early as 2007, Richard Falk, a prominent international law expert at Princeton University and the current UN special rapporteur for human rights in the occupied Palestinian territories (OPT), called the Western-supported Israeli siege of Gaza a prelude to “genocide”<sup>6</sup> and, later, “a

Holocaust in the making.”<sup>7</sup> Falk, who happens to be Jewish, argued that the siege is especially disturbing because it vividly expresses “a deliberate intention on the part of Israel and its allies to subject an entire human community to life-endangering conditions of utmost cruelty.”<sup>8</sup>

Using more discreet language, Sara Roy, a Harvard University expert on development in the OPT, accuses the European Union, along with the United States, of complicity in a deliberate Israeli policy of “de-development” of the OPT, killing any possibility of creating an independent and sovereign Palestinian state. By providing the Palestinians with “tangible benefits such as higher income and improved infrastructure,” Roy argues, the European Union was hoping to buy Palestinian support for substantial concessions in the so-called peace negotiations. She concludes, “The logic of international law was abandoned in the interest of maintaining a failed political process.”<sup>9</sup>

An examination of the Israeli siege of Gaza, most of whose population are refugees forcibly displaced<sup>10</sup> by Zionist militias—and later the state of Israel—during the 1948 Nakba, can elucidate this “de-development” policy, which amounts to collective punishment, as most legal experts agree. During this ongoing siege, which started as early as 2006, more than 80 percent of the 1.5 million Palestinians caged within the world’s “largest open-air prison” have been pushed into poverty and dependency on international humanitarian assistance; <sup>11</sup> the entire economic infrastructure has been systematically decimated, with more than 95 percent of the factories forced to shut down,<sup>12</sup> driving poverty and unemployment above sub-Saharan African levels; educational institutions have been unable to function properly due to lack of fuel and electricity for prolonged periods, as well as the lack of construction material needed to build schools to meet the rising demand, a fact that has denied forty thousand Gaza students enrollment in the UN school system for the school year 2010–11;<sup>13</sup> the health care system is on the verge of collapse, and hundreds of patients in need of critical health care, particularly cancer and kidney patients, have died after being denied access to medical facilities outside Gaza.

The longer-term effects of the siege are even more daunting.<sup>14</sup> According to the World Health Organization, chronic malnutrition and dietary-related diseases have alarmingly increased, resulting in rampant low birth weights; anemia in more than two-thirds of all children of age one year and younger; and stunted growth among children under age five, reaching 30 percent in parts of northern Gaza.<sup>15</sup> Moreover, preventable diseases, caused by polluted water and inadequate sewage processing, started spreading wildly. Thousands, mainly children, have suffered “anxiety attacks, bedwetting, muscle spasms, temporary loss of hearing and breathing difficulties,” according to a UN report, due to Israel’s concentrated use of sonic booms for weeks on end, a policy described by a senior Israeli army intelligence source as “intended to break civilian support for armed Palestinian groups.”<sup>16</sup>

A whole generation of Palestinian children in Gaza will suffer severe developmental and psychological disorders for many years to come, authoritative health studies have shown.<sup>17</sup> Field reports also point to a significant increase in the already-high rate of incidences of cancer and other deadly diseases directly related to Israeli-inflicted pollution and health care denial.

Reacting to the devastating impact of Israel’s siege, Karen Koenig AbuZayd, the commissioner-general of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), warned:

Gaza is on the threshold of becoming the first territory to be intentionally reduced to a state of abject destitution with the knowledge, acquiescence and—some would say—encouragement of the international community.... Humanitarian and human development work was never meant to function in an environment devoid of constructive efforts to resolve conflict or to address its underlying causes. Indeed, humanitarian work is profoundly undermined in a context where there is implicit or active complicity in creating conditions of mass suffering.<sup>18</sup>

It is this aspect of the siege, the processes leading to the slow death of masses of people and to inhibiting the development of a generation of

Palestinian children, that prompted Falk's eye-opening description of Israel's siege as constituting acts of genocide.

Former Israeli education minister Shulamit Aloni warned years ago of exactly that. As early as 2003, she condemned an Israeli atrocity that pales in comparison with the Israeli massacres just committed in Gaza, saying: "So it's not yet genocide of the terrible and unique style of which we were past victims. And as one of the smart [Israeli] Generals told me, we do not have crematoria and gas chambers. Is anything less than that consistent with Jewish ethics? Did he ever hear how an entire people said that it did not know what was done in its name?"<sup>19</sup>

And that was before Operation Cast Lead, Israel's rolling massacre in Gaza.

According to respected human rights organizations active in the field, Israel's twenty-three-day military offensive starting on December 27, 2008, led to the deaths of more than 1,400 Palestinians, approximately 83 percent of whom are civilians,<sup>20</sup> and to the partial or complete destruction of thousands of homes; the leading university; forty-five mosques; the Palestinian Legislative Council and several ministries, including those of education and justice;<sup>21</sup> scores of schools;<sup>22</sup> a Red Crescent Hospital and dozens of ambulances<sup>23</sup> and clinics; and thousands of factories and small businesses. Several massacres were committed and well documented.<sup>24</sup> The International Committee of the Red Cross accused Israel, in an unusually sharp tone, of failing to provide medical care to the injured and impeding medical relief from reaching them, thereby causing their bleeding to death, both severe violations of international humanitarian law.<sup>25</sup> More than 430 Palestinian children were killed in the three-week-long Israeli bombing,<sup>26</sup> some due to burns caused by Israel's illegal use of phosphorous bombs.

On the opening day of its assault on Gaza, the Israeli military caused massive destruction of civilian infrastructure and massacred close to two hundred Palestinian civilians, many of whom were noncombatant police trainees, while no Israeli civilians were reportedly killed. Nevertheless, Western leaders were quick to issue statements expressing concern about

the loss of life and suffering “on both sides,” blaming the Palestinian resistance for provoking the atrocities, and absolving Israel of any responsibility under the pretext of its “right to defend itself.”

Leading international jurists, however, categorically rejected Israel’s self-defense argument, accusing it of committing war crimes.<sup>27</sup> The UN Human Rights Council and the UN secretary general have called for impartial, independent war crimes investigations. Amnesty International,<sup>28</sup> Human Rights Watch,<sup>29</sup> even the main Israeli human rights organization, <sup>30</sup> B’Tselem,<sup>31</sup> the International Federation for Human Rights (FIDH), Oxfam, and the Euro-Mediterranean Human Rights Network,<sup>32</sup> among many others, have similarly accused Israel of committing war crimes, effectively refuting its self-defense claim—particularly since it was Israel that first violated the June 2008 ceasefire with Hamas on November 4, when it attacked and killed six resistance fighters without any provocation.<sup>33</sup>

Gerald Kaufman, a senior Jewish Labor Party member of the British Parliament, compared some Israeli actions to those of Nazis.<sup>34</sup> So did Noam Chomsky<sup>35</sup> and Holocaust survivor and senior academic Hajo Meyer,<sup>36</sup> of A Different Jewish Voice in the Netherlands. Echoing Kaufman, Chomsky, and Meyer, prominent Jewish British intellectuals and academics compared Gaza to the Warsaw Ghetto in a letter to the *Guardian*,<sup>37</sup> as did the International Jewish Anti-Zionist Network (IJAN) on Holocaust Remembrance Day in 2009.<sup>38</sup>

### Israel’s Other Colonial and Apartheid Policies

Gaza aside, Palestinian civil society and a growing number of influential human rights advocates recognize that Israel’s regime over the indigenous people of Palestine constitutes occupation, colonization, and apartheid. Specifically, Israel’s decades-old oppression takes three basic forms, which were at the core of the Palestinian BDS Call:

1. the prolonged occupation and colonization of Gaza and the West Bank, including East Jerusalem, and other Arab territories



2. the legalized and institutionalized *system* of racial discrimination against Palestinian citizens of Israel
3. the persistent denial of the UN-sanctioned rights of Palestinian refugees, paramount among which is their right to reparations and to return to their homes of origin, in accordance with UNGA Resolution 194

Palestinian civil society has expressed its belief that ending these three forms of oppression is the minimal requirement to achieve a just peace in our region.

The most important of all three injustices is without a doubt Israel's denial of the right of Palestinian refugees to return. The core of the question of Palestine has always been the plight of the refugees who were ethnically cleansed during the Nakba. The fact that refugees form a majority of the Palestinian people, coupled with their sixty-plus-year suffering in exile, makes the recognition of their basic rights, including their right to reparations and return to their homes of origin, *the litmus test of morality* for anyone suggesting a just and enduring solution to the Palestinian-Israeli conflict. Moral and legal rights aside, the denial of Palestinian refugee rights guarantees the perpetuation of conflict.<sup>39</sup>

Israel's repressive and racist policies in the 1967-occupied Palestinian territory have been recognized as constituting apartheid by a host of opinion leaders such as Archbishop Desmond Tutu, former US president Jimmy Carter, and former UN special rapporteur for human rights John Dugard. In the same vein, former Israeli attorney general Michael Ben-Yair wrote in a 2002 *Haaretz* article describing Israel's regime in the OPT, "We enthusiastically chose to become a colonial society, ignoring international treaties, expropriating lands, transferring settlers from Israel to the occupied territories, engaging in theft and finding justification for all these activities. ... In effect, we established an apartheid regime in the occupied territories."<sup>40</sup>

However, the applicability of the crime of apartheid as defined in UN conventions to Israel itself has, for the most part, been either inadvertently glossed over or intentionally ignored as an explosive subject that has every potential to invite the vengeful wrath of powerful pro-Israel lobbies.



Regardless, one cannot but examine the facts and analyze Israel's system of governance accordingly.

The strongest argument given by—sometimes well-meaning—experts who dismiss the *apartheid* label for Israel is that the “analogy” between Israel and South Africa is not exact and in many respects Israel's oppression is even more severe, demanding a different designation altogether. The problem with this argument is that it assumes, incorrectly, that apartheid is a South African trademark and therefore that every regime accused of practicing apartheid must be shown to be identical to South Africa's apartheid regime of yesteryear. Apartheid, however, although brought to world attention and given its name by the racist regime in South Africa, has for decades been recognized by the United Nations as a generalized crime with a universal definition.

The Convention on the Suppression and Punishment of the Crime of Apartheid that went into force in 1976 defines apartheid as “similar policies and practices of racial segregation and discrimination as practised in southern Africa” which have “the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them, in particular by means such as segregation, expropriation of land, and denial of the right to leave and return to their country, the right to a nationality and the right to freedom of movement and residence” (article 2).<sup>41</sup> The similarity to South Africa is cited not as a condition but in recognition of its status as a historic precedent. Furthermore, the 2002 Rome Statute of the International Criminal Court defines the crime of apartheid as “inhumane acts ... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”<sup>42</sup>

As a 2008 in-depth strategic position paper published by the Palestinian BDS National Committee (BNC) states, Israel's origins, laws, and policies against the Palestinian people fit to a large extent the definition of apartheid.<sup>43</sup> The conceptual origins of Israel's unique form of apartheid are found in political Zionism, a racist European ideology that was adopted by the dominant stream of the Zionist movement (World Zionist Organization, Jewish Agency, Jewish National Fund, among others) in order to justify and

recruit political support for its colonial project of establishing an exclusive Jewish state in historic Palestine. Political Zionists dismissed the indigenous population of Palestine as nonexistent, as expressed in the famous Zionist slogan describing Palestine as “a land without a people”; making this a self-fulfilling prophecy, starting toward the end of 1947, Zionist forces and later the state of Israel forcibly displaced between 750,000 and 900,000 Palestinians from their homeland and destroyed hundreds of the depopulated Palestinian villages in an operation termed “cleaning the landscape” that lasted until 1960.<sup>44</sup>

Israel’s regime over the Palestinian people amounts to apartheid precisely because it displays many of the main features of the crime as defined by international law:

1. Racial discrimination against the indigenous Palestinian people who became citizens of the state of Israel was formalized and institutionalized through the creation by law of a “Jewish nationality” that is distinct from Israeli citizenship. No “Israeli” nationality exists in Israel, and the Supreme Court has persistently refused to recognize one, as it would end the system of Jewish supremacy in Israel. The 1950 Law of Return entitles all Jews—and only Jews—to the rights of nationals, namely the right to enter “Eretz Yisrael” (Israel and the OPT) and immediately enjoy full legal and political rights. “Jewish nationality” under the Law of Return is extraterritorial in contravention of international public law norms pertaining to nationality. It includes Jewish citizens of other countries, irrespective of whether they wish to be part of the collective of “Jewish nationals,” and excludes “non-Jews” (i.e., Palestinians) from nationality rights in Israel.
2. The 1952 Citizenship Law<sup>45</sup> has created a discriminatory two-tier legal system whereby Jews hold nationality and citizenship while indigenous Palestinian citizens hold only citizenship.<sup>46</sup> Under Israeli law the status of Jewish nationality is accompanied with firstclass rights and benefits not granted to Palestinian citizens.
3. The Israeli Status Law of 1952 authorizes the World Zionist Organization / Jewish Agency and its subsidiaries, including the Jewish National Fund, to control most of the land in Israel for the

exclusive benefit of Jews. In 1998 the Committee on Economic, Social and Cultural Rights (CESCR) expressed grave concern about this law and stated that large-scale and systematic confiscation of Palestinian land and property by the state and the transfer of that property to these agencies constitute an institutionalized form of discrimination, because these agencies by definition would deny the use of these properties to non-Jewish citizens of the state.<sup>47</sup>

4. The return of Palestinian refugees and internally displaced persons (IDPs), as required by international law, has been prevented by means of force and legislation on racist grounds. Simply because they are not Jews, Palestinian refugees were excluded from entitlement to citizenship in the state of Israel under the 1952 Citizenship Law. They were “denationalized” and turned into stateless refugees in violation of the law of state succession. Their land and other property were confiscated by the state. The approximately 150,000 Palestinians who remained in Israel after the 1948 Nakba were placed under a military regime (1948–66) similar to the regime currently in place in the OPT.

