

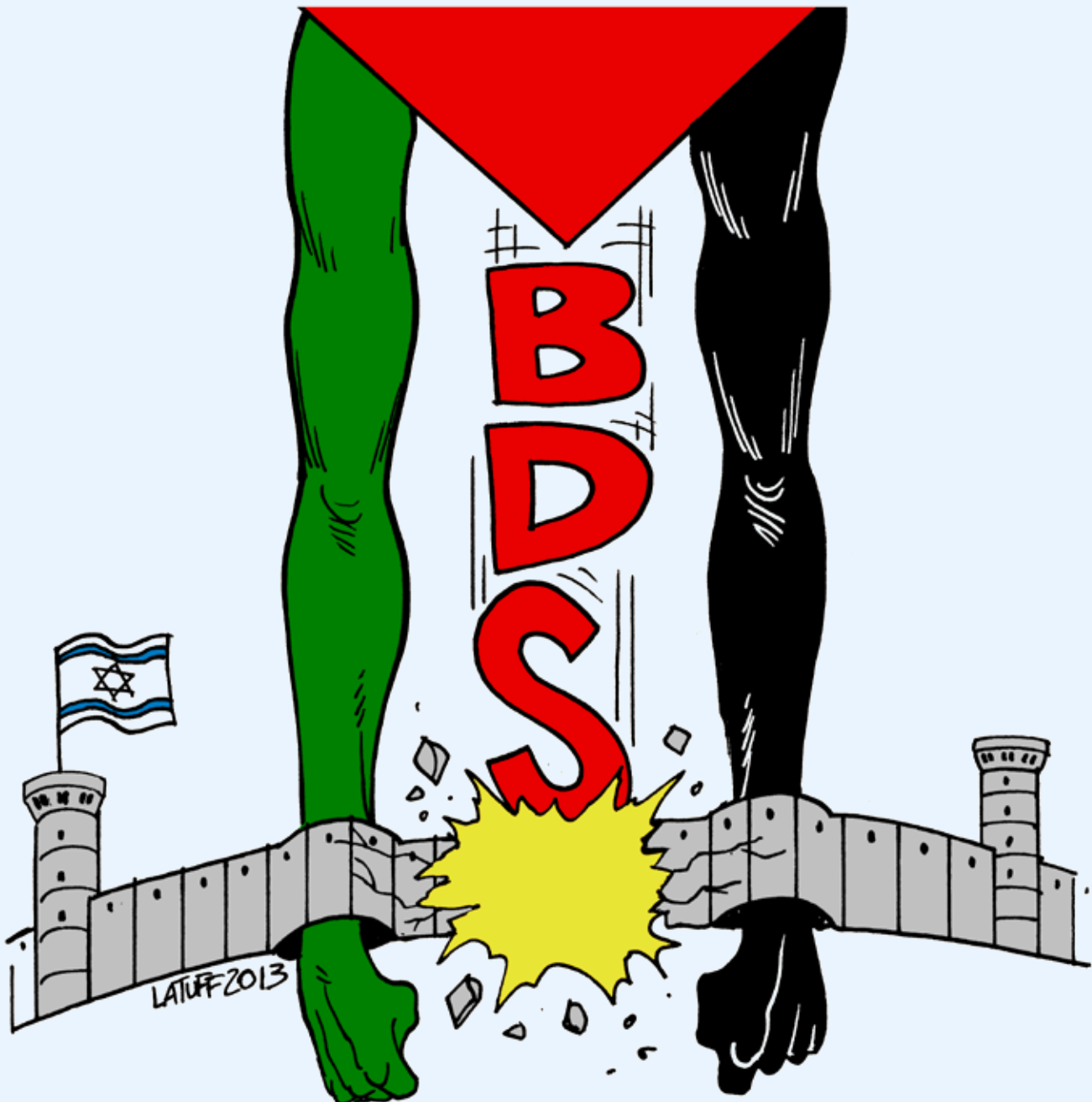
# al\_majdal

Issue No.54 (Autumn 2013)



quarterly magazine of  
BADIL Resource Center for Palestinian Residency and Refugee Rights

## EIGHT YEARS OF THE BDS MOVEMENT: WHERE HAVE WE COME SINCE 2005?



BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy and support of community participation in the search for durable solutions.

BADIL was established in 1998 to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights and is registered as a non-profit organization with the Palestinian Authority. BADIL is a Palestinian human rights organization. It holds consultative status with the UN ECOSOC.

Learn more about BADIL at [www.badil.org](http://www.badil.org)

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## Eight years in context: BDS Indicators

by BADIL Staff



BDS Campaign Poster produced by the Palestinian BDS Campaign National Committee (BNC)

Eight years since the 2005 BDS Call, the principal question for the movement is if the tactic is being incorporated into a common Palestinian vision and political commitment? It is important to cultivate a culture of ‘internal’ resistance (within the homeland) that feeds into actions on ‘external’ levels (internationally). Several factors contribute to the current condition of political inaction among the Palestinian populace: pending reform of the Palestine Liberation Organization, fractured Palestinian political factions, the reign of the Palestinian Authority and logic of Oslo, the widespread disappointment with the Palestinian leadership’s performance and the growth of an ‘NGO culture’ oriented towards donors’ agendas rather than collective concerns. As a result, Palestinian national values of struggle for liberation have receded.

We expect, and hope, that the BDS movement will play a significant role in reviving the resistance values marginalized by the Oslo approach.<sup>1</sup> However, the impact of ‘internal’ BDS may not be a determining factor in ending apartheid and ensuring justice, since the ability of separating oneself from the system is in many ways impossible.<sup>2</sup> Rather, boycotts, divestment and sanctions will succeed by garnering traction abroad – motivating third state governments, public institutions, the private sector and the international populace to act on their responsibility to fight against injustice. At the same time, while BDS feeds off of and evolves with external support, it must drive from Palestinian activism itself, from a Palestinian constituency. Thus, Palestinian commitment

and participation in BDS campaigns remains as the keystone for mobilizing effective international solidarity.

On the international level, however, the question of whether the BDS movement has moved from organizing acts of symbolic support to affecting policy makers and public opinion is not yet clear. Although community awareness-raising and advocacy initiatives targeting specific products, events or corporations are increasingly prolific, these activities have not reached the point where states and governments find themselves compelled to align their policies with human rights in significant ways. Small shifts, such as the European Union’s [funding guidelines](#) for 2014, point to the potential influence BDS could have. The BDS movement’s success will be evaluated by its ability to put Palestinian rights on the agenda of local and public elections internationally.

In addition to causing policy changes internationally, the impact of the BDS movement will be evaluated by Palestinian commitment to the movement and if BDS is able to support a revival of national values and the culture of resistance among Palestinian communities. Moreover, the effectiveness of BDS is closely related

to maintaining Palestinian priorities – namely, the three core principles outlined in the 2005 BDS Call<sup>3</sup>– over pressures to compromise them from international stakeholders, even the good intentioned solidarity activists, third states and NGOs.

Advancing BDS with political consciousness and a moral compass is a struggle in need of regular evaluation and constructive criticism. Such habits will help to ensure that BDS remains one of the leading tools for promoting Palestinian rights and achieving liberation.

## Contents

This issue of al-Majdal features four analyses of BDS as a tactic followed by four examples of BDS campaigning in progress.

Manar Makhoul outlines characteristics of the BDS discourse in the past eight years with a few suggestions on goals for the movement in the future. Complementary to Manar’s article, Amjad Alqasis wonders where did the ‘S’ in the BDS go expanding on BADIL’s presentation at the BDS annual conference held in Bethlehem earlier this year. Steven Friedman relates South Africa’s experience with the anti-apartheid struggle, that ultimately led to state sanctions on the apartheid regime, to Palestine. After building the centrality of a popular base to the boycott campaign, Friedman offers two avenues to focus the Palestinian BDS campaign on “effective politics”: broad appeal and well-developed organization. In a reprint of Nimer Sultany’s critique from 2011, the commentary details three intellectual potholes to watch out for and repair on the road to a collective boycott.

Academics from around the world launched a BDS campaign against the oral history conference to be held at Hebrew University in 2014. Rosemary Sayigh details the University’s role in ongoing human rights violations and demonstrates the academic’s responsibility to refrain from such complicity. Aneta Jerska, a coordinator for an all-Europe BDS committee, maps the challenges and opportunities for BDS activism throughout the continent. In particular, Jerska evaluates the recently published European Union guidelines that will require the EU to distinguish the occupied Palestinian territory in post-2014 funding budgets. In her article, a Belgian activist, Sophie Abdellah referred to “hitting a brick wall” in BDS campaigning. The ‘brick wall’ refers to the resistance among some Western publics to hearing about Israel’s pariah status within the international legal community. Abdellah outlines the formula that some activists applied to penetrate this barrier. The author demonstrates the adaptiveness of BDS activists in Belgium and their use of effective targeted messaging. Finally, Bisan Mitri appraises the potential for implementing BDS through the Palestinian tourism sector in the occupied Palestinian territory. Mitri documents the recommendations from a workshop on BDS and Palestinian tourism held in Bethlehem.

To further advance a shift in public opinion, the priorities of the BDS movement must be anchored in the needs of the Palestinian people. A challenging task, one step forward is to clearly demarcate the way non-Palestinians can fulfil a supporting role – principled solidarity. At the same time, in this moment of a void in Palestinian representation, the BDS movement must restrain itself from overstepping boundaries between its role as a tactic of resistance and a representative of Palestinians.