For decades, racial discrimination against Palestinian citizens of Israel in every vital aspect of life has been the norm. From land ownership to education to health to jobs to housing, the indigenous Palestinians have been denied equality by the state’s laws and policies. For instance, they are not allowed to buy or rent land in about 93 percent of the state lands of Israel.<sup>48</sup> To date, polls consistently show overwhelming majorities of Israeli Jews standing in opposition to full equality with the indigenous Palestinians in the state.<sup>49</sup> The fact that those Palestinians can vote, unlike their black African counterparts under South African apartheid, becomes almost a formality, a tokenism of sorts, clearly designed to project a deceptive image of democracy and fend off well-justified accusations of apartheid.<sup>50</sup>

The complicity of Western governments in these horrific and persistent violations of international law and basic human rights has led many analysts to view the role of the West as profoundly flawed, both morally and legally. The entrenched impunity enjoyed by Israel has allowed it to project itself

and to act as an uncontrollable “mad dog”—an image advocated by Moshe Dayan decades ago and endorsed most recently by Israeli military historian Martin Van Creveld<sup>51</sup>—in an attempt to make the Palestinians submit to its colonial will, to accept slavery as fate.

This criminal impunity and categorical denial of rights, more than anything else, were the main motivation behind the Palestinian BDS campaign. Israel’s state terrorism in Gaza, enabled by virtually unlimited support from the United States and from Western governments in general, was a key catalyst in spreading and deepening BDS around the world, leading advocates of Palestinian rights to feel that our South Africa moment has finally arrived. Israel is now widely perceived, at a grassroots level, as an international pariah that commits war crimes with impunity and that needs to be held accountable to international law and basic principles of human rights.

The few weeks following Cast Lead witnessed some of the most significant indicators of the spectacular spread of BDS. Part of the Canadian Union of Public Employees (CUPE), Ontario’s University Workers Coordinating Committee (OUWCC) at its annual conference last February endorsed a boycott of Israeli academic institutions.<sup>52</sup> The Fédération autonome du collégial (FAC), Quebec College Federation, also joined the BDS campaign.<sup>53</sup> In Durban, South Africa, the COSATU (Congress of South African Trade Unions)—affiliated dockworkers’ union, SATAWU (South African Transport and Allied Workers’ Union), refused in early February to offload an Israeli cargo ship,<sup>54</sup> reminding us of similar sanctions taken against South African ships during the apartheid era. An Australian dockworkers’ union and a group of American progressive union leaders endorsed the South African BDS action. In the United States, Hampshire College set a historic precedent by announcing its divestment from six companies profiting from the Israeli occupation.<sup>55</sup> Significantly, Hampshire was also the first US college to divest from apartheid South Africa in the 1970s. In Wales, Cardiff University acceded to demands by students and decided to divest from companies supporting the occupation.<sup>56</sup> Even in France, where BDS had faced an uphill struggle for

several years, a statement was issued by leading academics explicitly endorsing BDS to end Israel's impunity.<sup>57</sup>

The latest spectacular entrenchment of the BDS campaign, especially since the Israeli aggression against Gaza, gives us hope that one day Israel's impunity and Western, UN, and Arab collusion with it will come to an end, allowing a genuine, just peace to flourish in Palestine and the entire region. Only thus can ethical coexistence have a real chance to be realized.

In his poem "Message to the Living" Henk van Randwijk, a Dutch poet of resistance against the Nazis, wrote:

*A people giving in to tyrants  
will lose more than body and goods  
the light will be extinguished*

On Saturday, January 24, 2009, merely days after the end of Israeli hostilities and despite all the death, devastation, and trauma, hundreds of thousands of Gaza's children almost literally rose from under the rubble that most of Gaza was reduced to and walked eagerly to their damaged schools, carrying their torn bags, scarred books, and injured souls. Their agony was deep, their anger deeper, but their eyes were still shining with defiance, ambition, and hope for emancipation. BDS empowers Palestinians and supporters of just peace worldwide to nourish and eventually realize that hope.

*Based on a presentation given at Canadian universities as part of Israeli Apartheid Week in 2009.*

## **AFTER THE FREEDOM FLOTILLA ATROCITY: BDS TAKES OFF**

Moshe Dayan, Israel's most celebrated general, once said, "Israel must be like a mad dog, too dangerous to bother."<sup>1</sup> Israel has indeed achieved that peculiar status of deterrence at the level of states; but with its bloodbath on the Gaza-bound Freedom Flotilla on May 31, 2010, it is increasingly being perceived in international public opinion as too menacing and lawless to ignore. Calls for holding Israel accountable, including by applying punitive measures, have risen sharply.

What was dubbed Israel's "Flotilla Massacre" of humanitarian relief workers and peace activists was not only categorically immoral and patently illegal but undeniably irrational too. It is swelling the global ranks of those who support boycott, divestment, and sanctions against Israel until it respects international law and basic human rights. International civil society's tolerance of Israel's impunity, criminality, and "mad dog" deterrence seems to have grown quite thin.

Since July 9, 2005, when the historic Call for Boycott, Divestment and Sanctions (BDS) against Israel was launched by an overwhelming majority of Palestinian unions, political parties, community networks, and NGOs, there has never been a period with as many BDS achievements as the few months following the attack on the flotilla, which rudely awakened a long-dormant sense of international moral responsibility for Israel's exceptional status for decades as a state above the law. World-renowned legal experts, literary giants, top performing artists, major church groups, large trade unions, and many more international civil society organizations, especially in the West, crossed a threshold in their view of Israel and, crucially, in their commitment to challenge its impunity and counter, in diverse forms, its perceived menace to world security.



Israel's subsequent announcement that it would "ease" its siege of the occupied Gaza Strip was met with universal skepticism and outright demands to end the siege altogether. After the flotilla attack, the siege, a form of collective punishment that constitutes a war crime, is seen as unacceptable, unsustainable, or both by almost all world governments. A damning—and rare—report by the International Committee of the Red Cross about the devastating impact of Israel's blockade on the health, environmental, economic, and general developmental conditions of Palestinians in Gaza highlighted the urgency of pressuring Israel to lift the siege completely.<sup>2</sup> News reports on June 25 of Israel's seizing Norwegian-donated life-saving oxygen machines destined for Palestinian hospitals in Gaza as well as the occupied West Bank cannot help but exacerbate international suspicions of Israel's definition of "easing" the siege.<sup>3</sup>

The fact that the flotilla attack was illegal, immoral, and unjustifiable; that it targeted civilian ships in international waters; that it led to the murder and injury of dozens of humanitarian relief workers and civilian activists from many countries; that among the siege-breaking activists were prominent intellectuals, a Nobel Peace laureate, a Holocaust survivor, European and other parliamentarians, a former senior US diplomat, and representatives of international media—all triggered mass anger around the world and unprecedented mainstream calls for treating Israel as a pariah state, including through applying boycotts.

After years of the global BDS campaign's awareness-raising about Israel's multitiered system of oppression and the movement's call for creative practical action to contribute to justice and peace,<sup>4</sup> moral indignation at Israel's latest bloodbath was bound to be channeled into pressure measures that are more effective than the same old demands that have been ignored again and again by Israel and its hegemonic partners. Mahmoud Darwish's famous cry "Besiege your siege" suddenly acquired an entirely different meaning. Since any attempt to convince a colonial power to heed moral pleas for justice or voluntarily give up its privileges is, at best, delusional, many people of conscience felt it was time to end Israel's deadly siege by "besieging" it, by adopting BDS measures to isolate it as a world pariah, thus drastically raising the price of its siege, occupation, and apartheid policies.



Henry Siegman, once a leading figure in the US Jewish establishment, indignantly reacted to the flotilla attack writing in the Israeli daily *Haaretz* newspaper, “A million and a half civilians have been forced to live in an open-air prison in inhuman conditions for over three years now, but unlike the Hitler years, they are not Jews but Palestinians. Their jailers, incredibly, are survivors of the Holocaust, or their descendants. Of course, the inmates of Gaza are not destined for gas chambers, as the Jews were, but they have been reduced to a debased and hopeless existence.” Despite the obvious differences between both situations, Siegman argues, “the essential moral issues are the same.”<sup>5</sup>

Echoing the same parallels, Israeli academic and human rights advocate Jeff Halper wrote, “In a policy [frighteningly] reminiscent of other dark regimes in which Jews suffered from controlled malnutrition, our government has imposed a regime of ‘counting calories’ on the Gaza population—imposing a ‘minimal dietary regime’ on a million and a half people who receive as little as 850 calories a day, less than half the recommended daily intake.” Halper cites Dov Weisglass, Ariel Sharon’s chief of staff, who joked about this policy: “It’s like a meeting with a dietitian. We need to make the Palestinians lose weight, but not to starve to death.”<sup>6</sup> Examinations of Israel’s attack on the basis of international law have only fueled world anger. Ben Saul, who served on the International Criminal Tribunal for the former Yugoslavia, published an authoritative legal analysis of the flotilla attack. According to the 1988 Rome Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, “One cannot attack a ship and then claim self-defence if the people on board resist the unlawful use of violence.” He adds, “Legally speaking, government military forces rappelling onto a ship to illegally capture it are treated no differently than other criminals. The right of self-defence in such situations rests with the passengers on board: a person is legally entitled to resist one’s own unlawful capture, abduction and detention.” Saul concludes: “This latest sad and shocking episode is a reminder of Israel’s recklessness towards the lives of others, its utter disregard for international opinion, and its incivility as an outlaw of the international community.”<sup>7</sup> Prominent British legal scholars reached the

same conclusion in a letter published in the *Times* of London,<sup>8</sup> and so did leading Dutch international law professors in a letter to *NRC Handelsblad*.<sup>9</sup>

The United Nations response was uncharacteristically firm. The Human Rights Council voted by an overwhelming majority (32–3) to strongly condemn Israel’s actions against the flotilla and to organize an independent, international probe into violations of international law resulting from it. Only Italy and the Netherlands joined the United States in voting *against* this simple measure of accountability.<sup>10</sup> Usually cautious not to denounce Israel lest it irk the United States, UN Secretary General Ban Ki-Moon and his top assistants condemned the attack and called on Israel to immediately end its illegal siege of Gaza.<sup>11</sup> But, as expected, the clearest and most principled voice in the UN officialdom was that of the special rapporteur for human rights in the occupied Palestinian territories, Richard Falk, who stated, “It is essential that those Israelis responsible for this lawless and murderous behavior, including political leaders who issued the orders, be held criminally accountable for their wrongful acts.” He added, “The worldwide campaign of boycott, divestment, and sanctions against Israel is now a moral and political imperative, and needs to be supported and strengthened everywhere.”<sup>12</sup>

At the official sanctions level, several governments reacted swiftly to the attack. Nicaragua suspended its diplomatic relations with Israel.<sup>13</sup> South Africa recalled its ambassador to Tel Aviv.<sup>14</sup> Turkey recalled its ambassador to Tel Aviv for “consultations,”<sup>15</sup> while the Turkish parliament voted *unanimously* to “revise the political, military and economic relations with Israel” and to “seek justice against Israel through national and international legal authorities”<sup>16</sup>—a move that alarmed Israel considerably given Turkey’s status as the second largest importer of Israeli weapons, after India. Norway’s minister of education and head of the Socialist Left Party, Kristin Halvorsen, reconfirmed Norway’s arms ban on Israel and called all other states to “follow the Norwegian position which excludes trading arms with Israel.”<sup>17</sup>

The Palestinian BDS National Committee (BNC), the largest coalition of Palestinian civil society forces supporting the Israel boycott, called on June

1 for intensifying BDS, arguing as follows:

Israel's impunity is the direct result of the international community's failure to hold it accountable for its ongoing occupation, colonization and apartheid against the Palestinian people. Israel's most recent war crimes committed in Gaza and documented in the Goldstone report as well as crimes committed in 2006 against the Lebanese people did not trigger any UN or official sanctions, entrenching Israel's feeling of being above the law. In fact, Israel's grave violation of international law was recently rewarded when the OECD voted unanimously to accept its membership. The BNC urges international civil society to end this deep and fatal complicity.<sup>18</sup>

Inspired by the historic February 2009 example set by the South African Transport and Allied Workers Union (SATAWU) in Durban when it refused to offload an Israeli ship,<sup>19</sup> the BNC and, a few days later, the entire Palestinian trade union movement called on transport and dockworkers' unions around the world to "block Israeli maritime trade in response to Israel's massacre of humanitarian relief workers and activists aboard the Freedom Flotilla, until Israel complies with international law and ends its illegal blockade of Gaza."<sup>20</sup>

The response from trade unions surpassed all expectations.

SATAWU called upon its members "not to allow any Israeli ship to dock or unload" and urged fellow trade unionists "not to handle them."<sup>21</sup> The Swedish Dockworkers' Union decided to blockade all Israeli ships and cargo to and from Israel<sup>22</sup> and started implementing that week-long boycott on June 23.<sup>23</sup> Indian and Turkish dockworkers' unions followed suit.<sup>24</sup>

The South African trade union federation COSATU, which had played a key role in abolishing apartheid in South Africa, called for "greater support for the international boycott, divestment and sanction campaign against Israel," urging "all South Africans to refuse to buy or *handle* any goods from Israel or have any dealings with Israeli businesses."<sup>25</sup> The South African Municipal Workers Union (SAMWU) unanimously endorsed a motion to immediately work toward making every municipality in South

Africa an “Apartheid Israel free zone,”<sup>26</sup> an idea that has begun to inspire BDS activists in Europe and elsewhere.

In the United Kingdom, a key market for Israeli goods, the largest trade union, Unite, at its first policy conference in Manchester unanimously passed a BDS motion to boycott *all* Israeli companies.<sup>27</sup> Unison, the second largest union, reportedly adopted in its 2010 annual conference similar boycott measures, including the suspension of bilateral ties with Histadrut, the Israeli labor entity that justified Israel’s flotilla attack just as it had the war of aggression on Gaza earlier.<sup>28</sup> The British academic union UCU, representing 120,000 members, issued a strong condemnation of the Israeli attack, demanding that “the UK government . . . not change the rules on universal jurisdiction to impede bringing the people responsible for these murders to justice.” It is worth mentioning that just a day before the flotilla attack, the UCU had made BDS history when it voted by an overwhelming majority to sever all links with Histadrut.<sup>29</sup>

LO, Norway’s largest trade union federation, comprising almost one-fifth of the entire Norwegian population, called on the state pension fund, the third largest sovereign fund in the world, to divest from all Israeli companies.<sup>30</sup> A poll taken after the attack showed more than 42 percent of all Norwegians supporting a comprehensive boycott of Israeli goods.<sup>31</sup>

In the port of Oakland, California, union members and community activists set a historic precedent by blocking the offloading of an Israeli ship for twenty-four hours.<sup>32</sup>

At its annual conference, the Northern Illinois Conference (NIC) of the United Methodist Church (UMC) voted to “divest all holdings in three international corporations that profit from the occupation of Palestine,” explaining that “this action is in response to a plea by Palestinian Christians for action, not just words.”<sup>33</sup>

With a 79.5 percent majority of the student body supporting it, Evergreen State College in the United States decided to divest<sup>34</sup> from companies that profit from the Israeli occupation, following the precedent-setting decision by Hampshire College<sup>35</sup> in February 2009, in the aftermath of the Israeli atrocities in Gaza.

In the cultural domain the reaction to Israel's attack was no less decisive. Cartoon artist Martin Rowson expressed the shock shared by millions in a cartoon in the *Guardian*. Rowson depicted intimidating, heavily armed Israeli commandos commandeering Noah's ark, incarcerating all the frightened animals, with one of the soldiers cruelly crushing a dead peace dove—olive branch and all—and justifying it to a devastated Noah by saying, “[The dove] was clearly intent on pecking innocent civilians.”<sup>36</sup>

Endorsing the widely popular cultural boycott of Israel<sup>37</sup> called for by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI)<sup>38</sup> since 2004, world-renowned British writer Iain Banks stated in the *Guardian* that the best way for international artists, writers, and academics to “convince Israel of its moral degradation and ethical isolation” is “simply by having nothing more to do with this outlaw state.”<sup>39</sup> Stéphane Hessel, coauthor of the Universal Declaration of Human Rights, Holocaust survivor, and former French diplomat, endorsed Banks's position in a *Huffington Post* opinion piece.<sup>40</sup>

The world-renowned Swedish writer, Henning Mankell, who was on the Freedom Flotilla when attacked, called for South Africa-style global sanctions against Israel in response to its brutality.<sup>41</sup>

Drawing on the US civil rights struggle and the boycott against the Montgomery bus company that was triggered by Rosa Parks and championed by Martin Luther King Jr., bestselling author Alice Walker called for wide endorsement of BDS against Israel as a moral duty in solidarity with Palestinians, “to soothe the pain and attend the sorrows of a people wrongly treated for generations.”<sup>42</sup>

Dozens of British literary and academic figures published a letter in the *Independent* that said, “We . . . appeal to British writers and scholars to boycott all literary, cultural and academic visits to Israel sponsored by the Israeli government, including those organised by Israeli cultural foundations and universities.”<sup>43</sup>

BDS also reached mainstream Western papers. *Aftonbladet*, Sweden's largest tabloid, called on various occasions for a boycott of Israel.<sup>44</sup> A main editorial in the Irish *Sunday Tribune* stated, “The power of a people's

movement lies in its ability to challenge national or international policies that are inherently unjust. A boycott of Israeli goods by Irish people may seem like gesture politics, but it could achieve two aims. It would show solidarity with the people of Gaza and it would also register collective displeasure at what the Israelis are doing.”<sup>45</sup>

In the high-visibility realm of performing arts, famous bands reacted to the flotilla attack by canceling scheduled gigs in Israel, triggering more introspection among the Israeli public—almost all of which supports the attack and the siege of Gaza—than any other boycott development to date. The Klaxons and Gorillaz Sound System withdrew first,<sup>46</sup> followed by the Pixies.<sup>47</sup> Another cancellation came from US singersongwriter Devendra Banhart. While holding on to the ill-conceived and historically discredited notion that in a situation of grave violations of human rights, a musician can simply entertain the oppressor community and “share a human not a political message” with them, Banhart justified his withdrawal by saying, “It seems that we are being used to support views that are not our own.”<sup>48</sup> Israeli media outlets had tried to portray his scheduled gig as a political message in solidarity with Israel in a time of increasing isolation. A *Washington Post* article titled “Israel’s Feeling of Isolation Is Becoming More Pronounced” captured the mood in Israel well.<sup>49</sup> Another article, this time in the leading music-industry publication *Billboard*, also highlighted the growing controversy surrounding performing in Israel in light of the flotilla attack.<sup>50</sup>

In the weeks before the flotilla attack, artists of the caliber of Elvis Costello, Gil Scott-Heron, and Carlos Santana had all canceled scheduled performances in Israel after receiving appeals from Palestinian and international BDS groups.<sup>51</sup> Increasingly Tel Aviv is being compared to the South African resort Sun City, which was boycotted by world artists during apartheid. Today Palestinians and supporters of just peace around the world view any musician who performs in Israel today just as those who violated the boycott against apartheid South Africa, as motivated by personal gain far more than by moral principles. Israel, it is worth noting, offers large sums of money to lure international performers as part of its “Brand Israel”



campaign, designed explicitly to hide its violations of human rights and international law under a deceptive guise of artistic and scientific glamour.<sup>52</sup>

Despite the promise of lucrative remuneration, many top artists refuse to perform in Israel. The *Forward*, the leading Jewish daily in New York, cites a “music insider saying that in recent months he had approached more than 15 performing artists with proposals to give concerts in Israel. None had agreed. The contracts offered high levels of compensation. He called them ‘extreme, big numbers that could match any other gig.’ ”<sup>53</sup>

Many cultural figures, well before the flotilla attack, explicitly supported the Palestinian cultural boycott of Israel. A statement by 500 Artists against Apartheid in Montreal is the latest, perhaps most impressive of these efforts.<sup>54</sup> But earlier, in 2006, the famous British author and artist John Berger issued a statement explicitly endorsing the cultural boycott of Israel, collecting ninety-three endorsements from prominent writers and artists.<sup>55</sup> Intellectuals and artists who have endorsed BDS include Ken Loach, Judith Butler, Naomi Klein, the Yes Men, Sarah Schulman, Aharon Shabtai, Udi Aloni, Adrienne Rich, John Williams, and Arundhati Roy, among others.

Some cultural figures have refused to participate in Israel’s official celebrations and festivals without explicitly adopting the boycott. In 2008, for instance, countering Israel’s “60th Anniversary” celebrations, PACBI collected dozens of signatures of prominent artists and authors for a half-page advertisement that was published in the *International Herald Tribune*.<sup>56</sup> The list included luminaries like Mahmoud Darwish, Augusto Boal, Roger Waters, André Brink, Vincenzo Consolo, and Nigel Kennedy. Some of the signatories on that ad later adopted the boycott explicitly.

A third category is artists who accept invitations to play in Israel and then cancel after being approached by PACBI and its partners around the world, including the Israeli group Boycott from Within, which plays a significant role in convincing performers to stay away from Israel due to its violation of Palestinian rights.<sup>57</sup> This category includes Bono, Björk, Jean-Luc Godard, Snoop Dogg, and others.

Whether in culture, academia, business, or mere image, Israel is feeling the heat as never before. Years of a fast-spreading BDS campaign have



caused fury in Israel, prompting twenty-five members of Knesset, including from ruling and opposition parties, to put forth a bill that would criminalize advocating, justifying, or supporting the boycott by Palestinian, Israelis, and internationals alike.<sup>58</sup> This sign of desperation, more than anything else, proves beyond a shadow of doubt that Israel fears the global reach and effectiveness of a well-argued, civil, nonviolent campaign of resistance, especially one based on international law and universal human rights. In many ways it confirms that the “South Africa moment”<sup>59</sup> has arrived for Palestine.

## LEADERSHIP, REFERENCE, AND THE ROLE OF ISRAELI ANTICOLONIALISTS

OMAR BARGHOUTI INTERVIEWED BY MAXINE KAUFMAN-  
LACUSTA

Even before I completed the interviews for the collection *Refusing to Be Enemies*, it was clear that the BDS campaign had really taken off. Several interviewees emphasized its importance, some saying it was one of the most important, if not *the* most important, form of support especially for internationals to take up in one form or another. I asked my interviewees in January if they agreed with this point of view (they all did, Palestinian and Israeli alike), though they didn't necessarily all subscribe to the same form of BDS.

From what I heard you say in 2007 in Bil'in and read subsequently, I had the (very positive) impression that although you favor a full response to the original 2005 call, including support for the Palestinian right of return and a very broadly defined boycott of Israel and Israeli enterprises/institutions/cultural events, you also welcome support that is less sweeping. For example, you said in your speech: "To be in effective solidarity with Palestine today is to actively support some form of BDS. This is what the overwhelming majority of Palestinian civil society is calling for. Boycott, divestment, and sanctions, however, do not come in 'one size that fits all.' If the basic premise that Israel needs to be pressured is accepted, then various forms of boycott, divestment, and sanctions can be adapted according to the specific context in each country."

More recently, in an article on the *CounterPunch* website, you stated even more explicitly: "The only true fighters for peace in Israel are those who support our three fundamental rights: the right of return for Palestinian

refugees; full equality for the Palestinian citizens of Israel; and ending the occupation and colonial rule. Those are our true partners. They *all* support various forms of BDS. ... On the other hand, groups that, for tactical reasons, support only a subset of BDS, or a targeted boycott of specific products or organizations in Israel or supporting Israel, are also our partners, of course. Boycott is not a one-size-fits-all type of process. It must be customized to suit a particular context to be most effective. What is important to agree on, though, is why we are boycotting and towards what ends.”<sup>1</sup>

So my question to you is whether you still feel this way, or whether you have become more strict in your interpretation of what support for BDS should consist of. Could you clarify?

Context sensitivity is a key principle of the BDS movement that the movement’s leadership, the Palestinian BDS National Committee (BNC), takes to heart. BDS is not an ideology or run by a political party; it is a wide movement that brings together groups and individuals of diverse ideological and political backgrounds that converge on the utmost respect for international law and the morally consistent application of human rights to the question of Palestine.

Regarding the BDS movement, it is key to recognize that it is led by Palestinians—the BNC specifically. The BNC is the largest coalition of Palestinian civil society unions, NGOs, political parties, and networks, representing Palestinians in the OPT, inside Israel, and, crucially, Palestinians in exile, who are the majority of the Palestinian people. It is also essential to recognize that the 2005 Palestinian Civil Society Call for BDS is *the* reference for the global BDS movement. Thus the principles, the three basic rights, upon which the movement is based are the same; they constitute the minimal requirements for realizing the Palestinian people’s right to self-determination. What differs from location to location according to the political and organizational context is the specific target of the BDS campaign and the tactics used in the local work.

Some allies in BDS campaigns in the West are not fully on board with the BDS Call itself. However, they are active in specific BDS campaigns, and they refrain from contradicting or undermining the BDS Call. We consider

them allies in the movement but not yet full strategic partners. The latter need to agree with us, in the BNC, on our principles and comprehensive rights, regardless what action or campaign they undertake to help us achieve them. As I've jokingly said in my talks, even if a partner adopts the BDS Call and then decides to launch a campaign targeting Israeli tomatoes only, we'll gladly view them and work with them as strategic partners. CodePink is a good example of that. They've endorsed the BDS Call and chosen to focus their creative energies on boycotting AHAVA, the Israeli cosmetics company that manufactures in the OPT. Many campaigns in Europe also have a narrow focus in their BDS targets, and that's perfectly fine.

Where we have problems is when any group tries to appropriate the right to set the movement's goals or parameters instead or on behalf of the Palestinians. We view that as a colonial and patronizing attitude that we reject, just as much as our South African anti-apartheid comrades did in the past when similar situations presented themselves. Solidarity with the oppressed primarily means understanding and recognizing what the oppressed need, and what the Palestinian people need is to exercise our inalienable right to self-determination and achieving freedom, justice, and unmitigated equality. Trying to impose on the oppressed objectives and frameworks that stem from narrow political agendas is more often than not indicative of a colonial attitude, whether recognized as such or not.

In the period covered by [*Refusing to be Enemies*] (basically 2003–7) I witnessed and heard about an exciting trend toward the spread of what some refer to as the “Bil’in model” of joint struggle—that is, with Israelis and internationals very much integrated in the local struggles, and with Israeli activists working side by side with the popular committees, although in a supporting role, under Palestinian leadership. In 2010 I encountered a variety of responses, some suggesting that Israelis were no longer welcome, others that this wasn't the case but that some Palestinian organizations had become disillusioned because of the Israeli left's diminished influence on its government's policies, and basically didn't want to waste time with them anymore (I'm not exactly quoting anyone here).

Do you have any comments on this situation?

Two points are worth mentioning in this context.

Number one, a few Israeli and international activists have a tendency to make the struggle Israel-centric, arguing that *ending the occupation is good for Israel, above everything else*, as if that should be the overriding concern for anyone seeking justice and human rights. We totally reject that “save Israeli apartheid” view. I am intentionally referring to this trend as one that aims to save Israeli apartheid because striving to end the occupation alone, without addressing the UN-SANCTIONED right of the great majority of the Palestinian people, the refugees, to return to their homes and receive reparations, and omitting any mention of the need to end Israel’s legalized and institutionalized system of racial discrimination, or apartheid, against the indigenous Palestinians—“non-Jews”—who hold Israeli citizenship, cannot be interpreted except as an attempt to *maintain Israeli apartheid*. This school of thought even seeks, often quite overtly, to strengthen apartheid by demographically getting rid of some four million Palestinians (in the OPT), thus maintaining Israel’s character as an ethnocentric, racist, and exclusivist state for decades longer.

This is not a symmetrical struggle where “both sides” are in conflict or progressives from “both sides” are partnering to better their mutual destiny. This is a case of occupation, colonization, and apartheid by one side over the other. The struggle is, therefore, one for freedom, justice, and self-determination *for the oppressed*, above everything else. Only by ending oppression can there be any real potential for what I call ethical coexistence, one that is based on justice and full equality, not the master-slave type of coexistence that many in the peace industry advocate.