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*\*\*Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

## Home and Away: a review of BDS discourse

by Manar Makhoul\*

H&M demonstration, Malm



This 54th issue is the third al-Majdal to feature BDS as a theme. The first was issue no. 26 ([Spring 2005](#)) simultaneous with the launch of the BDS Call. On the third anniversary of the BDS Call, in Summer 2008 ([issue no. 38](#)), BADIL published a special extended issue featuring BDS. Within only three years from the launch of the BDS Call, al-Majdal 38 carried contributions from BDS activists based in Australia, the Basque country, Belgium, Brazil, Canada, Catalonia, England and Wales, Ireland, Israel/Palestine, Italy, Norway, Scotland, Spain, South Africa, Sweden, Switzerland and the USA. The growth of the BDS movement within the first three years was no less than astounding. As a way to track these developments BADIL dedicated a section of al-Majdal for “BDS Updates” beginning in 2005. However, due to the proliferation of BDS activities and those who specialize in documenting them, the editors of al-Majdal decided to discontinue the “BDS Updates” section as of issue no. 52 ([Spring 2013](#)):

Today, the BDS movement has become a household term in the realm of social and political activism. Many campaigns and outlets such as the Electronic Intifada, Palestinian Campaign for the Academic and Cultural Boycott of Israel, US Campaign to End the Israeli Occupation and the Boycott National Committee website have developed excellent coverage and documentation of BDS’s development. Beginning with al-Majdal no. 52, BADIL will no longer carry the BDS roundup, but it will continue to highlight the importance and use of the tool. ([Editorial](#), al-Majdal no. 52)

The current issue of al-Majdal comes eight years after the launch of the BDS Call, and five years after issue no. 38. The discourse on the BDS movement has evolved considerably since 2005. This article will outline some of the transformations in the BDS discourse since 2005, and raise some points for consideration. The article aims to outline the achievements as well as point to areas that require further discussion. The main issues relate to placing the BDS movement within the Palestinian national movement of resistance stemming from a strategic and comprehensive synergy between all aspects of Palestinian political activism. Primarily, the BDS movement must locate itself as an integral part of the Palestinian national emancipation movement. Furthermore, the BDS movement needs to address domestic affairs in Palestine more closely and allocate time and energy for advocating for state sanctions against Israel.

### Marketing, Branding and Public Relations

In addition to the enthusiasm and conviction that proponents of the BDS movement displayed in the early stages of the campaign, it is possible to identify some other elements. Articles in the [2005 al-Majdal](#) issue featuring the BDS movement following its inception could be characterised, quite understandably, by caution and anticipation as to the future of the movement. Non-violence was the first justification, or marketing tool, to be used in the earliest issue of al-Majdal – featuring as the editorial’s first subtitle. The opening sentence states that: “Boycotts, divestment and sanctions provide a non-violent strategy towards a solution of the conflict based on universal principles set down in international law and in the UN Charter and resolutions,” ([Editorial](#), al-Majdal 26, emphasis added).

Not exclusive to the editorial, al-Majdal referred to the BDS movement as non-violent in five of the six articles dedicated to BDS in 2005. It seems that those involved in BDS activities needed to ‘brand’ the movement as non-violent as a means to increase its legitimacy in the public opinion worldwide. In a critical commentary, republished in the current issue, Nimer Sultany refers both to the Palestinian Authority and the BDS movement when he explains that,

Given its apparent failure to achieve its declared objectives, armed struggle has given way to nonviolence, which has become more fashionable today since it resonates with Western perspectives. Given that stereotypes cast Palestinians as violent, aggressive, and irrational Arabs or Muslims, Palestinians are forced to declare their pacifism before being admitted to the world of legitimate discourse or given a hearing of their views (Nimer Sultany, page 15).

Such was the *zeitgeist* at the launch of the BDS campaign, and it is reflected in somewhat apologetic tones by some proponents of BDS. For example, the following is a quotation from a 2005 article focusing on academic boycott attempting to justify and explain that the boycott would eventually affect real people:

Boycotts and sanctions are not exact sciences. They affect real institutions providing jobs and services to real people, many of whom may not be directly implicated in the injustice that motivated the punitive measures. 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 cause of the called-for boycott and its intended outcome justify that unintended harm. ([Academic Freedom in Context](#), al-Majdal 26)

The above quotation reflects uncertainties that come with launching a new campaign and the attempts to foresee hardships, opposition and criticism, thus suggesting adapting to circumstances (because the campaign is not an exact science) by aiming to justify the ‘harmful’ consequences of the campaign in terms of its ultimate moral goal. Critical of such Palestinian apologetic approach, Nimer Sultany clarifies

that, “in order to choose non-violent means [of resistance], one need not necessarily be a pacifist. The choice of the means depends on historical and political circumstances” (Nimer Sultany, page 15).

In contrast to the 2005 issue of al-Majdal, the editorial in [al-Majdal from 2008](#) (BDS and the Global Anti-Apartheid Movement, Summer 2008) did not address non-violence at all. Moreover, of the 22 contributions dedicated to the BDS movement, only four referred to BDS as a non-violent movement. The reason for the diminishing of the non-violence discourse can be attributed either to the increasing Western public awareness of the BDS movement, already exposed to its non-violent branding efforts of earlier years, or it could be attributed to internal debate among activists towards this issue, as explained above. Nonetheless, reducing the ‘non-violence’ discourse by BDS does not seem to have been a collective strategic decision, stemming from a holistic overview of resisting Israeli colonialism in Palestine. This is the case despite having this point made clear in an article published in the earlier al-Majdal, drawing from the rationale in the South African experience:

“Focusing only on boycott could be a mistake,” says Bengani Negeleza, whose family was actively involved in the African National Congress (ANC) in South Africa. “From my experience, all tools were important in South Africa; the boycott was as important as the military struggle. What is effective is the association of all those tools.” ([Nathalie Bardou](#), al-Majdal 26)

Notwithstanding if the Palestinian case is comparable to the South African model or not, the point made in the above quotation is towards resistance to oppression that is multifaceted and complementary. It is important to raise this point for a discussion of its strategic value to the BDS movement as well as the Palestinian political levels. One of the first concerns that need to be addressed relates to the movement’s visibility in Palestine itself. Relatively speaking, and in contrast to its global appeal and successes, the BDS movement somewhat neglected the domestic arena in Palestine. Palestinian participation and awareness of the BDS campaign is of crucial importance. This point was clear since the early stages of the movement:

The key lesson of the South African struggle is that international isolation is expedited by effective internal mobilization and sustained people’s resistance. The challenge facing Palestinian civil society is to build a strong BDS campaign inside Palestine and among Palestinian communities in exile. ([Editorial](#), al-Majdal 26)

Al-Majdal issue no. 38, published in July 2008, followed the establishment of the BDS National Committee (BNC). The Editorial implicitly identifies the insufficient involvement of the BDS campaign in Palestine, and clarifies that, “[t]he central aim of the BNC is to deepen the involvement of the Palestinian people in the campaign and provide Palestinian support and resources for campaigners worldwide,” ([Editorial](#), Al-Majdal 38). One of the main achievements of the BNC, as described in al-Majdal no. 38 Editorial, was the launch of the [www.BDSmovement.net](http://www.BDSmovement.net) website. However, it seems that the main focus of the BNC’s work was to serve the global campaigns and to a lesser degree local public awareness and engagement. This is evident in the above quotation as well. Moreover, the BDS movement’s Arabic [webpage](#), intended to appeal to Palestinians and Arabs alike, started to operate only in April 2010 (the earliest post on the page) – five years after the launch of the BDS Call. Nonetheless, there is considerable transformation on this front and the BNC is becoming more visible in the Palestinian local arena. One of the main, and recent, activities to address this issue was the Fourth BDS National Conference held in Bethlehem in June 2013. However, more work, local mobilization and awareness raising activities need to be done.



## Conclusion

The BDS campaign has come a long way in the past eight years. In addition to a myriad of campaign achievements worldwide, BDS has also contributed to shifting the discourse away from “two ethnic groups squabbling over land” to one in which “one group dominates another and deprives it of basic rights – a clear moral issue,” (see *Lessons from the Campaign for Sanctions on Apartheid South Africa* page 10). If, in summer 2008, articles about BDS needed to elaborate on the term ‘apartheid’ (see [Applicability of the Crime of Apartheid to Israel](#) in al-Majdal 38), it is possible to say that in 2013 this is no longer necessary. In a few years, “[...] the analysis of Israel as an apartheid regime [...] has become widespread in the BDS movement,” ([Editorial](#), al-Majdal 38). However, in addition to well-deserved congratulations, much work remains on outstanding issues that the movement needs to address.



Palestine solidarity demonstration in South Africa. Source: Flickr

This article pointed to some advancements as well as shortcomings of the BDS movement and BDS activism. The article stems from the ongoing debate in the BDS movement itself and aims to contribute to the success and evolution of the movement. The BDS movement is an organic movement, in the sense that it adapts to changing circumstances in different locations. However, it is important to try to strategize the BDS movement within a wider Palestinian national movement for resisting Israeli colonialism in Palestine. Such a national strategy will help address many of the domestic shortcomings of the movement mentioned above and would insure wider public participation. Another issue that needs to be raised, is the ‘S’ in the BDS acronym, referring to campaigning for Sanctions against Israel. Although issue no. 26 of al-Majdal included one article on the feasibility of sanctions on Israel, the BDS movement needs to pursue this matter in the future (see *What happen to the ‘S’ in BDS?* on page 8).

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## What happened to the 'S' in BDS?

by Amjad Alqasis\*

Paul Di Stefano. Opening panel @ Canada wide BDS conference. Source: tadamon.ca, October 2010



The BDS National Committee [website](#) describes BDS as, “[t]he global movement for a campaign of Boycotts, Divestment and Sanctions (BDS) against Israel until it complies with international law and Palestinian rights was initiated by Palestinian civil society in 2005... BDS is a strategy that allows people of conscience to play an effective role in the Palestinian struggle for justice.”

To date, the elements of boycott and divestment have produced successes after only a few years of the official BDS Campaign’s existence. The [Academic and Cultural Boycott](#) with offshoots in the USA, the UK, South Africa, India, etc. is able to recruit widespread and prominent supporters from academic and artistic circles. The numbers are increasing and with it the engagement into ending Israel’s non-compliance with international law. The [Kairos Palestine](#) Initiative for example has resulted in several churches worldwide discussing the possibilities of partial or full divestment of its stocks from the Israeli market or international companies that contribute to Israel’s prolonged occupation of Palestinian territories.