Second, the boycott criteria adopted by Palestinian civil society and advocated by the BNC set two conditions without which relations between a Palestinian side and an Israeli side would be regarded as constituting normalization. Normalization in the Arab—including Palestinian—context is defined as joint relations and projects with an Israeli side that give the false impression of normalcy despite the continuation of colonial oppression. Such projects and relations, by definition and by effect, attempt to normalize the abnormal: Israel’s colonial and racist oppression. The two conditions to guarantee a normalization-free relationship, as set by PACBI

and adopted by the great majority of Palestinian civil society since November 2007, are these: first, the Israeli side must recognize the internationally sanctioned and inalienable rights of the Palestinian people, including the right to self-determination; second, the project itself, regardless what its nature may be (cultural, academic, environmental, medical, feminist, etc.), must have as one of its main objectives *resisting* the occupation and/or apartheid.

A joint artistic project, for instance, that ignores the oppressive colonial reality and calls for people from “both sides” to engage in some artistic endeavor, as if art were “above politics,” is cynically politicizing art and presenting a deceptive image of normal relations or “coexistence” *despite* oppression. A joint project that satisfies the first condition above *and* condemns the occupation, advocating in diverse forms for its end, on the other hand, is not normalization. Nothing in the boycott criteria opposes such projects.

Whether or not these projects are useful is up to activists in each particular project to decide. It is not intuitively true that Israeli involvement in any Palestinian struggle is invariably welcome or has positive effects. But that is a pragmatic consideration that has nothing to do with whether the project is itself a violation of the boycott criteria that almost all Palestinian organizations observe and respect.

Finally, a favorite approach of mine, as you can see from my epilogue especially, is noncooperation from within the oppressive society. However, with the notable exceptions of military refusal and some of the actions of groups like New Profile, and of course support for BDS inside Israel—noncooperation with the oppressive regime (refusal to carry out demolition orders, refusal to enforce travel restrictions, and so on—the kind of bureaucratic undermining of the regime that one sees described, for example, in Gene Sharp’s works) not only were not happening to any significant degree but weren’t seen as feasible on the whole. I wonder if you have any ideas about this.

At first, the colonial society bands together against perceived external threats of isolation that can lead to a pariah status. The prospects for the struggle from within to challenge the structures of colonialism and

apartheid seem at that stage improbable, at best, if not altogether dreamy. But when the Palestinian-led and conscientious-Israeli-supported struggle inside associated with the struggle from outside start producing sustainable pressure that considerably raises the price of oppression, this seemingly invincible or garrison-oriented unity starts to crack. The courageous Israeli BDS group Boycott from Within is acutely aware of this equation, which we all know to be true from the struggles across the world, particularly in South Africa, France during the Algerian liberation struggle, the United States in Vietnam, and even now in Iraq, and so on.

Are you saying specifically that once pressure generated by the BDS campaign (and other sources of political/economic pressure) starts to really be felt, the BDS movement inside Israeli will become much stronger? Or are you suggesting a broader effect: at that point more Israelis will be willing to withhold their cooperation from various aspects of the oppressive regime?

I meant both. When Israel's oppression is met with substantial resistance, primarily from the Palestinian people, the Arab world, and the world at large, particularly in the form of sustainable BDS campaigns leading to comprehensive UN sanctions, as was the case in the struggle against South African apartheid, the Israeli economy will suffer tremendously and the BDS movement inside Israel will gain considerable momentum. At that stage, ordinary, apolitical Israelis will start rethinking whether they want to continue "living by the sword," as a world pariah in a state that lacks economic prospects and that is shunned, loathed, and widely boycotted by international civil society and eventually by states. Then, under severe and daunting pressure from within and without, the natural human quest for normalcy, for a peaceful, dignified, and economically viable life, will lead many of those Israelis to withdraw their support for Israeli apartheid and occupation. Many may even join movements that aim to end both. Collapse of the multitiered Israeli system of oppression then becomes a matter of time. Again, despite the obvious differences, we've seen it all before in South Africa.



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## CONCLUSION

### IF NOT NOW, WHEN?

The great Brazilian educator Paulo Freire wrote in his iconic *Pedagogy of the Oppressed*: “One of the gravest obstacles to the achievement of liberation is that oppressive reality absorbs those within it and thereby acts to submerge human beings’ consciousness. Functionally, oppression is domesticating. To no longer be prey to its force, one must emerge from it and turn upon it. This can be done only by means of the praxis: reflection and action upon the world in order to transform it.”<sup>1</sup>

The people of Palestine have once more emerged from their oppressive reality, reflected, and acted upon it, calling upon international civil society to shoulder the moral responsibility to fight Israeli injustices, as it fought South Africa’s in the struggle to abolish apartheid. The Palestinian BDS Campaign has almost all the ingredients for success in ending Israel’s occupation, colonization, and apartheid:

- a comprehensive rights-based approach, rooted in a century of popular and civic Palestinian struggle against settler colonialism, that addresses the three fundamental rights corresponding to the main components of the indigenous people of Palestine and accordingly enjoys a solid consensus among Palestinians everywhere, inside historic Palestine and in exile
- a morally compelling message anchored in unmitigated equality, freedom, universal human rights, firmly antiracist principles, and compliance with international law
- an empowering strategy of nonviolent, creative civil resistance to injustice and oppression—a strategy to which people of conscience all over the world can contribute<sup>2</sup>
- A massive civil society coalition supported by near consensus leading and constantly evolving the struggle

An important component in the BDS Call that is often overlooked is the unambiguous invitation to conscientious Israelis to support the call, recognizing the important role anticolonialist, antiracist—that is, anti-Zionist—Israelis can and ought to play in ending Israel’s criminal impunity, colonialism, and apartheid. Even as the BDS movement advocates diversity and ingenuity in designing and implementing BDS campaigns in various settings, the Palestinian BDS Call with its comprehensive emphasis on Palestinian rights remains the movement’s frame of reference. A fast-growing group of principled Israeli (predominantly Jewish) supporters of BDS fully recognizes this Palestinian reference. <sup>3</sup> However, a few on the Zionist “left”—and their supporters in Western countries—who have recently jumped on the BDS “bandwagon,” so to speak, just as the movement started breaking ground in the mainstream, have attempted, perhaps unintentionally, to invent or suggest an alternative reference for the international BDS movement that perpetuates their Israel-centered perspective, unwarranted agency, inflated sense of entitlement, and entrenched colonial privilege. In their persistent attempts to divert BDS from its inclusive and broad rights-based principles to a narrow focus on the occupation or even the colonial settlements alone, some of those voices have openly adopted a “save Israel” agenda that essentially aims at ridding Israel of four million Palestinians in Gaza and the West Bank, including East Jerusalem, in order to strengthen its apartheid existence as a “Jewish state.” It seems some have yet to overcome their age-old patronizing attitudes toward the Palestinians, whom they apparently perceive as “irrational natives.”

As in the struggle against South African apartheid, genuine solidarity movements are those that recognize and follow the lead of the oppressed, <sup>4</sup> who are in turn not passive objects but active, rational subjects who are asserting their aspirations and rights and their strategy to realize them. Solidarity groups advocating BDS tactics are guided by the principles and overall strategy defined by the BDS National Committee, the BNC, which is the largest alliance of Palestinian civil society political parties, unions, mass organizations, NGOs, refugee-rights networks, and professional associations, representing the main segments of the indigenous people of Palestine.

Another strength of the BDS movement lies in the fact that it is, above everything else, a quest for justice, freedom, and equal rights. Its agenda, like its South African precursor's, cannot be easily dismissed as some dogmatic or fanatic ideology, because of its grounding in universal principles of human rights and international law that ought to appeal to liberals as well as progressives of diverse ideological backgrounds, religious and secular alike.

Whereas moral consistency and commitment to universal human rights are the overriding principles of the global BDS movement, operationally BDS is based on three basic principles: context sensitivity, gradualness, and sustainability. Accordingly, conscientious academics, intellectuals, human rights advocates, "peace with justice" activists, and civil society organizations in any given country know best how to apply BDS most effectively in their particular circumstances, taking into consideration their respective political realities, organizational capacities, and appropriate tactics. The following BDS campaign priorities are recommendations that reflect the collective experiences in the BDS movement since its inception in 2005:<sup>5</sup>

1. Promoting a general boycott of all products and services of Israeli companies (especially those producing diamonds and military products) as well as international companies implicated in profiting from or otherwise supporting Israel's violations of international law and Palestinian rights until Israel fully complies with its obligations under international law and ends its multitiered oppression of the Palestinian people.
2. Promoting a boycott of all Israeli academic,<sup>6</sup> cultural, athletic, and tourist institutions that are complicit in maintaining the Israeli regime of occupation, apartheid, and denial of the UN-sanctioned refugee rights. By the same token, the boycott should extend to all academic, cultural, and other events and activities that receive funds from Israel or any of its complicit institutions, or that cover up and whitewash Israel's violations of international law, as in the Brand Israel campaign and similarly deceptive initiatives. This demands raising awareness among academics, students, artists, cultural workers, and athletes about the role these institutions have played in

perpetuating injustice and colonial oppression. Crossing the Palestinian BDS picket line, so to speak, by violating the widely endorsed Palestinian boycott criteria and guidelines<sup>7</sup> should be denounced in the same firm language used in the past against those who played Sun City or otherwise failed to respect the anti-apartheid boycott against South Africa. Heeding the boycott guidelines is the minimum that any conscientious academic or cultural worker must do in the face of Israel's persistent and intensifying oppression.

3. Promoting ethical investment by trade unions, faith-based organizations, <sup>8</sup> local councils, private investment funds, and national pension funds, among others, by divesting from Israeli bonds and from all companies, banks, and other financial institutions that profit from or are otherwise complicit in maintaining Israel's occupation, denial of Palestinian refugee rights, or apartheid system of racial discrimination against the indigenous Palestinian citizens of Israel.
4. Promoting ethical *corporate* responsibility leading to divestment from and a boycott of products of companies—whether Israeli or international—that are implicated in Israel's violations of international law and human rights, such as Elbit Systems, Veolia, Alstom, Eden Springs, Agrexco-Carmel, AHAVA, Lev Leviev Diamonds, Motorola, Northrop Grumman, and Caterpillar.
5. Working to expel Israel and its complicit institutions from international and interstate academic, cultural, sporting (such as the Olympics and FIFA), environmental, financial, trade, and other forums until it fully complies with its obligations under international law.
6. Promoting ethical pilgrimage to the Holy Land by directly benefiting Palestinian hotels, restaurants, coach services, guides, and the like, denying Israel, its airlines, its complicit travel agencies, and its other apartheid institutions the lucrative revenues that accrue from such pilgrimage. Alternative Palestinian tourism should also be considered.<sup>9</sup>

7. Applying public pressure to ostracize the Jewish National Fund, JNF, and to deny it its current legal status in most Western countries as a tax-exempt “charitable” organization.<sup>10</sup>
8. Lobbying local councils and regional governments to strictly apply domestic and international laws that urge the preclusion from public contracts of companies involved in “grave misconduct” (as EU regulations stipulate, for instance), especially at the human rights level.
9. Applying effective pressure on public officials and political parties to heed Amnesty International’s call for an immediate arms embargo on all parties to the Middle East “conflict.” Despite valid criticisms of Amnesty’s morally and legally untenable equation between the occupying power and the people under occupation, to whom international law grants the right to resist, this call largely pertains to banning arms trade with Israel and the shipment of arms to it through any country’s ports, airspace, and sovereign territory, including territorial waters.<sup>11</sup> Such a ban should require third-party and end-user conformity to international law and human rights principles as well.
10. Calling for an immediate suspension of all free-trade<sup>12</sup> and other preferential trade agreements with Israel until it comprehensively and verifiably ends its violations of international law and Palestinian rights.
11. Holding Israel and complicit partner states, as the case may be, legally accountable for fully compensating the Palestinian people for all the illegal, wanton destruction it has wreaked upon Palestinian society and economy, as well as private and public property, in its siege, attacks, and wars of aggression against the Palestinian people, especially the 2009 war on Gaza and past invasions and military offensives in the occupied West Bank.
12. Applying pressure for immediate and unconditional implementation of the recommendations included in the Goldstone Report, adopted by the UN Human Rights Council, the UN General Assembly, and almost all leading international human rights organizations, to hold Israel and all colluding parties accountable for

committing war crimes and crimes against humanity and to prosecute accused war criminals, among other legal actions.

In challenging Israel's oppression, the global BDS campaign does not call for Israel to be treated according to standards that are higher or lower than those that apply to any other state committing similar crimes and violations of international law. The crucial demand is for Israel to be taken off the lofty pedestal on which it has been placed by the same Western powers that sponsored and justified its creation on the ruins of Palestinian society and that have largely sustained its three-tiered system of oppression against the Palestinian people. Although Israel is by no means the most atrocious offender in the world, it is the only persistent wrongdoer that has constantly been treated as an honorary member of the Western club of "democracies," with the Holocaust cynically—and quite irrelevantly—summoned as a smokescreen to cover up this collusion. The virtually unparalleled state of exceptionalism and impunity that Israel enjoys today allows it to pursue its apartheid, ethnic cleansing, and slow-genocide agenda against the indigenous people of Palestine without any regard to international law or concern about possible punitive measures for violating it.

It is worth repeating in this context that Palestinians—and Arabs more generally—bear no responsibility whatsoever for the Holocaust, a European genocide committed against mostly European communities of Jews, Roma, and Slavs, among others. It is therefore not incumbent upon Palestinians to pay in our lives, land, and livelihoods the price for relieving Europe's conscience of its collective guilt over the Holocaust. Holocaust guilt should never be used as a means to justify or tolerate Israel's horrific injustices against the people of Palestine. And as some progressive Jewish intellectuals have stated recently, "Never again!" must always be understood to mean *never again to anyone*,<sup>13</sup> a call echoed by Archbishop Desmond Tutu in his defense of BDS against Israeli injustices.<sup>14</sup>

Western civil society, in particular, carries a unique responsibility to hold Israel accountable to international law, due to Western governments' particularly persistent and shameful role in buttressing Israel's system of colonial and racial oppression through vast diplomatic, economic, academic, cultural, and political support—all in the name of Western



citizens and using their tax money without their consent. Deep complicity engenders profound moral responsibility. This complicity, though, should not be reduced to merely a function of Holocaust guilt; while the Holocaust is utilized to rationalize the West's indefensible and blatant support for Israel's crimes and acts of genocide, this support fundamentally stems from the Western establishments' hegemonic economic interests, lingering colonial racism, and belligerent crusade to preserve a system of privilege and exploitation, based on might and a monopoly on the tools of mass devastation, coercion, and intimidation. Maintaining Israeli colonial hegemony and apartheid, as was the case with the South African predecessor, has become the Western establishment's most critical frontier in its endless imperial wars against the rest of humanity.

Collusion and moral duty aside, the responsibility to promote and support the BDS campaign against Israel also derives from common interest. While the United States and other Western states fund Israel's ongoing belligerence and system of apartheid to the tune of billions of dollars every year, millions of children in parts of the West are still left behind in substandard housing, inadequate or nonexistent health care, pathetic education, and, when they grow up, an establishment that consciously and bureaucratically prevents them from effectively and actively participating in the democratic political process. At the same time that the oil, military, homeland security, and banking industries are aggrandizing their colossal wealth, nourishing fear and xenophobia to maintain the "health" of the market, most working people in the West are seeing their civil rights and economic wellbeing erode before their very eyes. A progressive transformation in US and EU priorities for their great human and material resources, from investment in wars and imperial hegemony to investing in universal health care, dignified housing, school systems conducive to critical and contextual learning and development, decent jobs, and environmental repair, would not only be good for the peoples of the West; it would also be great for the world—for Iraq, Afghanistan, South Asia, Latin America, Africa, Lebanon, and, most certainly, Palestine. With such a transformation, Israel's regime of oppression against the Palestinian people would become untenable—and other regimes would find it harder to carry out similar atrocities and violations of international law elsewhere in the world.

John Dugard, leading South African international law expert and former UN special rapporteur on human rights in the occupied Palestinian territory (OPT), wrote in 2007:

The West cannot expect the rest of the world to take issues it regards as important seriously if it persists in its present attitude to the [Israeli occupation]. For the rest of the world the issue of Palestine has become the litmus test for human rights. If the West fails to show concern for human rights in the OPT, the rest of the world will conclude that human rights are a tool employed by the West against regimes it dislikes and not an objective and universal instrument for the measurement of the treatment of people throughout the world.<sup>15</sup>

The global BDS movement for Palestinian rights presents a progressive, antiracist, sophisticated, sustainable, moral, and effective form of nonviolent civil resistance. It has become one of the key political catalysts and moral anchors for a strengthened, reinvigorated international social movement capable of ending the law of the jungle and upholding in its stead the rule of law, reaffirming the rights of all humans to freedom, equality, and dignified living.

Our South Africa moment has finally arrived!

# APPENDIX 1

## CALL FOR THE ACADEMIC AND CULTURAL BOYCOTT OF ISRAEL

Whereas Israel's colonial oppression of the Palestinian people, which is based on Zionist ideology, comprises the following:

- Denial of its responsibility for the Nakba—in particular the waves of ethnic cleansing and dispossession that created the Palestinian refugee problem—and therefore refusal to accept the inalienable rights of the refugees and displaced stipulated in and protected by international law;
- Military occupation and colonization of the West Bank (including East Jerusalem) and Gaza since 1967, in violation of international law and UN resolutions;
- The entrenched system of racial discrimination and segregation against the Palestinian citizens of Israel, which resembles the defunct apartheid system in South Africa;

Since Israeli academic institutions (mostly state controlled) and the vast majority of Israeli intellectuals and academics have either contributed directly to maintaining, defending or otherwise justifying the above forms of oppression, or have been complicit in them through their silence,

Given that all forms of international intervention have until now failed to force Israel to comply with international law or to end its repression of the Palestinians, which has manifested itself in many forms, including siege, indiscriminate killing, wanton destruction and the racist colonial wall,

In view of the fact that people of conscience in the international community of scholars and intellectuals have historically shouldered the moral

responsibility to fight injustice, as exemplified in their struggle to abolish apartheid in South Africa through diverse forms of boycott,

Recognizing that the growing international boycott movement against Israel has expressed the need for a Palestinian frame of reference outlining guiding principles,

In the spirit of international solidarity, moral consistency and resistance to injustice and oppression,

We, Palestinian academics and intellectuals, call upon our colleagues in the international community to ***comprehensively and consistently boycott all Israeli academic and cultural institutions*** as a contribution to the struggle to end Israel's occupation, colonization and system of apartheid, by applying the following:

1. Refrain from participation in any form of academic and cultural cooperation, collaboration or joint projects with Israeli institutions;
2. Advocate a comprehensive boycott of Israeli institutions at the national and international levels, including suspension of all forms of funding and subsidies to these institutions;
3. Promote divestment and disinvestment from Israel by international academic institutions;
4. Work toward the condemnation of Israeli policies by pressing for resolutions to be adopted by academic, professional and cultural associations and organizations;
5. Support Palestinian academic and cultural institutions directly without requiring them to partner with Israeli counterparts as an explicit or implicit condition for such support.

Endorsed by (2004):

Palestinian Federation of Unions of University Professors and Employees; Palestinian General Federation of Trade Unions; Palestinian NGO Network, West Bank; Teachers' Federation; Palestinian Writers' Federation; Palestinian League of Artists; Palestinian Journalists' Federation; General Union of Palestinian Women; Palestinian Lawyers' Association; and tens of other Palestinian federations, associations, and civil society organizations.

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# APPENDIX 2

## BDS CALL

### PALESTINIAN CIVIL SOCIETY CALLS FOR BOYCOTT, DIVESTMENT AND SANCTIONS AGAINST ISRAEL UNTIL IT COMPLIES WITH INTERNATIONAL LAW AND UNIVERSAL PRINCIPLES OF HUMAN RIGHTS

*9 July 2005*

One year after the historic Advisory Opinion of the International Court of Justice (ICJ) which found Israel's Wall built on occupied Palestinian territory to be illegal, Israel continues its construction of the colonial Wall with total disregard to the Court's decision. Thirty-eight years into Israel's occupation of the Palestinian West Bank (including East Jerusalem), Gaza Strip and the Syrian Golan Heights, Israel continues to expand Jewish colonies. It has unilaterally annexed occupied East Jerusalem and the Golan Heights and is now de facto annexing large parts of the West Bank by means of the Wall. Israel is also preparing—in the shadow of its planned redeployment from the Gaza Strip—to build and expand colonies in the West Bank. Fifty-seven years after the state of Israel was built mainly on land ethnically cleansed of its Palestinian owners, a majority of Palestinians are refugees, most of whom are stateless. Moreover, Israel's entrenched system of racial discrimination against its own Arab-Palestinian citizens remains intact.

In light of Israel's persistent violations of international law, and

Given that, since 1948, hundreds of UN resolutions have condemned Israel's colonial and discriminatory policies as illegal and called for immediate, adequate and effective remedies, and

Given that all forms of international intervention and peace-making have until now failed to convince or force Israel to comply with humanitarian law, to respect fundamental human rights and to end its occupation and oppression of the people of Palestine, and

In view of the fact that people of conscience in the international community have historically shouldered the moral responsibility to fight injustice, as exemplified in the struggle to abolish apartheid in South Africa through diverse forms of boycott, divestment and sanctions;

Inspired by the struggle of South Africans against apartheid and in the spirit of international solidarity, moral consistency and resistance to injustice and oppression,

**We, representatives of Palestinian civil society, call upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era. We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel. We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.**

These non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall;
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN



resolution 194.

Endorsed by:

The Palestinian political parties, unions, associations, coalitions and organizations below represent the three integral parts of the people of Palestine: Palestinian refugees, Palestinians under occupation and Palestinian citizens of Israel:

*Unions, Associations, Campaigns*

1. Council of National and Islamic Forces in Palestine (coordinating body for the major political parties in the Occupied Palestinian Territory–OPT)
2. Palestinian Independent Commission for Citizen's Rights (PICCR)
3. Palestinian NGO Network, West Bank–Gaza Strip (PNGO)
4. Union of Arab Community Based Associations (ITTIJAH), Haifa
5. Forum of Palestinian NGOs in Lebanon
6. Palestinian General Federation of Trade Unions (PGFTU)
7. General Union of Palestinian Women (GUPW)
8. General Union of Palestinian Teachers (GUPT)
9. Federation of Unions of Palestinian Universities' Professors and Employees
10. Consortium of Professional Associations
11. Union of Palestinian Medical Relief Committees (UPMRC)
12. Health Work Committees–West Bank
13. Union of Agricultural Work Committees (UAWC)
14. Union of Palestinian Agricultural Relief Committees (PARC)
15. Union of Health Work Committees–Gaza (UHWC)
16. Union of Palestinian Farmers
17. Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI)
18. General Union of Disabled Palestinians
19. Palestinian Federation of Women's Action Committees (PFWAC)
20. Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI)
21. Palestinian Grassroots Anti-Apartheid Wall Campaign
22. Union of Teachers of Private Schools
23. Union of Women's Work Committees, Tulkarem (UWWC)
24. Dentists' Association–Jerusalem Center

25. Palestinian Engineers Association
26. Lawyers' Association
27. Network for the Eradication of Illiteracy and Adult Education, Ramallah
28. Coordinating Committee of Rehabilitation Centers–West Bank
29. Coalition of Lebanese Civil Society Organizations (150 organizations)
30. Solidarity for Palestinian Human Rights (SPHR), Network of Student-Based Canadian University Associations

*Refugee Rights Associations/Organizations*

1. Al-Ard Committees for the Defense of the Right of Return, Syria
2. Al Awda–Palestine Right-to-Return Coalition, U.S.A.
3. Al-Awda Toronto
4. Aidun Group–Lebanon
5. Aidun Group–Syria
6. Alrowwad Cultural and Theatre Training Center, Aida refugee camp
7. Association for the Defense of the Rights of the Internally Displaced (ADRID), Nazareth
8. BADIL Resource Center for Palestinian Residency and Refugee Rights, Bethlehem
9. Committee for Definite Return, Syria
10. Committee for the Defense of Palestinian Refugee Rights, Nablus
11. Consortium of the Displaced Inhabitants of Destroyed Palestinian Villages and Towns
12. Filastinuna–Commission for the Defense of the Right of Return, Syria
13. Handala Center, 'Azza (Beit Jibreen) refugee camp, Bethlehem
14. High Committee for the Defense of the Right of Return, Jordan (including personal endorsement of seventy-one members of parliament, political parties, and unions in Jordan)
15. High National Committee for the Defense of the Right of Return, Ramallah
16. International Right of Return Congress (RORC)
17. Jermama Youth Forum for the Defense of the Right of Return, Syria
18. Laji Center, Aida camp, Bethlehem

19. Local Committee for Rehabilitation, Qalandia refugee camp, Jerusalem
20. Local Committee for Rehabilitation of the Disabled, Deheishe refugee camp, Bethlehem
21. Palestinian National Committee for the Defense of the Right of Return, Syria
22. Palestinian Return Association, Syria
23. Palestinian Return Forum, Syria
24. Palestine Right-of-Return Coalition (Palestine, Arab host countries, Europe, North America)
25. Palestine Right-of-Return Confederation–Europe (Austria, Denmark, France, Germany, Italy, Netherlands, Norway, Poland, Sweden)
26. Palestinian Youth Forum for the Right of Return, Syria
27. PLO Popular Committees–West Bank refugee camps
28. PLO Popular Committees–Gaza Strip refugee camps
29. Popular Committee–al-'Azza (Beit Jibreen) refugee camp, Bethlehem
30. Popular Committee–Deheishe refugee camp, Bethlehem
31. Shaml–Palestinian Diaspora and Refugee Center, Ramallah
32. Union of Women's Activity Centers–West Bank Refugee Camps
33. Union of Youth Activity Centers–Palestine Refugee Camps, West Bank and Gaza
34. Women's Activity Center–Deheishe refugee camp, Bethlehem
35. Yafa Cultural Center, Balata refugee camp, Nablus

### *Organizations*

1. Abna' al-Balad Society, Nablus
2. Addameer Center for Human Rights, Gaza
3. Addameer Prisoners' Support and Human Rights Association, Ramallah
4. Alanqa' Cultural Association, Hebron
5. Al-Awda Palestinian Folklore Society, Hebron
6. Al-Doha Children's Cultural Center, Bethlehem
7. Al-Huda Islamic Center, Bethlehem
8. Al-Jeel al-Jadid Society, Haifa
9. Al-Karameh Cultural Society, Um al-Fahm

10. Al-Maghazi Cultural Center, Gaza
11. Al-Marsad Al-Arabi, occupied Syrian Golan Heights
12. Al-Mezan Center for Human Rights, Gaza
13. Al-Nahda Cultural Forum, Hebron
14. Al-Taghrid Society for Culture and Arts, Gaza
15. Alternative Tourism Group, Beit Sahour (ATG)
16. Al-Wafa' Charitable Society, Gaza
17. Applied Research Institute Jerusalem (ARIJ)
18. Arab Association for Human Rights, Nazareth (HRA)
19. Arab Center for Agricultural Development (ACAD)
20. Arab Center for Agricultural Development–Gaza
21. Arab Education Institute (AEI)–Pax Christi Bethlehem
22. Arab Orthodox Charitable Society–Beit Sahour
23. Arab Orthodox Charity–Beit Jala
24. Arab Orthodox Club–Beit Jala
25. Arab Orthodox Club–Beit Sahour
26. Arab Students' Collective, University of Toronto
27. Arab Thought Forum, Jerusalem (AFT)
28. Association for Cultural Exchange Hebron–France
29. Association Najdeh, Lebanon
30. Authority for Environmental Quality, Jenin
31. Bader Society for Development and Reconstruction, Gaza
32. Bisan Center for Research and Development, Bethlehem
33. Canadian Palestine Foundation of Québec, Montréal
34. Center for the Defense of Freedoms, Ramallah
35. Center for Science and Culture, Gaza
36. Chamber of Commerce and Industry, Ramallah—Al-Bireh District
37. Child Development and Entertainment Center, Tulkarem
38. Committee for Popular Participation, Tulkarem
39. Defense for Children International–Palestine Section, Ramallah (DCI/PS)
40. El-Funoun Palestinian Popular Dance Troupe
41. Ensan Center for Democracy and Human Rights, Bethlehem
42. Environmental Education Center, Bethlehem
43. FARAH–Palestinian Center for Children, Syria
44. Ghassan Kanafani Society for Development, Gaza