After eight years of successful struggle, the most urgent issue that needs to be raised today is the “S” in the BDS acronym, or the campaigning for Sanctions against Israel. Sanctions are a powerful tool to force a member of the international community to adhere to international laws and principles. The [European Union](#) defines sanctions as, “instruments of a diplomatic or economic nature which seek to bring about a change in activities or policies such as violations of international law or human rights, or policies that do not respect the rule of law or democratic principles... Such measures imposed by the EU may target governments of third countries, or non-state entities and individuals.”

Sanctions have been used in several cases and apply in various situations. Sanctions may be applied within bi-national contexts or on the international level. Sanctions are official state policies and could include diplomatic sanctions – withdrawal of diplomatic missions or staff; economic sanctions – full or partial ban on trade goods including arms embargos; and sport sanctions – denying national athletes to compete in international events. Next to these more traditional forms options include the imposition of travel bans or the freezing of assets.

International wrongful acts or crimes might trigger specific state responsibilities. In such a case, third states have a duty to cooperate to bring an end to wrongful acts or crimes, including by not rendering aid

or assistance nor recognizing the illegal situation arising from such acts. In addition to that, the United Nations as an international body, and its member states, hold a legal [obligation](#) “to take joint and separate action in co-operation with the [United Nations] for the achievement of... universal respect for, and observance of, human rights and fundamental freedoms.”

Therefore, all states are under an obligation not to recognize the [illegal situation](#) resulting from the establishment of the [colonial Zionist apartheid](#) regime in Palestine, also referred to as historic or Mandate Palestine (which includes Israel and the occupied Palestinian territory). They are also under an obligation not to render aid or assistance in maintaining the situation created by such a regime. In relation to South Africa’s illegal presence in Namibia, the International Court of Justice ruled that states had a [duty](#) “to abstain from entering into economic and other forms of relationship or dealings with South Africa on behalf of or concerning Namibia which may entrench its authority over the territory.”

Moreover, the [Draft Articles](#) on State Responsibility adopted by the International Law Commission asks third party states, which witness a violation of a preemptory norm such as the practice of apartheid, to not remain passive and indifferent but to bring an end to the illegal situation by lawful means. Additionally, the responsible state must immediately cease the unlawful conduct and make full reparation.

The General Assembly and the Security Council – acting for instance under Chapter VI and VII of the Charter - should strongly consider what further action is required to bring to an end the illegal situation resulting from Israel’s colonial Zionist apartheid regime. The functions of the Security Council are set to promote the specific settlement of disputes, based on Chapter VI of the UN Charter, and the exercise of military or non-military enforcement measures under the collective security system, based on Chapter VII. In order to be able to achieve its purpose, the Security Council is endowed with the power to adopt binding decisions which the member states of the UN have to accept and carry out in accordance with the Charter ([Article 25](#)). Therefore, it can if necessary take actions (e.g. the imposition of sanctions) that encroach on state sovereignty. Furthermore, the UN Charter itself provides certain sanctions for non-fulfillment of Charter obligations. [Article 6](#) for instance states that a member state which “persistently violated the Principles contained in the Charter” may even be expelled.

The General Assembly has in the past adopted several resolutions recommending to Member States the adoption of economic and diplomatic sanctions, notably in the cases of South Africa and Portuguese territories. More importantly, in 1982 it had called for financial and diplomatic [sanctions against Israel](#) in a resolution relating to the Golan Heights. Even though the resolution has not been adopted and/or enforced; calls for sanctions against Israel are increasingly accepted in international forums. The International Court of Justice has emphasized in its [2004 decision](#) on the legal consequences of the construction of a wall in the occupied Palestinian territory the need to refer the situation in Palestine to the relevant bodies, “the United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation.”

Debate regarding the [European Union guidelines](#) that exclude funding of Israeli entities active in the occupied Palestinian territory or the latest [withdrawal](#) of a Dutch corporation from a project in Israel after pressure by the Dutch government are just two examples of this positive development. More and more states, state officials and private companies are aware of the possible legal consequences their corporations with Israel may entail. In order to promote this momentum, the BDS movement and all supporters worldwide must demand the fulfillment of international law by advancing the ‘S’ in BDS.

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\* *Amjad Alqasis is a human rights lawyer, legal researcher and the legal advocacy program coordinator of BADIL.*

\*\**Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

## Lessons from the Campaign for Sanctions on Apartheid South Africa

by Steven Friedman\*

“There is no reason why BDS should not achieve the same results as the campaign for sanctions against apartheid”

Campaigns for freedom usually seem impossible at the start and inevitably successful at their conclusion. It has become common for opponents of the Boycotts, Divestment and Sanctions (BDS) campaign to insist that it cannot emulate the success of the fight to isolate apartheid South Africa. The South African sanctions campaign, we are frequently told, enjoyed moral legitimacy in the West which the Palestinian cause is denied. BDS is thus doomed to fail. This shows deep ignorance of the obstacles which the South African campaign overcame.

In the United States, anti-apartheid campaigners faced a policy environment in which a memorandum by then national security adviser Henry Kissinger had committed the Nixon administration to offering covert support to apartheid South Africa. As late as the mid-1980s, the Reagan Administration’s policy of ‘constructive engagement’ relied on talking politely to, rather than placing pressure on, the apartheid state. In Britain, the Thatcher government resisted sanctioning South Africa throughout the apartheid period.

The popular campaign in South Africa helped change the country not because of advantageous conditions, but because activism and political action turned a hostile climate into one which was conducive. External conditions mattered - campaigns must always deal with obstacles not of their own making. Conditions in the West and Southern African sometimes aided or obstructed this campaign. But without activism and the strategies that underpinned it, apartheid might still exist.

The obvious message to Palestine is that obstacles can be overcome and political climates can be changed. While no campaign can be a model because circumstances change, the South African campaign offers important lessons for its Palestinian equivalent.

### Too Important for Governments: A Citizens’ Campaign

The campaign for sanctions against apartheid was initiated by different groups in different countries using different tactics. But it always had two features in common – it was most effective when it relied on citizens rather than governments and was linked, openly or discreetly, to South African resistance organisations, primarily the African National Congress (ANC).

The ANC decided even before it was banned in 1960 that an international campaign against white domination would be crucial. In Britain and much of Western Europe, pressure for sanctions was launched directly by exiled members of South African resistance movements, who formed links with British activist groups, trade unions and churches. In the United States, the ANC was far less visible. Instead, the initiative was taken by civil rights campaigners who saw a link between the African American condition and that of

black South Africans – demands for action against apartheid were voiced almost from the beginning of the movement for racial justice in America but grew substantially as resistance within South Africa grew. The ANC presence was less obvious in the United States, but it maintained links with sanctions activists.

In some countries, the campaign did enjoy government support – India imposed sanctions shortly after it became independent while the African and Asian states of the non-aligned movement, and Scandinavian states such as Sweden, were supportive throughout. But none of these countries had leverage over the apartheid state – its sources of sustenance were in North America and Western Europe where governments opposed sanctions.



In the United States, activists began by lobbying government, but the campaign only began to gain ground when it began to rely on activism by citizens' groups. Its high points were the 1985 decision by Citibank to call in loans to the apartheid government and the 1986 passage of the Comprehensive Anti-Apartheid Act. In both victories, citizens' campaigns helped to persuade reluctant bankers and politicians that the costs of supporting apartheid outweighed the benefits.

In Western Europe and North America, the campaign relied on winning over public opinion: an environment was created in which it became embarrassing to be seen to support apartheid. This ensured the passage of the 1986 Comprehensive Anti-Apartheid law despite opposition from Reagan who was forced to give way by a rebellion in his own party .

It was essential to frame the campaign in moral terms because only this would persuade citizens that events on the Southern tip of Africa were important and that support for apartheid was indefensible. The campaign had some advantages, such as public disdain towards state-imposed racism following Hitler's defeat and the end of the colonial era in Africa. But this did not make success inevitable. A climate of opinion that raised the costs of supporting apartheid was a product of activism, not an advantage it enjoyed at the start.

Throughout this, the fact that black South Africans were represented by identifiable leaders and organisations added to the campaign's effectiveness. Figures such as Albert Luthuli and Oliver Tambo, ANC presidents in the period just before and after it was banned, could speak to people in the West about the morality of their cause countering the image of the anti-apartheid resistance as a group of savage terrorists (The depth of prejudice against the resistance movements is illustrated by the fact that, years after democracy was achieved, the internationally renowned Nelson Mandela remained on a United States list naming him as a member of a terrorist organisation until his 90th birthday in 2008!).

An organized movement is not necessary to produce persuasive public figures, but the fact that South African sanctions centered on demands raised by an identifiable organisation made the campaign's aim seem achievable, not vague wishful thinking. Additionally, identifiable leadership meant the activists' campaign could rally behind clear demands. These factors helped ensure that a movement which began life as a collection of activists on the margins of society became one of the key pressures that would destroy apartheid.

### Implications for Palestine

It should be apparent that the anti-apartheid campaign has two key strategic implications for Palestine's BDS campaign.

“Why do Western academics and organisations committed to democracy promotion insist that everyone should be entitled to elect a government of their choice – except Palestinians? The reasons are complex but one factor is surely the extent to which Israel is a deeply rooted symbol of Western civilization and Palestine an equally deep exemplar of threat.”

**The first** is the importance of framing the campaign in a manner that can appeal to citizens of the countries on which the Israeli state relies for support. This presents two related challenges. One is the frequent representation of Palestinian demands as an expression of an Islamic campaign to destroy the West – just as anti-apartheid movements were portrayed as blood-thirsty communists. These attitudes may seem to be restricted to the far-right fringes of Europe and America. In reality, they may be deeply rooted in the consciousness of ‘moderates’ and liberals too. Why has Palestine become the scandal of Western liberalism, in the sense that liberals support the right of everyone everywhere to human rights – except Palestinians? Why do Western academics and organisations committed to democracy promotion insist that everyone should be entitled to elect a government of their choice – except Palestinians? The reasons are complex but one factor is surely the extent to which Israel is a deeply rooted symbol of Western civilization and Palestine an equally deep exemplar of threat.

The BDS movement needs public figures who can address the conflict in a language mainstream Western opinion understands. Like the South African campaign, it will meet resistance but can defeat it – if it is able to frame a message which can convince the unconvinced.