45. Ghassan Kanafani Forum, Syria
46. Gaza Community Mental Health Program, Gaza (GCMHP)
47. Golan for Development, occupied Syrian Golan Heights
48. Halhoul Cultural Forum, Hebron
49. Himayeh Society for Human Rights, Um al-Fahm
50. Holy Land Trust–Bethlehem
51. Home of Saint Nicholas for Old Ages–Beit Jala
52. Human Rights Protection Center, Lebanon
53. In’ash al-Usrah Society, Ramallah
54. International Center of Bethlehem (Dar An-Nadweh)
55. Islah Charitable Society–Bethlehem
56. Jafra Youth Center, Syria
57. Jander Center, al-Azza (Beit Jibreen) refugee camp, Bethlehem
58. Jerusalem Center for Women, Jerusalem (JCW)
59. Jerusalem Legal Aid and Human Rights Center (JLAC)
60. Khalil Al Sakakini Cultural Center, Ramallah
61. Land Research Center, Jerusalem (LRC)
62. Liberated Prisoners’ Society, Palestine
63. Local Committee for Social Development, Nablus
64. Local Committee for the Rehabilitation of the Disabled, Nablus
65. MA’AN TV Network, Bethlehem
66. Medical Aid for Palestine, Canada
67. MIFTAH–Palestinian Initiative for the Promotion of Global Dialogue and Democracy, Ramallah
68. Muwatin–The Palestinian Institute for the Study of Democracy
69. National Forum of Martyr’s Families, Palestine
70. Near East Council of Churches Committee for Refugee Work–Gaza Area
71. Network of Christian Organizations–Bethlehem (NCOB)
72. Palestinian Council for Justice and Peace, Jerusalem
73. Palestinian Counseling Center, Jerusalem (PCC)
74. Palestinian Democratic Youth Union, Lebanon
75. Palestinian Democratic Union, Palestine
76. Palestinian Farmers’ Society, Gaza
77. Palestinian Hydrology Group for Water and Environment Resources Development–Gaza

78. Palestinian Prisoners' Society–West Bank
79. Palestinian Society for Consumer Protection, Gaza
80. Palestinian University Students' Forum for Peace and Democracy, Hebron
81. Palestinian Women's Struggle Committees
82. Palestinian Working Women Society for Development
83. Popular Art Centre, Al-Bireh
84. Prisoner's Friends Association–Ansar Al-Sajeen, Majd al-Krum, Israel
85. Public Aid Association, Gaza
86. Ramallah Center for Human Rights Studies
87. Saint Afram Association–Bethlehem
88. Saint Vincent De Paule–Beit Jala
89. Senior Citizen Society–Beit Jala
90. Social Development Center, Nablus
91. Society for Self-Development, Hebron
92. Society for Social Work, Tulkarem
93. Society for Voluntary Work and Culture, Um al-Fahm
94. Society of Friends of Prisoners and Detainees, Um al-Fahm
95. Sumoud–Political Prisoners Solidarity Group, Toronto
96. Tamer Institute for Community Education, Ramallah
97. TCC–Teacher's Creativity Center, Ramallah
98. Wi'am Center, Bethlehem
99. Women's Affairs Technical Committee, Ramallah and Gaza (WATC)
100. Women's Studies Center, Jerusalem (WSC)
101. Women's Center for Legal Aid and Counseling, Jerusalem (WCLAC)
102. Yafa for Education and Culture, Nablus
103. Yazour Charitable Society, Nablus
104. YMCA–East Jerusalem
105. Youth Cooperation Forum, Hebron
106. YWCA–Palestine
107. Zakat Committee–al-Khader, Bethlehem
108. Zakat Committee–Deheishe camp, Bethlehem

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## **APPENDIX 3**

### **PACBI GUIDELINES FOR THE INTERNATIONAL ACADEMIC BOYCOTT OF ISRAEL**

*(Revised August 2010)*

Since its founding in 2004, PACBI has advocated a boycott of Israeli academic and cultural institutions, based on the premise that these institutions are complicit in the system of oppression that has denied Palestinians their basic rights guaranteed by international law. This position is in line with the authoritative call by the Palestinian Council for Higher Education (CHE) for “non-cooperation in the scientific and technical fields between Palestinian and Israeli universities.”<sup>1</sup> Academic institutions in particular are part of the ideological and institutional scaffolding of the Zionist settler-colonial project in Palestine, and as such are deeply implicated in maintaining the structures of domination and oppression over the Palestinian people. Since its founding, the Israeli academy has cast its lot with the hegemonic political-military establishment in Israel, and notwithstanding the efforts of a handful of principled academics, is deeply implicated in supporting and perpetuating the status quo.

Aside from the CHE boycott call, the first civil society efforts for an academic boycott of Israel can be traced to 2002, the year in which Israel launched its destructive assault upon Palestinian cities, towns, refugee camps and villages, targeting the institutions of Palestinian society and wreaking havoc on communities, residential neighborhoods, and urban infrastructure. The April 2002 statement by 120 European academics and researchers urging the adoption of a moratorium on EU and European Science Foundation support for Israel was followed by a number of pro-boycott initiatives in the same year by academics in the USA, France, Norway, and Australia. Particularly noteworthy have been the annual

congresses of UK academics' unions, where boycott-related resolutions have been debated and passed since 2002. PACBI's key partner in the UK, BRICUP,<sup>2</sup> has been instrumental in the ongoing struggle to popularize the academic boycott in the union movement in the UK and beyond.

In October 2003, the first Palestinian Call for Boycott was issued by a group of Palestinian academics and intellectuals in the diaspora and the occupied Palestinian territory. Building on all previous boycott initiatives, PACBI issued its Call for an Academic and Cultural Boycott of Israel in Ramallah in 2004, providing the Palestinian reference for a steadily growing and sustainable institutional academic boycott effort throughout the world. The lethal Israeli assault on the Gaza Strip in December 2008–January 2009 served as a catalyst for further activism, and the period since then has witnessed a tremendous growth of initiatives in the spirit of BDS and targeting Israeli academic institutions. Such efforts have come from Australia, Canada, Ireland, Norway, Egypt, Sweden, Scotland, Lebanon, Spain, the United States, Italy and France, among others. Particularly encouraging has been the founding of the US Campaign for the Academic and Cultural Boycott of Israel (USACBI), inspired by PACBI and basing itself upon the PACBI Call.

Palestinian student and youth organizations, particularly in Gaza, endorsed the PACBI Call in the aftermath of Israel's war of aggression on the occupied and besieged Gaza Strip.<sup>3</sup>

During six years of intensive work with partners in several countries to promote the academic boycott against Israel, PACBI has examined many academic projects and events, assessing the applicability of the boycott criteria to them and, accordingly, has issued open letters, statements or advisory opinions on them. Based on this experience and in response to the burgeoning demand for PACBI's specific guidelines on applying the academic boycott to diverse projects, from conferences to exchange programs and research efforts, the Campaign lays out below unambiguous, consistent and coherent criteria and guidelines that specifically address the nuances and particularities of the academy.

These guidelines are mainly intended to assist conscientious academics and academic bodies around the world in adhering to the Palestinian call for

boycott, as a contribution towards establishing a just peace in our region. Similar guidelines for the cultural boycott have been issued by PACBI.<sup>4</sup>

### Academic Boycott Guidelines

Inspired by the anti-apartheid struggle in South Africa as well as the long tradition of civil resistance against settler-colonialism in Palestine, the PACBI Call<sup>5</sup> urges academics and cultural workers “to comprehensively and consistently boycott all Israeli academic and cultural institutions as a contribution to the struggle to end Israel’s occupation, colonization and system of apartheid, by applying the following:

1. Refrain from participation in any form of academic and cultural cooperation, collaboration or joint projects with Israeli institutions;
2. Advocate a comprehensive boycott of Israeli institutions at the national and international levels, including suspension of all forms of funding and subsidies to these institutions;
3. Promote divestment and disinvestment from Israel by international academic institutions;
4. Work toward the condemnation of Israeli policies by pressing for resolutions to be adopted by academic, professional and cultural associations and organizations;
5. Support Palestinian academic and cultural institutions directly without requiring them to partner with Israeli counterparts as an explicit or implicit condition for such support.”

Before discussing the various categories of academic activities that fall under the boycott call, and as a general overriding rule, it is important to stress that all Israeli academic institutions, unless proven otherwise, are complicit in maintaining the Israeli occupation and denial of basic Palestinian rights, whether through their silence, actual involvement in justifying, whitewashing or otherwise deliberately diverting attention from Israel’s violations of international law and human rights, or indeed through their direct collaboration with state agencies in the design and commission of these violations. Accordingly, these institutions, all their activities, and all the events they sponsor or support must be boycotted. Events and projects involving individuals explicitly representing these complicit

institutions should be boycotted, by the same token. Mere institutional *affiliation* to—as opposed to *representation* of—the Israeli academy is therefore not a sufficient condition for applying the boycott.

An increasing number of Palestinian civil society institutions are no longer willing to host international academics and cultural workers who insist on visiting or working with boycottable Israeli institutions, thereby violating the Palestinian boycott. Hosting those who cross our boycott “picket lines,” many Palestinian organizations now recognize, can only undermine the boycott by presenting a false symmetry” or “balance” between the colonial oppressor and the colonized.

Although visits to the occupied Palestinian territory by international supporters and advocates of Palestinian rights have always been viewed by Palestinians as a source of encouragement and inspiration, PACBI and many Palestinian institutions believe that solidarity also entails respecting the boycott guidelines.

While an individual’s academic freedom should be fully and consistently respected in this context, an individual academic, Israeli or not, cannot be exempt from being subject to boycotts that conscientious citizens around the world (beyond the scope of the PACBI boycott criteria) may call for in response to what is widely perceived as a particularly offensive act or statement by the academic in question (such as direct or indirect incitement to violence; justification—an indirect form of advocacy—of war crimes and other grave violations of international law; racial slurs; actual participation in human rights violations; etc.). At this level, Israeli academics should not be automatically exempted from due criticism or any lawful form of protest, including boycott; they should be treated like all other offenders in the same category, not better or worse.

The following guidelines may not be completely exhaustive and certainly do not preempt, replace or void other, common-sense rationales for boycott, particularly when a researcher, speaker, or event is shown to be explicitly justifying, advocating or promoting war crimes, racial discrimination, apartheid, suppression of fundamental human rights and serious violations of international law.

**Based on the above, PACBI urges academics, academics’ associations/unions and academic institutions around the world, where possible and as relevant, to boycott and/or work towards the**

**cancellation or annulment of events, activities, agreements, or projects that promote the normalization of Israel in the global academy, whitewash Israel's violations of international law and Palestinians rights, or violate the boycott.**

**Specifically, the Palestinian academic boycott against Israel applies to the following events, activities, or situations:**

1. Academic events (such as conferences, symposia, workshops, book and museum exhibits) convened or co-sponsored by Israeli institutions. All academic events, whether held in Israel or abroad, and convened or cosponsored by Israeli academic institutions or their departments and institutes, deserve to be boycotted on institutional grounds. These boycottable activities include panels and other activities sponsored or organized by Israeli academic bodies or associations at international conferences outside Israel. Importantly, they also include the convening in Israel of meetings of international bodies and associations.
2. Institutional cooperation agreements with Israeli universities or research institutes. These agreements, concluded between international and Israeli universities, typically involve the exchange of faculty and students and, more importantly, the conduct of joint research. Many of these schemes are sponsored and funded by the European Union (in the case of Europe), and independent and government foundations elsewhere. For example, the five-year EU Framework programs, in which Israel has been the only non-European participant, have been crucial to the development of research at Israeli universities. European academic activists have been campaigning for the suspension of the EU-Israel Association Agreement since 2002; under this Agreement, Israeli and European universities exchange academic staff and students and engage in other activities, mainly through the Erasmus Mundus and Tempus schemes.<sup>6</sup> It should be noted that Israel is in violation of the terms of this Agreement, particularly of the second article.<sup>7</sup>
3. Study abroad schemes in Israel for international students. These programs are usually housed at Israeli universities and are part of the Israeli propaganda effort, designed to give international students

a “positive experience” of Israel. Publicity and recruitment for these schemes are organized through students’ affairs offices or academic departments (such as Middle East and international studies centers) at universities abroad.

4. Addresses and talks at international venues by official representatives of Israeli academic institutions such as presidents and rectors.
5. Special honors or recognition granted to official representatives of Israeli academic institutions (such as the bestowal of honorary degrees and other awards) or to Israeli academic or research institutions. Such institutions and their official representatives are complicit and as such should be denied this recognition.
6. Palestinian/Arab-Israeli collaborative research projects or events, especially those funded by the various EU and international grant-giving bodies. It is widely known that the easiest route to securing a research grant for a Palestinian academic is to apply with an Israeli partner. This is a case of politically motivated research par excellence, and contributes to enhancing the legitimacy of Israeli institutions as centers of excellence instead of directly and independently strengthening the research capacity of Palestinian institutions. The argument that “science is above politics” is often used to justify such collaborations. In PACBI’s view, no normal collaboration between the institutions of the oppressor and the oppressed, or indeed between the academics of the oppressor and oppressed can be possible while the structures of domination remain in place. In fact, such projects do nothing to challenge the status quo and contribute to its endurance. As an example, Palestinian/Arab-Israeli research efforts in the field of water and environment take as given the apartheid reality; tackling Palestinian/Arab and Israeli water and environmental “problems” as commensurate, without recognizing the apartheid reality, only contributes to the continuation of that reality.

As in the cultural field, events and projects (such as those involving educators, psychologists, or historians) involving Palestinians and/or Arabs and Israelis that promote “balance” between the “two sides” in presenting their respective narratives or

“traumas,” as if on par, or are otherwise based on the false premise that the colonizers and the colonized, the oppressors and the oppressed, are equally responsible for the “conflict,” are intentionally deceptive, intellectually dishonest and morally reprehensible. Such events and projects, often seeking to encourage dialogue or “reconciliation between the two sides” without addressing the requirements of justice, promote the normalization and perpetuation of oppression and injustice. All such events and projects that bring Palestinians and/or Arabs and Israelis together, unless based on unambiguous recognition of Palestinian rights and framed within the explicit context of opposition to occupation and other forms of Israeli oppression of the Palestinians, are strong candidates for boycott. Other factors that PACBI takes into consideration in evaluating such events and projects are the sources of funding, the design of the project or event, the objectives of the sponsoring organization(s), the participants, and similar relevant factors.

7. Research and development activities in the framework of agreements or contracts between the Israeli government and other governments or institutions. Researchers in such projects are based at American, European or other universities. Examples include the United States–Israel Binational Science Foundation (BSF), an institution established by the US and Israeli governments in 1972 to sponsor research by Israelis and Americans, and the “Eureka Initiative,” a European inter-governmental initiative set up in 1985 that includes Israel as the only non-European member.
8. Research and development activities on behalf of international corporations involving contracts or other institutional agreements with departments or centers at Israeli universities.
9. Institutional membership of Israeli associations in world bodies. While challenging such membership is not easy, targeted and selective campaigns demanding the suspension of Israeli membership in international forums contribute towards pressuring the state until it respects international law. Just as South Africa’s membership was suspended in world academic—among other—bodies during apartheid, so must Israel’s.

10. Publishing in or refereeing articles for academic journals based at Israeli universities, or granting permission to reprint material published elsewhere in such journals. These journals include those published by international associations but housed at Israeli universities. Efforts should be made to re-locate the editorial offices of these journals to universities outside Israel.
11. Granting permission for the use of copyrighted or non–publicly available material, such as artwork and audiovisual products, at or by Israeli universities and other boycottable institutions, regardless of the purposes of such use.
12. Advising on hiring or promotion decisions at Israeli universities through refereeing the work of candidates,<sup>8</sup> or refereeing research proposals for Israeli funding institutions. Such services, routinely provided by academics to their profession, must be withheld from complicit institutions.

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## APPENDIX 4

### PACBI GUIDELINES FOR THE INTERNATIONAL CULTURAL BOYCOTT OF ISRAEL

*(Revised October 2010)*

Since April 2004, PACBI has called upon intellectuals and academics worldwide to “comprehensively and consistently boycott all Israeli academic and cultural institutions as a contribution to the struggle to end Israel’s occupation, colonization and system of apartheid.”<sup>1</sup>

In 2006, a decisive majority of Palestinian cultural workers, including most filmmakers and artists, supported by hundreds of international cultural workers, appealed to all international artists and filmmakers of good conscience to join the institutional cultural boycott against Israel.<sup>2</sup> In response, the renowned British artist and writer John Berger issued a statement that was backed by dozens of prominent international artists, writers and filmmakers calling on their colleagues everywhere to endorse the Palestinian cultural boycott call.<sup>3</sup>

In the spirit of this cultural boycott and consistent with its logic, on 8 May 2008, in a half-page advertisement in the *International Herald Tribune* under the banner “No Reason to Celebrate,” tens of leading international cultural figures—including Mahmoud Darwish, Augusto Boal, Ken Loach, Andre Brink, Ella Shohat, Judith Butler, Vincenzo Consolo, Ilan Pappé, David Toscana and Aharon Shabtai—signed a statement responding to worldwide celebrations of Israel’s “60th anniversary” saying:

There is no reason to celebrate! Israel at 60 is a state that is still denying Palestinian refugees their UN-sanctioned rights, simply because they are “non-Jews.” It is still illegally occupying Palestinian and other Arab lands, in violation of numerous UN resolutions. It is still persistently and grossly

breaching international law and infringing fundamental human rights with impunity afforded to it through munificent US and European economic, diplomatic and political support. It is still treating its own Palestinian citizens with institutionalized discrimination.<sup>4</sup>

The cultural boycott campaign against apartheid South Africa has been a major source of inspiration in formulating the Palestinian boycott calls and their criteria. In that context, the key argument put forth by the South African apartheid regime and its apologists around the world against the anti-apartheid cultural and sports boycott—that boycotts violate the freedom of expression and cultural exchange—was resolutely refuted by the director of the United Nations Centre Against Apartheid, Enuga S. Reddy, who in 1984 wrote:

It is rather strange, to say the least, that the South African regime which denies all freedoms . . . to the African majority ... should become a defender of the freedom of artists and sportsmen of the world. We have a list of people who have performed in South Africa because of ignorance of the situation or the lure of money or unconcern over racism. They need to be persuaded to stop entertaining apartheid, to stop profiting from apartheid money and to stop serving the propaganda purposes of the apartheid regime.<sup>5</sup>

Similarly, the Palestinian boycott call targets cultural institutions, projects and events that continue to serve the purposes of the Israeli colonial and apartheid regime.

During years of intense work with partners in several countries to promote the cultural boycott of Israel, PACBI has thoroughly scrutinized tens of cultural projects and events, assessing the applicability of the boycott criteria to them and, accordingly, has issued open letters, statements or advisory opinions on them. The two most important conclusions reached in this respect were: (a) many of these events and projects fall into an uncertain, grey area that is challenging to appraise, and (b) the boycott must target not only the complicit institutions but also the inherent and organic links between them which reproduce the machinery of colonial subjugation and apartheid. Based on this experience and in response to the burgeoning demand for PACBI's specific guidelines for applying the cultural boycott to

diverse projects, from film festivals to art exhibits to musical and dance performances to conferences, the Campaign lays out below unambiguous, consistent and coherent criteria and guidelines that specifically address the nuances and particularities of the field of culture.

These guidelines are mainly intended to help guide cultural workers and organizers around the world in adhering to the Palestinian call for boycott, as a contribution towards establishing a just peace in our region.

### Cultural Boycott Guidelines

Before discussing the various categories of cultural products and events and as a general overriding rule, virtually all Israeli cultural institutions, unless proven otherwise, are complicit in maintaining the Israeli occupation and denial of basic Palestinian rights, whether through their silence or actual involvement in justifying, whitewashing or otherwise deliberately diverting attention from Israel's violations of international law and human rights. Accordingly, these institutions (mainly major state and public entities), all their products, and all the events they sponsor or support must be boycotted. By the same token, international artists and cultural workers are urged not to exhibit, present, or showcase their work (e.g., films, installations, literary works) or lecture at complicit Israeli cultural institutions or events, or to grant permission for the publication or exhibition of such work by such institutions. Events and projects involving individuals *explicitly representing* these complicit institutions should be boycotted, likewise.

International cultural workers who fail to heed the call for boycott and attempt to visit Palestinian institutions as a "balancing act" are assuming "parity between justice and injustice," which Nelson Mandela has warned against. Although visits to the occupied Palestinian territory by international supporters and advocates of Palestinian rights have always been viewed by Palestinians as a source of encouragement and inspiration, Palestinians increasingly believe that solidarity entails respecting the boycott call and not combining a visit to Palestinian institutions with visits to or attending conferences and other events at boycottable Israeli institutions. International visitors who insist on including Israeli cultural

institutions in their itinerary, in violation of the boycott, should not expect to be welcomed by Palestinian cultural institutions.

In all the following, “product” refers to cultural products such as films and other art forms; “event” refers to film festivals, conferences, art exhibits, dance and musical performances, tours by artists and writers, among other activities.

The following criteria may not be completely exhaustive and certainly do not preempt, replace or void other, common-sense rationales for boycott, particularly when a cultural product or event is shown to be explicitly justifying, advocating or promoting war crimes, racial discrimination, apartheid, suppression of fundamental human rights and serious violations of international law.

Based on the above, the Palestinian cultural boycott of Israel applies in the following situations:

*(1) Cultural product is commissioned by an official Israeli body or non-Israeli institution that serves Brand Israel or similar propaganda purposes<sup>6</sup>*

All cultural products commissioned by an official Israeli body (e.g., government ministry, municipality, embassy, consulate, state or other public film fund, etc.) or an Israel rebranding effort or organization, whether Israeli or international, deserve to be boycotted on institutional grounds, as they are commissioned and thus funded by the Israeli state or colluding institutions specifically to help the state’s propaganda or “rebranding” efforts aimed at diluting, justifying, whitewashing or otherwise diverting attention from the Israeli occupation and other violations of Palestinian rights and international law. However, this level of explicit complicity is difficult to ascertain quite often, as information on such direct commissioning may not be readily available or may even be intentionally concealed.

*(2) Product is funded by an official Israeli body, but not commissioned (no political strings)*

The term “political strings” here specifically refers to those conditions that obligate a fund recipient to directly or indirectly serve the Israeli government’s or a complicit institution’s “rebranding” or propaganda

efforts. Products funded by official Israeli bodies—as defined in category (1) above—but not commissioned, therefore not attached to any political strings, are not *per se* subject to boycott. Individual cultural products that receive state funding as part of the individual cultural worker’s entitlement as a tax-paying citizen, without her/him being bound to serve the state’s political and PR interests, are not boycottable, according to the PACBI criteria. Accepting such political strings, on the other hand, would clearly turn the cultural product or event into a form of complicity, by contributing to Israel’s efforts to whitewash or obscure its colonial and apartheid reality, and would render it boycottable, as a result.

While an individual’s freedom of expression, particularly artistic expression, should be fully and consistently respected in this context, an individual artist, filmmaker, writer, etc., Israeli or not, cannot be exempt from being subject to boycotts that conscientious citizens around the world (beyond the scope of the PACBI boycott criteria) may call for in response to what is widely perceived as a particularly offensive act or statement by the cultural worker in question (such as direct or indirect incitement to hatred and violence; justification—an indirect form of advocacy—of war crimes and other grave violations of international law; racial slurs; actual participation in human rights violations; etc.). At this level, Israeli cultural workers should not be automatically exempted from due criticism or any lawful form of protest, including boycott; they should be treated like all other offenders in the same category, not better or worse.

*(3) Event is partially or fully sponsored or funded by an official Israeli body or a complicit institution*

The general principle is that an event or project carried out under the sponsorship /aegis of or in affiliation with an official Israeli body or a complicit institution constitutes complicity and therefore is deserving of boycott. The same may apply to support or sponsorship from non-Israeli institutions that serve brand Israel purposes. It is also well documented now that Israeli artists, writers and other cultural workers applying for state funding to cover the cost of their—or their cultural products’—participation in international events must accept to contribute to Israel’s official propaganda efforts. To that end, the cultural worker must sign a contract

with the Israeli Foreign Ministry binding her/him to “undertake to act faithfully, responsibly and tirelessly to provide the Ministry with the highest professional services. The service provider is aware that the purpose of ordering services from him is to promote the policy interests of the State of Israel via culture and art, including contributing to creating a positive image for Israel.”<sup>7</sup>

*(4) Product is not funded or sponsored by an official Israeli body or complicit institution*

Unless violating any of the above criteria, in the absence of official Israeli or other complicit institutional sponsorship, the individual product of an Israeli cultural worker *per se* is not boycottable, regardless of its content or merit.

*(5) Event or project promotes false symmetry or “balance”*

Cultural events and projects involving Palestinians and/or Arabs and Israelis that promote “balance” between the “two sides” in presenting their respective narratives, as if on par, or are otherwise based on the false premise that the colonizers and the colonized, the oppressors and the oppressed, are equally responsible for the “conflict,” are intentionally deceptive, intellectually dishonest and morally reprehensible. Such events and projects, often seeking to encourage dialogue or “reconciliation between the two sides” without addressing the requirements of justice, promote the normalization of oppression and injustice. All such events and projects that bring Palestinians and/or Arabs and Israelis together, unless the Israeli side is explicitly supportive of the inalienable rights of the Palestinian people and unless the project /event is framed within the explicit context of joint opposition to occupation and other forms of Israeli oppression of the Palestinians, are strong candidates for boycott. Other factors that PACBI takes into consideration in evaluating such events and projects are the sources of funding, the design of the program, the objectives of the sponsoring organization(s), the participants, and similar relevant factors.

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## NOTES

### INTRODUCTION

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“Israelis have exalted a man ... who out-Sharons even Ariel Sharon. A few Palestinians [have said] the West will see the ‘true face’ of Israel. [He’s] talked of drowning Palestinians in the Dead Sea or executing Israeli Palestinians who talked to Hamas. [His] incendiary language [promotes] executions ... drownings ... hell and loyalty oaths.” Fisk, “Why Avigdor Lieberman Is the Worst Thing That Could Happen to the Middle East,” *Independent*, March 18, 2009,

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## CHAPTER 1: WHY NOW?

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## CHAPTER 2: WHY BDS?

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2010, [http://www.haaretz.com/news/national/poll-half-of-israeli-teens-don-  
t-want-arab-students-in-their-class-1.312479#article\\_comments](http://www.haaretz.com/news/national/poll-half-of-israeli-teens-don-t-want-arab-students-in-their-class-1.312479#article_comments)). In another  
example, the Carmel Academic Center in Haifa canceled an accounting  
course because a majority of the students applying were Palestinian citizens  
of Israel, it was revealed in a news item reported on Israeli news Channel  
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[http://www.alternativenews.org/english/index.php/topics/news/1950-  
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## CHAPTER 3: THE SOUTH AFRICA STRATEGY FOR PALESTINE

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bullets. This kind of bullet does not have a sharp end but has a piece of metal inside; they hit the eye with great speed, creating an impact that shatters the eye.” The Palestinian Society for the Protection of Human Rights and the Environment (LAW), “Israel’s Excessive and Indiscriminate Use of Force: Eye Injuries,” November 2, 2000.

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10 Chris Hedges, “A Gaza Diary,” *Harper’s Magazine*, October 2001.

11 Leon Hadar, “New Historians Laying Foundations for New Realities,” *Washington Report on Middle East Affairs*, (November–December 1994),

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“Relative Humanity: The Fundamental Obstacle to a One-State Solution in Historic Palestine,” *Electronic Intifada*, January 6, 2004, <http://electronicintifada.net/v2/article2325.shtml>.