One lesson of the South African experience is that words are not enough – cultural resources such as music, posters, and T-shirts are crucial. And humor is an important asset because people are less threatened by those who joke (One of the hardest-hitting posters of the campaign for sanctions against a touring South African cricket team pictured a white policeman beating up a black demonstrator. The caption read: ‘If you could see their national sport, you might be less keen to see their cricket’.).

A second obstacle is a widespread tendency in media reportage and public debate to see the conflict as one between two ethnic groups squabbling over land. This may be the most common understanding in the West shared by many who wish Palestinians no harm. People are unlikely to take a moral stand if they think they are simply choosing sides in a fight over real estate.

The conflict needs, therefore, to be framed as one in which one group dominates another and deprives it of basic rights – a clear moral issue. This tends to ‘South Africanize’ the conflict by drawing the link between apartheid and the domination of Palestinians. It is almost trite to point out that this worries the Israeli state the most – which is why it devotes so much effort to denying the analogy.

While this dynamic is well-known among BDS activists, a second strain of Israel’s response is less discussed but equally important. Defenders of the Israeli state discredit the South African sanctions campaign by claiming that, as a result, it installed a greedy black government which lords it over whites and blacks. This element sometimes crops up in attacks on BDS. If the BDS campaign succeeds in presenting the conflict as an apartheid-like case, it seems likely that the skewed portrayal of post-apartheid governments will be stressed more loudly, creating a common challenge for South Africans and the BDS campaign.

More may be required than a simple comparison with the South African case. BDS is silent on whether the campaign seeks a separate Palestinian state or a shared democracy. This broadens support and may be a strategic necessity. But a framing of the conflict which envisages two groups living apart is likely to strengthen the belief that the issue is really one over ethnic-based control over land. The campaign’s strategists will have to consider how they convey the message that the problem is of one group dominating another in what should be a shared space.

There are other important strategic implications of a campaign that requires the support of citizens. The need to form alliances is crucial - excluding anyone who is not considered sympathetic enough to the cause is damaging. Similarly, moral purism is likely to weaken the campaign – morality attracts supporters, moralizing repels them. A successful BDS campaign will need to reach out to many who have been ignored and seek out engagement with many who have been avoided.

**The second** issue raised by the South African experience is, of course, organization. BDS at present is a campaign, not an organization. That is a strength if it makes room for the energies of many more people. But it is a weakness if there is no organization which acts as a focal point for campaigners. The campaign will not liberate Palestinians on its own: its role is to force the Israeli state to a balanced negotiation table.



Poster protesting against the planned 1970 Springboks cricket tour of England and Wales. The tour was called off after widespread protests. This image was provided by the AAM Archives Committee. Source: africanactivist.msu.edu

But to negotiate with whom? There is no answer yet. Until there is, it seems likely that BDS will remain a protest rather than a movement for change.

“The campaign will not liberate Palestinians on its own: its role is to force the Israeli state to a balanced negotiation table. But to negotiate with whom?”

Organization was important in South Africa in another way too. Sanctions did not replace mobilisation against apartheid within South Africa – indeed, they fed off of it. As domestic resistance grew, so did the power of the sanctions campaign. While the ANC was not in direct control of this mobilization, most of those who participated were loyal to it and this helped to ensure that the internal and international campaigns complemented each other. BDS will need to be complemented by organized resistance within Palestine if it is to succeed.

### Realizing the Promise

Despite the obstacles which the fight for Palestinian freedom faces, a South African-style sanctions campaign is not only necessary, but also possible.

A boycott, divestment or sanctions campaign is necessary because one of the many parallels between the Palestinian and South African conflicts is that the dominators are militarily strong, but politically vulnerable. Palestinians will not be freed by weapons – apartheid could have survived a military assault indefinitely and so can the Israeli state - but they can be freed by effective politics.

BDS may be even more important in Palestine than the sanctions campaign was in South Africa. It is frequently pointed out that black South Africans had one weapon which Palestinians lack – that the dominators needed their labour. This created opportunities for organization which may not be feasible in Palestine. There are many possibilities for grassroots Palestinian mobilization which could be developed and, as in the South African case, these are essential to strengthening the campaign. But the fact that the Israeli economy is not dependant on Palestinian labour may mean that the international BDS campaign is even more important than in South Africa.

“the fact that the Israeli economy is not dependant on Palestinian labour may mean that the international BDS campaign is even more important than in South Africa.”

Despite the constraints which BDS faces, the South African experience shows that unfavourable power balances can be altered by effective citizens' campaigns. Building a BDS movement which can duplicate the South African success will require a new politics and new organizing – it will need important changes in the way Palestinian resistance is conducted. But, if the campaign makes the adjustments towards which the South African experience points, and it is acknowledged that even successful campaigns take decades to succeed, there is no reason why BDS should not achieve the same result as the campaign for sanctions against apartheid.

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## Three Comments on the Boycott Movement\*

by Nimer Sultany\*\*



BDS Max Bremer July 29 2011. This was the first BDS protest in Melbourne after the July 1 demo that was attacked by police and led to mass arrests. So protesters were defending the right to demonstrate, as well as opposing Apartheid Israel. (Corey Oakley)-flickr

The growing boycott, divestment and sanctions (BDS) movement is a refreshing development for those outraged by the injustices committed in Palestine and the policies of decision-makers who stand silent in the face of these injustices. It allows people from all over the world to participate in confronting these injustices by channeling the energy and political activism to certain targets. Yet, the movement needs to beware not to fall into the three traps of dogmatism, legalism, and rhetorical excess.

### Dogmatism

Palestinian history oscillates between two dogmas: the new dogma of nonviolence and the old dogma of violence and armed struggle. In the past, many Palestinians were enthralled with guns and it was difficult to criticize armed struggle as the only way to liberate Palestine. Given its apparent failure to achieve its declared objective, armed struggle has given way to nonviolence, which has become more fashionable today since it resonates with Western perspectives. Given that stereotypes cast Palestinians as violent, aggressive, and irrational Arabs or Muslims, Palestinians are forced to declare their pacifism before being admitted to the world of legitimate discourse or given a hearing of their views.

Both the Palestinian Authority's leadership and the BDS campaign pride themselves in pursuing nonviolent means, the former through negotiations and diplomatic efforts and the latter through grassroots' activism. But nonviolence should not now become the new dogma. Westerners ask, "Where is the Palestinian Gandhi?" They ignore the fact that Western practice and discourse have always vindicated violent resistance to unjust foreign occupiers. Thus, it is hypocritical for Westerners to dismiss violent means altogether in the Palestinian case.

Nevertheless, many feel obliged to search for a Gandhi to verify the existence of Palestinian non-violence. But this search, while perhaps helpful in challenging stereotypes, falls into the ugly trap of basing the legitimacy of Palestinian demands on the choice of means. Furthermore, by distancing oneself from the stereotype one implicitly concedes certain validity to it. Instead of regarding the stereotype as a misrepresentation of the reality of the oppressed, it becomes the yardstick by which the oppressed has to measure himself through negating it. The oppressed is requested to mold his or her mode of resistance into an identifiable and acceptable form. But no matter how frequently the oppressed declares he is “nonviolent,” he will still need to demonstrate, time and again, that his hands are clean leading to a never-ending game. The suspicion will always lurk that the oppressed will fall back into his “violent nature.”

The end does not always justify the means, hence the means should be chosen carefully and critically. Caution must be exercised not only for violent means but for nonviolent means as well. Yet, there is another side to this coin. The legitimacy of the struggle and the justness of the demands need not necessarily correlate with the character of the means. The fact is that violent and nonviolent tactics have always co-existed as forms of resistance and they are likely to do so in the future. Therefore, in order to choose nonviolent means, one need not necessarily be a pacifist. The choice of the means depends on historical and political circumstances; they need not become the end. The means should not be deployed for their own sake (violence for the sake of violence or non-violence for the sake of non-violence), but for the purpose of achieving noble political goals. The ability of violent or non-violent means to achieve them in a concrete, prudential form should be constantly critiqued and re-examined.

### Legalism

The boycott movement speaks the language of human rights and international law. It is intended to pressure Israel to abide by international law. By doing so, it risks falling into the trap identified by critical legal scholars. The risk has two aspects. First, there is a danger in conflating law with justice; there is no intrinsic connection between law and justice. The gap between them may not be apparent to those who equate the attainment of justice with the application of law. Second is the belief that applying international law can produce self-evident, concrete consequences; this belief presupposes that applying law is a mechanical operation. But law-application involves inevitably normative interpretations that are not independent of power relations and hegemonic understandings. In addition, law (whether local or international) is not a monolithic entity nor a gapless system. Rather, it contains gaps, ambiguities, and contradictions. For example, the boycott movement demands full equality for the Palestinian citizens inside Israel. The meaning and requirements of equality, however, are far from clear. The boycott movement’s demands could easily be satisfied by instituting formal equality that is oblivious to the injustices of the past. Most importantly, legal language abides by the classifications and categorizations created by international law (“refugees,” “citizens,” “occupied population”) without critically engaging with these terms.

Legalism may have two detrimental consequences. First, it obscures the ways international law itself has been part of the problem through fragmenting reality and compartmentalizing the question of Palestine, on the one hand, and by its impotence when faced by gross violations of human rights due to its reliance on the international power structure. Second, it casts a legal aura on a political question and therefore may blind us from seeing possible political solutions. The aforementioned issue highlights a tension between supporting a one-state solution (as some BDS proponents and activists do) while at the same time using language that rejects the notion of a one-state solution (since international law is based both on the Westphalian model in which the nation-state is the cornerstone of the world order, and on the post-World War I logic of partition, including the partition of Palestine).

This is not to say that the language of universal human rights and international law should be rejected or that it lacks a positive value. I only wish to caution that this rather limited discourse could produce unintended consequences. One should be cognizant of the detrimental ramifications of this discourse.