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23 Lily Galili, “Long Division,” *Haaretz*, December 19, 2003.

24 Ronnie Kasrils and Victoria Brittain, “Both Palestinians and Israelis Will Benefit from a Boycott,” *Guardian*, May 25, 2005.

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26 Ibid.

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28 Yulie Khromchenco, “Poll: 64% of Israeli Jews Support Encouraging Arabs to Leave,” *Haaretz*, June 22, 2004.

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38 Desmond Tutu and Ian Urbina, "Against Israeli Apartheid," *Nation*, July 15, 2002.

39 Palestinian Civil Society's Call for Boycott, Divestment and Sanctions (BDS) can be read in full at [www.PACBI.org](http://www.PACBI.org).

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41 I. F. Stone, "Holy War," *New York Review of Books*, August 3, 1967, <http://www.nybooks.com/articles/12009>.

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[http://www.alternativenews.org/images/stories/downloads/Economy\\_of\\_the\\_occupation\\_23-24.pdf](http://www.alternativenews.org/images/stories/downloads/Economy_of_the_occupation_23-24.pdf); and SOAS Palestine Society, "Tel Aviv University—A Leading Israeli Military Research Centre," February 2009,

<http://www.electronicintifada.net/downloads/pdf/090708-soas-palestine-society.pdf>.

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45 Johan Hari, “Is Gideon Levy the Most Hated Man in Israel or Just the Most Heroic?” *Independent*, September 24, 2010, <http://www.independent.co.uk/news/world/middle-east/is-gideon-levy-the-most-hated-man-in-israel-or-just-the-most-heroic-2087909.html>.

46 A September 2, 2010, cover article in *Time* by Karl Vick, interestingly titled “Why Israel Doesn’t Care about Peace,” reveals the level of apathy that prevails among Israelis: <http://www.time.com/time/world/article/0,8599,2015602-1,00.html>. A *New York Times* columnist concludes, “So long as this attitude [of apathy] prevails, the far right [in Israel] will have veto power over policy in the occupied territory. For a peace deal to happen, Israel’s centrists need to get jarred out of their indifference. Someone needs to scare these people.” He goes on to suggest to the oppressed Palestinians persistent nonviolent action and demands for equal rights (Robert Wright, “A One-to-Two-State Solution,” *New York Times.com*, *Opinionator* blog, September 28, 2010, <http://opinionator.blogs.nytimes.com/2010/09/28/a-one-to-two-state-solution/?hp>). Not quite endorsing BDS, but very close.

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[48](#) Étienne Balibar, “A Complex Urgent Universal Political Cause,” address at conference of Faculty for Israeli-Palestinian Peace (FFIPP), Université Libre de Bruxelles, July 4, 2004.

[49](#) For a more detailed refutation of the anti-Semitism smear, see chapter 10.

[50](#) For a fuller discussion of guidelines and criteria for working with Israeli anticolonial activists and groups, see chapter 16.



## CHAPTER 4: ACADEMIC BOYCOTT: MORAL RESPONSIBILITY AND THE STRUGGLE AGAINST COLONIAL OPPRESSION

1 AAUP (American Association of University Professors), “The AAUP Rejects Academic Boycotts (2005),” May 3, 2005.

<http://www.aaup.org/AAUP/comm/rep/A/opposeboy.htm>.

2 Editorial, “Sponsors Quash Boycott Debate,” *Mail and Guardian Online*, February 18, 2006. <http://www.pacbi.org/etemplate.php?id=143>.

3 AAUP, Committee A on Academic Freedom and Tenure, “On Academic Boycotts,” *Academe*, September-October 2006,

<http://www.aaup.org/AAUP/pubsres/academe/2006/SO/Boycott/OnAcademicBoycotts.htm>.

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[http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument).

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[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ae1a0b126d068e868025683c003c8b3b?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ae1a0b126d068e868025683c003c8b3b?OpenDocument).

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8 Meron Rapoport, “In the Name of Truth,” *Haaretz*, April 28, 2005.

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10 For more on the need to promote open rational debate in North America about Israel’s policies and Western complicity, see PACBI Statement,



“Upholding Debate as a Necessary Component of Academic Freedom,” September 2, 2007, <http://www.pacbi.org/etemplate.php?id=592>.

[11](#) PACBI’s statement, “Boycotting Israel Put High on the Agenda,” May 25, 2005, is available at <http://www.pacbi.org/etemplate.php?id=48>.

[12](#) Birzeit University’s Public Relations Office, “The Criminalization of Education: Academic Freedom and Human Rights at Birzeit University during the Palestinian Uprising,” December 1989, 2.

[13](#) Tel Aviv University professor Tanya Reinhart wrote at the beginning of the 2000 intifada that “a common practice [among Israeli sharpshooters] is shooting a rubber-coated metal bullet straight in the eye—a little game of well-trained soldiers, which requires maximum precision.” *Zspace*, November 8, 2000, <http://www.zcommunications.org/dont-say-you-didnt-know-by-tanya-reinhart>. See Physicians for Human Rights, “Evaluation of the Use of Force in Israel, Gaza and the West Bank,” October 2000, <http://physiciansforhumanrights.org/library/report-useofforce-israel.html>.

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[16](#) Roman Bronfman, “The Hong Kong of the Middle East,” *Haaretz*, May 20, 2005.

[17](#) Yair Sheleg, “ADL’s Boss Threatens Boycott of UK Academe,” *Haaretz*, May 18, 2005.

[18](#) The PACBI statement (“The Palestinian Call for Academic Boycott Revised: Adjusting the Parameters of the Debate,” January 28, 2006) can be read in full at <http://www.pacbi.org/etemplate.php?id=117>.

[19](#) Prof. Ilan Pappé, author of *The Ethnic Cleansing of Palestine* and a supporter of Teddy Katz, an Israeli graduate student who revealed evidence of an Israeli massacre during 1948, was subjected to undue pressure and threats from his own institution, Haifa University, as well as from his colleagues, and eventually was convinced to leave Israel altogether for the United Kingdom. For more on this, see Zalman Amit, “Tantura, Teddy Katz and Haifa University,” *Counterpunch*, May 11, 2005, <http://www.counterpunch.org/amit05112005.html>; and Oren Ben-Dor, “To Create It, an Academic Boycott Is Needed: Academic Freedom in Israel Is

Central to Resolving the Conflict,” *Counterpunch*, May 21–22, 2005,  
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21 Ronnie Kasrils and Victoria Brittain, “Both Palestinians and Israelis Will Benefit from a Boycott,” *Guardian*, May 25, 2005.

## CHAPTER 5: JUST INTELLECTUALS? OPPRESSION, RESISTANCE, AND THE PUBLIC ROLE OF INTELLECTUALS

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2 See Omar Barghouti and Lisa Taraki, “Academic Boycott and the Israeli Left,” *Electronic Intifada*, April 15, 2005.

3 See Omar Barghouti, “Relative Humanity—the Fundamental Obstacle to the One State Solution,” *ZNet*, December 16, 2003.

4 PACBI has recently issued two important statements dealing with the role of Zionist “left” academics and cultural figures in undermining the Palestinian BDS Call: <http://www.pacbi.org/etemplate.php?id=1175> and <http://www.pacbi.org/etemplate.php?id=1350>.

5 For more on this, see chapter 6.

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<http://www.alertnet.org/thenews/newsdesk/LDE67S04H.htm>; Chaim Levinson and Or Kashti, “150 Academics, Artists Back Actors’ Boycott of Settlement Art Center,” *Haaretz*, August 31, 2010,

<http://www.haaretz.com/print-edition/news/150-academics-artists-back-actors-boycott-of-settlement-arts-center-1.311149>.

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8 See Omar Barghouti, “The Morality of a Cultural Boycott of Israel,” *OpenDemocracy*, September 20, 2005.

## CHAPTER 6: FREEDOM VERSUS “ACADEMIC FREEDOM”: DEBATING THE BRITISH ACADEMIC BOYCOTT

- 1 Meron Rappaport, “Alone on the Barricades,” *Haaretz*, May 6, 2005.
- 2 Ilan Pappé states: “The boycott reached academia because academia in Israel chose to be official, national. Prof. Yehuda Shenhav checked into it and found that out of 9,000 members of academia in Israel, only 30-40 are actively engaged in reading significant criticism, and a smaller number, just three or four, are teaching their students in a critical manner about Zionism and so on” (quoted in *ibid.*).
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- 4 Baruch Kimmerling, “The Meaning of Academic Boycott,” *ZNet*, April 26, 2005.
- 5 Meron Rappaport, “A Wall in Their Heart,” *Yedioth Ahronoth*, May 23, 2003, reproduced at [http://www.gush-shalom.org/archives/wall\\_yediot\\_eng.html](http://www.gush-shalom.org/archives/wall_yediot_eng.html).
- 6 *Haaretz*, February 25, 2003.
- 7 *Jerusalem Post* weekend supplement “Up Front,” May 21, 2004.
- 8 *Haaretz*, September 26, 2004.
- 9 *Jerusalem Post*, July 20, 2004.
- 10 *Haaretz*, September 26, 2004.
- 11 Arjan El Fassed, “Racism Thrives at Israel’s Herzliya Conference,” Palestinian Return Centre, January 2004, [www.prc.org.uk/data/asp/d2/332.aspx](http://www.prc.org.uk/data/asp/d2/332.aspx).
- 12 *Haaretz*, April 28, 2005.
- 13 The following examples (all from the above cited *Haaretz* article) of Bukay’s writings and utterances in class give a representative sample:
  1. “Among Arabs, you will not find the phenomenon so typical of Judeo-Christian culture: doubts, a sense of guilt, the self-tormenting approach.... There is no condemnation, no regret, no problem of

conscience among Arabs and Muslims, anywhere, in any social stratum, of any social position.”

2. “Palestinian Terrorists should be shot in the head in front of their families as a deterrent.... A whole house should be demolished with the occupants inside.”
3. “Arabs are nothing but alcohol and sex.”
4. “The Arabs are stupid and have contributed nothing to humanity.”

[14](#) *Haaretz*, April 28, 2005.

[15](#) *Ibid.*

[16](#) *Ibid.*

[17](#) In particular, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), part 3, section 3, article 47, states: “Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.”

[18](#) UN Security Council Resolution 252 (May 21, 1968) considers that “all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status ... and urgently calls upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem.” Also UNSC Resolution 478 (August 20, 1980) determines that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent ‘basic law’ on Jerusalem, are null and void and must be rescinded forthwith.”

## CHAPTER 7: REFLECTING ON THE CULTURAL BOYCOTT

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<http://www.elviscostello.com/news/it-is-after-considerable-contemplation/44>.

2 Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), "PACBI Guidelines for the International Academic Boycott of Israel," October 1, 2009, <http://www.pacbi.org/etemplate.php?id=1108>.

3 PACBI, "PACBI Guidelines for the International Cultural Boycott of Israel," July 20, 2009, <http://www.pacbi.org/etemplate.php?id=1047>.

4 For more on the inconsistencies of the Zionist "left" in dealing with the boycott of Israel, see PACBI, "Boycotting Ariel: Missing the Forest for the Trees," September 2010, <http://www.pacbi.org/etemplate.php?id=1350>, and PACBI, "Boycott 'Ariel' and the Rest! All Israeli Academic Institutions Are Complicit in Occupation and Apartheid," February 10, 2010, <http://www.pacbi.org/etemplate.php?id=1175>.

5 Nomazengele A. Mangaliso, "Cultural Boycotts and Political Change," cited in Neta C. Crawford and Audie Klotz (eds.), *How Sanctions Work: Lessons from South Africa* (London: Macmillan Press, 1999), p.233.

6 Gregory Houston, "International Solidarity: Introduction," *Road to Democracy*, Vol. 3, March 31, 2008,

[http://www.sadet.co.za/docs/RTD/vol3/vol3\\_chapter%201.pdf](http://www.sadet.co.za/docs/RTD/vol3/vol3_chapter%201.pdf).

7 Enuga S. Reddy, "Statement," January 11, 1984,

<http://www.anc.org.za/6847?t=United%20Nations>.

8 Isaac Zablocki, "Announcing New (and Enormous) Database of Israeli Films Is Now Live," *Culture Shuk*, July 7, 2010,

<http://cultureshuk.com/2010/07/07/announcing-new-and-enormous-database-of-israeli-films-is-now-live/>.

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<http://www.otherisrael.org/about-us>.

- 10 “PACBI’s Position on the Other Israel Film Festival (New York),” November 12, 2010, <http://www.pacbi.org/etemplate.php?id=1411>.
- 11 Nathaniel Popper, “Israel Aims to Improve Its Public Image,” *Forward*, October 14, 2005, <http://www.forward.com/articles/2070/>.
- 12 Yuval Ben Ami, “About Face,” *Haaretz*, September 20, 2005, <http://www.haaretz.com/misc/article-print-page/about-face-1.170267?trailingPath=2.169%2C2.225%2C2.239%2C>.
- 13 Ethan Bronner, “After Gaza, Israel Grapples with Crisis of Isolation,” *New York Times*, March 18, 2009, <http://www.nytimes.com/2009/03/19/world/middleeast/19israel.html>.
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## CHAPTER 16: LEADERSHIP, REFERENCE AND THE ROLE OF ISRAELI ANTICOLONIALISTS: OMAR BARGHOUTI INTERVIEWED BY MAXINE KAUFMAN- LACUSTA

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Chapter 3 is based on a lecture given at the first international conference on the academic boycott of Israel, sponsored by the British Committee for the Universities of Palestine (<http://www.bricup.org.uk/>) and endorsed by PACBI, held at SOAS in the University of London, in December 2004.

Chapter 4 is based on the critique of the “On Academic Boycotts” statement by the American Association of University Professors (AAUP), published in the AAUP publication *Academe* in the September–October 2006 issue, as part of a series of articles debating the Palestinian call for an academic boycott against Israel. It is available at <http://www.aaup.org/AAUP/pubsres/academe/2006/SO/Boycott/Critics.htm#omar>.

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