### Rhetorical excess

Transforming every aspect of the political struggle to a boycott-orientation reduces the range of political means and vocabulary. Not every adverse discourse or initiative should be addressed through the boycott prism. Surely, these initiatives, to the extent that they warrant criticism, can and should be critiqued. However, the discourse of boycott is inapplicable when the object of the critique is not a state-sponsored activity, nor an Israeli or foreign institution involved in sustaining the occupation militarily or economically. The boycott campaign should be based on credible evidence of targeted institutions' role in sustaining the apartheid regime's practices.

Additionally, boycott should not be seen as merely the manifestation of an unguided, blind moral outrage. Its primary purpose should neither be moral preaching nor vengeance and punishment. Rather, it should be applied as a political tool for achieving political ends through political mobilization of activists, constituencies, and consumers. Therefore, there should be some considerations of efficacy. For boycott to be effective it should not be reduced to trigger-happy tactics. If one cries wolf all the time, one risks losing credibility and political currency.

Overplaying the boycott card can discredit it, even when directed against worthy targets. For instance, one activist in the boycott campaign has criticized a foreign magazine for asking two journalists (an Israeli Jew and an Iranian) to write about Israelis and Palestinians. He claimed that this initiative should be boycotted because it distorts reality by presenting the relation between the occupier and the occupied as symmetrical. While the critique is warranted, the leap to boycott is less convincing. Consider the example of the New York Times which is blatantly pro-Israel; it does not follow that it should be boycotted by a writer commissioned to represent a pro-Palestinian position. Or consider choosing to publish in an academic journal in the U.S. While this journal may have published more pro-Israel articles than pro-Palestinian ones, or has asked authors to represent both views, these facts do not generate a decisive argument to boycott the journal. Furthermore, even if publishing such materials enables the New York Times and other journals to present an image of being open to all views, a boycott is not warranted. One should be careful to avoid rhetorical zeal when making the case for boycott.

To conclude, if the BDS movement succeeds in avoiding the aforementioned pitfalls and remains self-critical as it evolves, it will be more likely to succeed and to recruit new supporters around the world. Most importantly, it will be better positioned to reach the goal of ending the injustices committed in Palestine.

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## The Hebrew University and ‘Hasbara’

by Rosemary Sayigh\*

The Hebrew University’s plan to hold an international oral history conference in Jerusalem in 2014, announced early in July 2013, has sparked a wave of protest from oral historians and scholars around the world. Initiated by a group of activists linked to the Boycotts, Divestment and Sanctions movement (BDS) - Sherna Gluck, Haim Bresheeth, Nur Masalha, Lisa Taraki, Sami Hermez, Omar Barghouthi, and this writer - a campaign to boycott the conference has garnered more than 350 signatures so far and is still growing. Of these a third are scholars who use oral history.

The campaign’s first aim was to dissuade key-note speakers Alessandro Portelli and Mary Marshall Clark from participating in the conference, given the Hebrew University’s support for militarism and poor record on human rights. When Portelli and Clark failed to withdraw, the campaigners decided to go public with a worldwide appeal to oral historians and scholars concerned with the Arab east calling for a boycott of the conference. To date, although a slight majority of signatories are from countries with long established Academic and Cultural Boycott of Israel (ACBI) movements such as Palestine, the US and the UK, around half come from Latin America, India, Japan, Australia, Canada, Spain, Ireland, France, Italy, Egypt, South Africa and Israel.

In addition the campaign has been endorsed by a number of associations: Academics for Palestine (Ireland); AURDIP (France); BAB (Germany); BOYCOTT! (Israel); BRICUP (UK); InCACBI (India); PACBI (Palestine); PBAI (Spain); USACBI (USA); the Alternative Information Centre (Israel); Groundswell: Oral Histories for Social Change - Core Active Group; Independent Jewish Voices Canada; University of Toronto SJP (Canada); SJP of UCLA; and by Ronnie Kasrils, former South African government minister, anti-apartheid activist and writer.

The Hebrew University’s complicity in occupation and militarism is so clearly a matter of public record that it is difficult to understand how the keynote speakers could have shrugged it off. Well-substantiated charges are: a) support for Israel’s occupation of the West Bank and for the wars against Gaza in 2008-2009 and 2012; b) [special programs](#) for the Israeli Defense Forces and security personnel;<sup>1</sup> c) discrimination against Palestinian students, as when permission for a cultural festival was refused, or police allowed on campus to break up peaceful demonstrations against the Gaza wars; d) discrimination against Palestinians in general: the University barely serves the East Jerusalem community, and students from Gaza are barred; e) [training students](#) in ‘hasbara’ (propaganda work); and f) failure to stand up for equal rights to education for Palestinians in the Occupied Territory. That the Vice President for External Relations at the Hebrew University is former Shin Bet head Carmi Gillon is an indication of its close ties with state security.

Other military figures who have also served at the Hebrew University are Major General Yehoshevat Harkabi, who joined in 1968 as head of the Department of International Relations, to become Intelligence Advisor to Menachem Begin in 1977 while continuing at the University until his retirement in 1989. Menahem Milson was professor of Arab Literature at the Hebrew University in the early 1970s. Appointed by Shimon Peres as advisor to the Israeli military on Arab affairs, he was drafted by Ariel Sharon to head ‘civil administration’ in the West Bank (1976-78), only to “move back seamlessly into academic life, becoming head of the Department of Arabic Language and Literature, then Director of the Institute of Asian and African Studies, Dean of the Faculty of Humanities, and finally, Provost of the Rothberg International School at the university”.<sup>2</sup>

But the most ironic aspect of the Hebrew University's call for an oral history conference is that the campus stands on expropriated land. After the 1967 war, the Hebrew University used land illegally sequestered by the state to expand its campus over Mount Scopus, evicting Palestinian owner-residents in the process. Equally ironic is the fact that the President of the University at the time of this expansion was Avram Harmon, and it is the institute that bears his name that is planning the oral history conference. In moves to expand their real estate in 1998, the University threatened Palestinian home-owners in Jabal Sharifa with forced sale. In June that year I interviewed a family that was being harassed by armed *mukhabarat* (secret police) to scare them into leaving. Evictions were not carried out at the time but such cases remain on Municipality files to be revived at an opportune moment. In 2004 the Hebrew University tried to extend its dormitories into land belonging to the Al-Helou family in Ard al-Samar.<sup>3</sup> Given oral history's tradition of advocacy for the displaced, these facts should give scholars contemplating participation in the oral history conference pause for thought.

“Given oral history's tradition of advocacy for the displaced, the Hebrew University's complicity in occupation and militarism should give scholars contemplating participation in the oral history conference pause for thought.”

All Israel's universities veil the state's ongoing displacement of Palestinians by signifying scholarship and 'civilization', but the Hebrew University enjoys a special position within this pantheon. Its conception goes back to 1882; its foundation stone was laid as early as 1918 by Chaim Weizman and General Allenby; Lord Balfour opened it officially in 1925. Albert Einstein was invited to deliver the first public lecture at the Hebrew University though he “[opposed the idea of a Jewish state](#), with borders, an army, and a measure of temporal power”. The University's primacy is strikingly visible in its extension across Mount Scopus, Jerusalem's highest point.



Hebrew University as seen from the East Jerusalem village of Silwan  
(photo: wikimedia)

The appearance of similarity between Israeli universities and those of the West breaks down in several critical respects, the most important being the degree to which Israeli universities support Israel's military technology, arms production, and training of the Israeli military and security personnel. According to Lisa Taraki, a sociologist at Birzeit University and founding member of the Palestinian Campaign for the Academic and Cultural Boycott of Israel, the major institutions working with the arms industry are Tel Aviv University, the Technion in Haifa, the Weizman Institute in Rehovot, the Hebrew University, and Ben Gurion University.<sup>4</sup> Israeli faculty members have been, with a few exceptions, quiescent in the face of this militarization. Protest against the occupation of the Palestinian Territory, torture and other human rights violations has been muted. Issues such as the Occupation's closure of educational institutions in the occupied Palestinian territory, or the refusal of permits to foreign teachers, have not roused criticism in Israeli academia. A 2008 [petition for academic freedom in the Occupied Territory](#) was circulated to more than 10,000 Israeli academics. Though it merely asked the government to allow Palestinians the same freedom expected by Israeli academics, only 407 Israelis signed it, less than five percent of the total.<sup>5</sup>

In a recent article published on *CounterPunch* Bresheeth and Gluck lay bare the strategy of which the Hebrew University's oral history conference is a part:

Academics have been going to conferences in Israel, and especially in Jerusalem, for the five decades of the occupation, engaging and discoursing with their Israeli counterparts. It's bad enough that these engagements have clearly resulted in nothing positive, but to make matters worse, they have become part and parcel of Israeli political strategy: more engagement, more discussions, more meetings, more negotiations between the sides ad infinitum... Worse yet, under the guise of continuing discussions and negotiations - a delaying tactic developed by PM Shamir in the 1980s - Israel has managed to add over 700,000 illegal settlers in the Occupied Territories of Palestine and Syria.<sup>6</sup>

It's time that international scholars stop being pawns in Israel's deadly game of "talk and expand".

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\*\* Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

## Campaigning for Palestinian Rights in Europe

by Aneta Jerska\*



BDS Max Brenner July 29 2011, This was the first BDS protest in Melbourne after the July 1 demo that was attacked by police and led to mass arrests. So protesters were defending the right to demonstrate, as well as opposing Apartheid Israel. (flickr)

**T**he European Union (EU) evolved to become an important player in the Middle East's power configurations and political dynamics. In the case of the Israeli-Palestinian conflict, EU policy has been inconsistent and incoherent.

Despite many statements condemning Israel's violations of international law, the EU continues to cooperate with Israel in various fields such as science and technology, transportation (Common Aviation Area), agriculture, satellite navigation (Galileo) and police services (EUROPOL). Granting such an explicit support despite numerous and internationally recognized Israeli violations of international law, the EU finds itself complicit in those violations. For example, beneficiaries of EU research grants and taxpayers' money include Aerospace Industries (IAI), the state-owned manufacturer of Israeli drones and "battlefield solutions," and Elbit, the company criticized for helping consolidate Israeli control over the occupied territories and provides surveillance technologies for the Separation Wall in the West Bank. Indeed, the EU and its Member States are failing to implement international law, promote the right to self-determination of Palestinians, utilize universal jurisdiction and comply with European law.

The failure of the international community to hold Israel accountable and of the EU and its Member States to comply with the relevant provisions of its own constitution – which reiterates the EU's commitment to fundamental rights and freedoms – have prompted European civil society to step in and take action to bring about policy changes.

The European Coordination Committee for Palestine (ECCP) is the largest European civil society coalition advocating Palestinian rights composed of 46 Non-Governmental Organizations (NGOs), unions and associations from 20 European countries. We work in close collaboration with a broad range of partners including Palestinian organizations, the global Palestine solidarity movement, and Israeli human rights organizations, namely: Anarchists Against the Wall, Boycott from Within and The Israeli Committee Against House Demolitions. The ECCP supports and signed on to the 2005 Boycotts, Divestment and Sanctions call (BDS).

We aim to encourage the EU to adopt effective measures in order to ensure respect for Palestinian rights, adherence to international law and an end to impunity of Israeli violations and crimes. Thus we pressure parties to factor Palestinians' rights when deliberating existing and proposed agreements between the EU and Israel. We do so by attending committee meetings; providing accurate information to Members of the European Parliament and other EU functionaries; publishing position statements for the wider public and EU bodies, the Ashton office and the media; launching popular campaigns to reduce collaboration of the EU with Israel; and promoting a culture of rights-accountability by organizing public hearings in European Parliament.

Specifically, our recent and ongoing campaigns targeting the EU include:

- Public campaign against *Agreement on Conformity Assessment and Acceptance of Industrial Products (ACAA)* signed by EU and Israel in 2011. Together with thousands of NGOs who joined the campaign, campaigners and human rights defenders sent more than 50,000 messages to their Members of European Parliament;
- Suspension of the *EU-Israeli Association Agreement*, which grants Israel favorable tariffs for the export of products to the EU. Article two of the Agreement calls for suspension in the case of human rights abuses;
- An EU ban on settlement products and Israeli companies which export them. The July 2013 EU guidelines are an achievement and initial step in that direction (see below);
- Call for an EU arms embargo of Israel that is supported by the European Network Against Arms Trade;
- Campaign against G4S security contracts for EU buildings following an EU decision not to renew a previous G4S contract in April 2012;
- Campaigns against upgrading EU-Israeli economic relations and EU funding of Israeli research programs such as Horizon 2020 and particularly the inclusion of Israeli companies involved in the settlements or other violations of international law.

### **EU Funding Guidelines**

In June 2013, the European Commission published its "Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, awards and financial instruments funded by the EU from 2014 onwards" in the EU Official Journal. The document states that any future agreement between Israel and the EU must include a special provision clearly affirming that all Israeli settlements in the lands occupied in 1967 are not part of the state of Israel and are not, therefore, included in the agreements between the EU and Israel.

The new Guidelines exclude any Israeli entity with activity in occupied Palestinian and Syrian territories from participating in EU financial instruments such as loans. Among those excluded from receiving loans from the European Investment Bank will be major Israeli banks including Bank Hapoalim, Mizrahi Tefahot Bank and Bank Leumi because they all operate illegally in the occupied Palestinian and Syrian territories, including by having branches in illegal Israeli settlements.



For the first time, the EU has adopted a concrete position stating that companies or institutions active in Israeli settlements will not be eligible for the Union's grants. It took them long enough.

The Guidelines are not binding for Member States. Rather, they constitute recommendations. Nevertheless, if implemented academic and governmental institutes, as well as many Israeli and international companies, may cease to enjoy grants from the EU as long as they maintain their activities in the occupied territories.

While the Guidelines are an important step in terms of EU policy towards Israel, the EU will remain deeply complicit with Israeli apartheid even if the Guidelines are fully implemented. The EU-Israel Association Agreement grants Israel preferential trade arrangements and participation in EU programs. The fact that this agreement remains in place despite Israel's ongoing violations of human rights of Palestinians shows EU acquiescence and contribution to further Israeli impunity. Also, the new guidelines will not prevent EU grants being awarded to Israeli military companies and will not prevent funding being awarded to Israeli universities, despite their involvement in military research and weapons development projects.

Coming into effect on the first of January 2014 these measures are extremely belated considering that the EU has always held the Israeli settlements in occupied Palestinian and Syrian territories as illegitimate, breaching international law and contravening UN and EU decisions.

Despite such decisions and long held position on the illegality of settlements, the EU continues to import products from Israeli settlements. Even more surprising is the fact that two weeks before publishing the Guidelines, on 5 July 2013, EU approved a grant to Ahava – an Israeli firm making cosmetics in a settlement in the occupied West Bank and contributing to the [crime of pillaging](#). Under the EU's agreement with the firm, Ahava will coordinate the SuperFlex project on skincare research. More than €6 million (\$8 million) of the scheme's budget comes from EU funds.

The guidelines themselves are not nearly enough to influence Israel to halt settlement activities, or even to limit their expansion, but what is important is the fact that under the pressure of civil society organizations the EU acknowledged the illegality of Israel's regime of occupation against the Palestinian people and to end some aspects of its deep complicity in maintaining this illegal system

Before the resumption of 'peace talks' the EU was developing guidelines for businesses including product labeling scheduled to be published at the end of 2013. At the moment, the EU's official position is that they will not adopt new positions before the end of the negotiations.

## Towards a Boycott

Contrary to accounts in mainstream European media, the Guidelines do not constitute a boycott of Israeli settlements. In practice, these recommendations require all bodies operating within Israel and outside the 1967 borders to draw a distinction between the settlements and Israel. Although in their statements EU officials reaffirm their stance against imposing sanctions on Israel, in March 2013 we witnessed 23 Members of European Parliament from different political parties call on chief of EU foreign policy Catherine Ashton to suspend the *EU-Israel Association Agreement*. In their letter they wrote: "The ongoing authorization for settlement activity of the Israeli government, as well as several human rights abuses that have been extensively documented by the United Nations and international human rights organizations, are in breach of Israel's commitments under article 2 of the Agreement."

Even more interesting, the letter was initiated by Members of European Parliament from the ALDE group ([Alliance of Liberals and Democrats for Europe](#)) who last year voted in favor of the *EU-Israel ACAA Agreement* (Agreements on Conformity Assessment and Acceptance of industrial products).

Civil society and human rights organizations together with BDS campaigners were working hard over the recent years to inform and convince EU officials about the EU's complicity in Israel's violation of international law and Palestinian human rights. In particular, it was very important to provide political advisers and officials at the Israel and Palestine desks in EU institutions with recent reports and analyses from Palestinian organizations like *Al Haq* and others, showing the impact of the EU – Israel trade agreements on human rights in Palestine. On the other hand, we cooperated with lawyers who helped us convince the EU representatives that its ongoing support to Israeli and international companies involved in the occupation is in contradiction to the EU's own law. Direct actions and demonstrations against EU's cooperation with companies profiting from Israel's occupation like G4S, Veolia and others, demonstrates that EU's ongoing support to those companies will be opposed by civil society organizations.

Grassroots civil society pressure is forcing the EU to acknowledge its legal responsibility to end ties with Israel's regime of occupation and apartheid against the Palestinian people and its deep complicity in maintaining the illegal system.

One of the challenges for civil society organizations is to pressure the EU to implement their own legislation into the agreements with Israel and military companies that profit from the occupation. Guidelines should also be adopted in order to bring an end to the EU policy of awarding research funding to Israeli military companies, such as Elbit Systems, that 'test' their systems on Palestinians. Israeli military companies provide the weaponry and technology that enable Israel to commit atrocities and daily violations of human rights. Also in the area of trade, for example, mere labeling of products from the illegal settlements is not enough. Products from the colonies should be prohibited from being marketed in Europe. The next step for the grassroots and civil society organizations should be a European campaign calling on the EU to implement a ban on settlement products. Moreover, we have yet to see how the Guidelines will be implemented by the EU.

As negotiations on Israel's participation in the 70 billion euro Horizon 2020 research funding program continue, Israel and its supporters have been pulling out all of the stops to pressure the EU to postpone or not apply the Guidelines. In protest a group of [51 Members of the European Parliament wrote](#) to EU foreign policy chief Catherine Ashton in the latest of a series of calls on the EU not to water down the new Guidelines that prevent the EU from recognizing Israeli sovereignty over the West Bank and the Gaza Strip. In their letter, the Members of European Parliament from across the political spectrum [explain](#) that they, "feel strongly that Israeli settlements should not benefit from European taxpayers' money."

At the moment it is important for us to put pressure on the Members of European Parliament and European Commission to ensure that the Guidelines are fully and correctly implemented. Furthermore we must monitor the upcoming *EU-Israel Agreements* to act on schedule against any upgrade in EU-Israel economic relations.

Civil society, including BDS campaigners, will have to continue playing an important role in monitoring the Guidelines' implementation and pressuring for all ineligible Israeli entities to be excluded from receiving EU money. We should also work to compel the EU to recognize that Israeli apartheid is the system that applies on both sides of the 1967 Green Line. Ultimately, the EU has a responsibility to acknowledge the human rights abuses committed by Israeli public and private entities against Palestinian citizens of Israel and Palestinian refugees by reducing its complicity and adopting binding instruments to effectively ban any product manufactured, grown or packed in Israeli settlements from the EU market and ending all research funding of Israeli military companies.

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## Complicity and Apartheid: On campaigning for Palestinian Rights in Belgium

by *Sophia Abdellah\**

“We realized that clarifying the link between the apartheid reality for Palestinians, and the complicity of citizens in Europe through its support and trade by cooperating with Israel, is the most effective way to influence public opinion and mobilize people in Belgium.”

**A**s activists in Belgium, our goal is to communicate facts about what is happening in Palestine – the repeated human rights violations, to the broadest audience possible. Further, our mission is to show people that their behavior has real impact on the rights and lives of Palestinians.

Primarily, I focus on the struggle for human rights and emancipation in Palestine because of the fact that Palestinians live within a structure of ethnic dominance in which the Jewish-Israeli population directly benefits from the exploitation of Palestinians’ resources and suppression of their rights. Secondly, Israel enjoys near unanimous international ‘legitimacy’ and a high degree of material support adding to the egregiousness of the injustice committed against the Palestinian people.

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It is clear that Israel’s system of apartheid is hegemonic and sturdy, and it will not be dismantled unless we strike a moral chord. This is our advantage: the moral high ground. In order to utilize the moral bargaining power, our approach in Belgium focuses on establishing a link between the Israeli apartheid system and the international community’s complicity in it. We apply this dual pillar of logic to governments, communities, Non-Governmental Organizations (NGOs) and businesses.

### Activism in Europe

The BDS movement in Belgium is composed of about 12 organizations who meet every six weeks. Although most campaigns are developed and worked on by volunteers, four organizations have either part-time or full-time paid staff members who assist in the campaigns and have many other tasks as well. As such, our capacity is small and most campaigns are implemented by volunteers. The organizations support each other’s campaigns through the BDS Belgium platform, but each focuses on one campaign (for example arms trade, academic boycott, G4S, agricultural products).

If you want to be an activist for Palestine in Belgium or in Europe, the Boycotts, Divestment and Sanctions movement (BDS) is the most productive platform at this moment. Communication and coordination is relatively well organized between the different organizations. Local, national and regional campaigns are strengthened by support and experience from similar campaigns in other countries. I attribute this flexibility to the absence of top-down decision making structure that would undermine the creativity and motivation of volunteers. Furthermore, BDS is an umbrella that many causes can unify under. People are attracted to BDS because of the successes it has achieved and the potential for tangible change it offers. For businesses, too, it has become difficult to ignore BDS – we constantly remind businesses of their complicity in human rights violations in Palestine and they are running out of excuses for inaction.

Belgium is slightly exceptional since we initiated a campaign calling for the boycott of Israel in 2003, preceding the united call of the Palestinian grassroots organizations in 2005. Our BDS campaign received confirmations from all major Flemish Non-governmental organizations, we used poster advertisements calling for a social justice-based boycott and published the campaign in media outlets.



Poster used in a Belgian boycott campaign, 2003: "Israeli fruit tastes bitter. Say no to the occupation of Palestine. Don't buy fruit and vegetables from Israel."

**Israëlich fruit smaakt bitter.**

**Zeg neen tegen de bezetting van Palestina.  
Koop geen groenten en fruit uit Israël.**

Stop het zinloze geweld. Talfloze Palestijnse en Israëlitische slachtoffers zijn macabere getuigen van een politiek van geweld en bezetting. Een falende politiek. Daarom deze oproep van het Actieplatform Palestina om een einde te maken aan de bezetting. Wij leven voor het naleven van het Internationaal recht en stemmen de gerechtvaardigde eisen van het Palestijnse volk en van Israëlitische vredesorganisaties.

Wij zijn meer weten naar de boycot van Israëlische landbouwproducten en de politieke aspecten van het Actieplatform Palestina, surf dan naar [www.totipalestina.be](http://www.totipalestina.be)  
Campagneverantwoordelijken: 02 512 00 10 - [vlb@actieplatformpalestina.be](mailto:vlb@actieplatformpalestina.be)  
Een initiatief van het Actieplatform Palestina. Steunpunt van de Vlaamse Noord-Zuidbeweging - 19191, Actoren voor Vrede, Onafhankelijk Daken, Centrum voor Ontwikkeling, Documentatie en Informatie, Palestijnen - CEDD/FOS-Sociaalrechtelijke Solidariteit, Gewerkschappen voor de Derde Wereld, Oxfam Vlaanderen, Daken Solidariteit, Na Christ' Vlaanderen, Probus, Socialistische Jongeren, VSC - Vlaams Internationaal Centrum, Vlaams Palestina Komitee, Vrede Met deuren van de Associatie Belge Palestijnen.

In hindsight the time was not ripe for a full boycott. The global Oxfam network was supportive of the boycott, but their support of BDS was labeled as 'anti-Semitic' by supporters of Israel. At one point, Oxfam USA risked losing its license for fundraising in the US as a reprimand for their Belgian counterpart's participation in the boycott. The remaining organizations participating in the boycott soon abandoned the campaign work, too, not only for the boycott, but other campaigns such as against the apartheid wall. Only three small-sized organizations continued with the boycott campaign, which was internationally called on by the Boycott National Committee in Palestine in 2005.

This episode left its mark on the Belgian BDS movement. Until today, any discussion of a boycott campaign is a very sensitive subject. Our experience shows that although organizations often want to support the BDS initiative they are afraid of becoming targets of baseless slander (labeled anti-Semites), which may risk their sources of funding or their leverage on governments in many countries.

Now that the European Commission has announced the adoption of guidelines that distinguish between funding for Israeli businesses or projects that function in the occupied Palestinian territory, the dilemma

of campaigners in Belgium is again attracting attention. The European Union guidelines reinforce our statements about the complicity of Europeans and European businesses. Concurrently, organizations refusing to adopt the Palestinian BDS call are struggling to succeed with campaigns based on human rights violations alone. Actions and sanctions are required to achieve positive change.

Over the course of our organizing in Belgium, we developed a specialty on working with private businesses. How can we enable businesses, particularly in Europe, to act on their morals? Through gradual adaptation, a trial and error process, we developed a targeted strategy for engaging with consumers and business owners. We realized that drawing a clear link between the apartheid reality for Palestinians and the complicity of citizens in Europe through trade with Israel is the most effective way to influence public opinion and mobilize people in Belgium.

## Complicity

We find that the most difficult obstacle to engage is the generalizations of businesses and individuals. They ask: “Why should we care about Palestine when there are so many rights violations around the world?” They add that they are incapable of adapting their businesses to the overwhelming tragedies taking place throughout the world. Advocating for a boycott of Israel in this context is like running into a brick wall.

The same goes for business-owners. We have long been discussing the necessity of boycotting Israeli products with supermarket managers. In general, managers refused to act based on the moral argument even when acknowledging facts we bring to their attention. However, we experienced partial success when we linked settlements to child labor and the exploitation of Palestinian children, providing proof and demonstrating intentions to publicize their relationship to such violations. Suddenly, we found that managers and business-owners were willing to act. We realized the necessity to alter our talking points away from the gravest human rights violations (such as the 2008-2009 attack on Gaza) and to focus on another angle in order to achieve our goal of boycotting Israel. Locating the ‘weak spot’ of businesses became a regular method for achieving progress.

By relaying simple messages and raising the issue of individual complicity, individuals and business managers are moved on a personal level. Even when they fail to adopt a full boycott, we are able to deliver an important message and affect public opinion.

Laws that could be used to build a case for sanctions against Israel already exist, but a certain level of individual initiative is lacking. The key is locating a weak point in the reasoning of individuals or companies. We achieve a lot of success when we point out contradictions while recognizing that the vast majority of people authentically want to make the world a better place. Even if a personal purchase will not individually produce a noticeable economic impact, people want to avoid contributing to an immoral project. Since 2010, BDS Belgium has been visiting the weekly markets during Ramadan, approaching the Arab community and calling on them to boycott dates produced in Israel. We made a lot of progress in our discussions when we connected their purchase to the profits of West Bank settlements. We explained to people that their purchases fund the future legitimacy and viability of Israeli settlements. People do not want to be responsible for crimes of foreign governments.

## Apartheid

An important issue is the rhetorical and legal weight of the word ‘apartheid’. We emphasize using the word in our campaigns because it accurately depicts the situation for Palestinians under Israeli rule on either side of the 1967 cease-fire line (the Green Line).

Over the course of many discussions with people, even individuals applying neo-liberal ethics of separation between politics and economics recognize the gravity of the term. Once an individual accepts that apartheid exists in Israel/Palestine, they always come to agree with our belief in ending it. Boycott becomes self-evident.

From the perspective of businesses, our challenge is to compel them to overcome their rigid ‘economics is separate from politics’ position. Certainly, the two spheres are deeply intertwined, but how do activists enable a business-owner to admit so? For example, G4S is a major global company with relatively minor contracts with Israel, yet they refuse to terminate their relationships. For marketing reasons, businesses



Additionally, it is important to note that the displacement of Palestinians is ongoing. Enabling refugees' rights is not only a resolution to a protracted injustice, a step towards reconciliation, but also a daily reality of life in Palestine. For example, the [Prayer Plan](#) threatens at least 30,000 Palestinians in the Naqab with displacement. Europeans and the United Nations are responsible for allowing such gross violations to continue for over 65 years.

## Conclusion

Beginning in 2003, the joint boycott campaigns started on a small. Our organizers targeted supermarkets and shoppers, asking them not to buy Israeli products. Initially, the responses we received were aggressively negative. Over the past decade we have had two main changes: first, the public's response to us has become generally very positive. After ten years we now commonly hear: "Oh, I have heard about this campaign before, and I already support it," a reverse to the stance businesses have come to hold. As public support for us increased, those opposing our mission have petitioned business leaders who became much more cautious of adopting a boycott.

The second change over the past decade is within our own tactics. The movement's network is very elaborate and functions without central coordination. Rather, our exchange of knowledge and experiences is horizontal. This flexible and adaptive structure proved to be successful for us. We learned to focus our campaigns, which in turn strengthens our work in other campaigns. Currently, the Belgian BDS Movement has three major campaigns targeting fruits and vegetables, the G4S corporation and universities with links to weapons manufacturing. We hope to share a few successes in the near future.

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\* Sophia Abdellah is an activist in the Belgian BDS movement.

\*\* *Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

## What to do about colonial tourism?

*A civil society workshop addresses the role of tourism in the occupied Palestinian territory discussing how alternative and socially responsible tourism can be implemented.*

by *Bisan Mitri\**

From the 4th BDS Conference at Bethlehem University,  
(8 June 2013, © BADIL)



All facets of Palestinian life under occupation are exploited. The tourism sector is no exception.

International law recognizes the illegality of prolonged belligerent occupation. Morally, it should be resisted. Like the right of return, the right to self-determination and the right to housing, the [right to resistance](#) – interpreted through the right to freedom of opinion and expression – is also guaranteed as a human right. The United Nation’s [General Assembly Resolution A/RES/3246 \(XXIX\)](#) of 29 November 1974, “[r]eaffirms the legitimacy of the peoples’ struggle for liberation from colonial and foreign domination and alien subjugation.” The Palestinian aspiration of independence and freedom will not be achieved without struggle. The Boycott, Divestment and Sanctions Movement (BDS), a rapidly growing one, both on local and international levels, with its various campaigns and initiatives offers available, non-violent means to end Israeli occupation by mobilizing the international community to hold Israel accountable to international law.

In parallel with the Fourth National BDS Conference, which was held on 8 June 2013 at Bethlehem University, the Occupied Palestine and Syrian Golan Heights Advocacy Initiative (OPGAI) organized a workshop titled *Responsible Tourism in Palestine in the Context of the BDS Movement*. The workshop was held in cooperation with OPGAI’s member organizations, and in coordination with the Palestinian Christian Initiative: Kairos Palestine. The activity was carried out by organizations that work in the field of responsible tourism, be it political, cultural, or religious tourism. The workshop was attended by 25



professionals working in tourism-related as well as religious, cultural and human rights organizations located throughout the occupied West Bank including Jerusalem.

The workshop aimed to present and discuss alternative and responsible tourism in Palestine in light of the Israeli occupation and its policies of exploiting the cultural heritage and history of Palestine. Furthermore, the workshop sought to shed light on the practices of the Israeli tourism sector that promotes tourism at the expense of Palestinian culture and economy.

The main objective of the workshop was to discuss the possibilities of implementing BDS practices in tourism. The workshop produced recommendations to pave the way for strategizing and launching awareness raising campaigns. All the participants confirmed the importance of the tourism sector in Palestine at various levels be they political, economic, cultural or social, and how the Israeli occupation is undermining Palestinian development by distorting the facts and manipulating the tourists that come to the region.

Israel's occupation of the occupied Palestinian territory constitutes control over movement of persons, goods and even money internally and along the *de-facto* borders of the occupied Palestinian territory. Consequently, every tourist who enters the occupied Palestinian territory must acquire a permit from Israel submitting themselves to Israeli visa regulations. All entry points into the occupied Palestinian territory are controlled by Israel.

The occupation is not limited to military elements, but uses elements including tourism as a political tool to strengthen its position as occupying power and domination over Palestinian land and people. Furthermore, Israel uses tourism as an instrument for disseminating propaganda to millions of tourists including many politicians, leaders and journalists who are offered free of charge first class tours to Israel. These trips are accompanied by well-trained Israeli tourist guides whose role is to communicate the government narrative, which includes silence on crucial contexts such as the occupation and atrocities committed by the occupying forces. The most obvious propaganda practice of government-affiliated guides is to ensure no contact between visitors and the local Palestinian community. Participants of the Bethlehem University workshop stressed the need for collaboration in order to confront tourism that revises biblical stories to confirm Israeli political projects.

Another example is the official website of the Israeli Ministry of Tourism's reply in the [Frequently Asked Questions](#) page. Answering "are tourists allowed to enter areas outside of the *Israeli responsibility* (Palestinian areas)?,"<sup>1</sup> the Ministry states, "it's wise to check on the political situation before entering the Palestinian Authority." Additionally, it recommends contacting the Israeli Defense Forces Public Relations office, at least in part, to depict the occupation forces as a protector rather than an aggressor.

The occupied Palestinian territory, including a large sum of touristic sites such as the Dead Sea, came under Israeli military control in 1967. Israel illegally annexed Jerusalem, the most tourist-dense area in the region. Participants of the Bethlehem University workshop discussed whether a boycott of Israel and its institutions, which control and manage tourist sites in the oPt is most beneficial. Perhaps launching awareness-raising campaigns amongst tourists is more tactical, they asked.

The call for boycott accords to international law and calls for, among two other principles, the ending colonization of the oPt that exploits Palestinian touristic, religious, historical and natural sites. Participants of the workshop agreed that the tourism sector is subject to the legal, political, economic and cultural grounds that the BDS movement is based on and, thus, the goal of the boycott also applies to some aspects of the tourism sector. The South African anti-apartheid campaign called on the world to boycott tourism in

South Africa until the regime fell, but the Palestinians at the workshop refrained from doing so and framed their project as one of responsible and solidarity tourism.

The outcome of the Bethlehem University workshop contained recommendations to broaden the circle and discuss the practicality of implementing boycott within the tourism sector. The participants of the *Responsible Tourism in Palestine in the Context of the BDS Movement Workshop* thus formulated the following recommendations for further discussion:

1. The application of BDS practices in the tourism sector aims to defend the political, economic and cultural rights of the Palestinian people;
2. Train tour guides in the politics, culture and history of Palestine. Highlight the situation of guides who are deprived of work permits by the Israeli occupation for discussing politics and/or using the Palestinian narrative in their tours;
3. Prepare a manual to be distributed to tourists and pilgrims on *What must be avoided and must be supported* when visiting religious and tourist sites in Palestine, including usage of services and tourism-products;
4. Form a strong lobbying initiative in order to unite the efforts of institutions working in the tourism sector;
5. Communicate with the Palestinian Ministry of Tourism regarding its role in the tourism sector and cooperate with other relevant representatives in the sector;
6. Determine and list the tourist sites where boycott is applicable in accordance with the BDS movement and raise awareness regarding the rationale for a possible boycott;
7. The call for a boycott on the tourism sector must be accompanied by organized work and continued efforts to find and raise the efficiency of Palestinian alternatives to the dominant tourism services and industry;
8. Upgrade local market goods;
9. In addition to the relatively well-developed religious tourism in the oPt, encourage development of non-religious Palestinian tourism. Collaborate between all sub sectors (cultural, economic and educational) involved in the tourism sector;
10. Coordinate with efforts of Palestinians working in the tourism sector of Palestine occupied in 1948 (Israel-proper);
11. Promote and give primacy to alternative tourism that highlights Palestinian history and heritage of Jerusalem as well as the political situation;
12. Boycott cultural productions (such as musicians) that cooperate with the Municipality of Jerusalem;
13. Boycott Israeli services and tourism industries to which Palestinian alternatives exist;
14. Conduct and publish research and analysis explaining the politicized use of Israeli tourism.

The Bethlehem University workshop defined the problematic areas of applying BDS within the tourism sector, but it also delivered recommendations to help people working in this field generate a political, legal and moral framework for resisting colonialism while continuing their work. It is vitally important to form a committee involving representatives of the Boycott National Committee and representatives of the tourism sector from governmental, non-governmental and private levels, to follow up on these recommendations as part of the struggle to realize the national aspirations of the Palestinian people.

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\*\* Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

## Witnesses to Displacement

In the past year, BADIL conducted more than 60 interviews with Palestinian victims of Israeli forcible displacement. These interviews were an essential part of the [handbook](#) published earlier this year, and for which we dedicated the 53rd issue of al-Majdal. In this section of the magazine, we bring you the summary of a compelling story of displacement and resistance. We hope this interview sheds light on the human dimensions of forced population transfer, an issue more often dealt with in dry and distanced legal language.

### Jayyous: a view through the gate in the Wall

*Summary of interview with Shareef Omar Khaled\*, a resident of Jayyous village and member of the Land Defense Committee in the district of Qalqilya.*

*by Halimah Al Ubeidiya and Wassim Ghantous\*\**



Jayyous Village. Source: thiswallwillfall.org

I'm a 70 year-old farmer and I have lived with my family in Jayyous since 1967. I moved back here to help my father to cultivate our land. Before that I lived in Jordan. Jayyous is located in the Qalqilya district, and has around 3,200 inhabitants. Its economy is based on agriculture. The built-up area of the village is in Area B, but most of its agricultural land is in Area C, which is under full Israeli control.

In 2002, Israel started to build the Annexation Wall, and we were shocked to discover that around 550 dunums (136 acres) of Jayyous' lands would be seized by military order for the construction of the Wall.<sup>1</sup>

Around 4,000 olive trees would be uprooted and more than 70 percent of our farming lands, around 8,229 dunums (2,033 acres), would remain on the western side of the Wall, on which a permit regime was imposed according to which Palestinians may be present only if they have received authorization from the Israeli Civil Administration.

I own six plots of land covering an area of 175 dunums (43 acres) where I plant different kinds of vegetables and fruits. All of my plots are located on the western side of the Wall. I began facing obstacles to accessing my land when Israel began to require me to apply for a permit to enter through the gate in the Wall. Nobody is allowed to cross without a permit. In addition, the Zufin military camp is located near one of my parcels, while the Zufin settlement is located near another parcel. Recently, settlers have placed caravans 500 meters away from my land.

In September 2003, the Israeli authorities handed the Local Council a limited and random number of permits, which also included names of babies and dead people! Individuals who didn't receive permits, including myself, entered our lands by opening a hole in the fence, but we couldn't enter our tractors or horses.

We didn't accept leaving our lands, our main source of living, mainly because the harvest season was about to start. With the help of the village inhabitants who used to bring us food and other supplies, we managed to stay on our lands from 26 September until 12 October 2003. On the night between 12 and 13 October the Israeli army surrounded us and arrested 68 people. Another 13 farmers and I managed to escape to a shelter located on my land, where we decided to stay as an act of disobedience to the Israeli orders. We stayed there for 26 days, but then I had to leave because I was invited to speak about the situation at a conference in Paris, and as a witness in front of the International Court of Justice in the Hague regarding the legality of the Wall.

When I returned from this tour, I found out that Israel denied me entry to my lands. I was unable to reach my plots for five months! The same happened to me in 2007. After speaking about the effects of the Wall in the UK, I was denied entry to my lands for seven months and 18 days. This was the worst period of my life! In September 2007 I appealed to the Israel High Court asking for a renewal of my permit and in 2008 the Court came out with a positive ruling.

### **Impact of the Wall:**

- The Wall separates us from approximately 63% of our lands. Hundreds of dunums were seized for building the Wall and a lot of trees were uprooted.
- The 3,200 residents of Jayyous depend almost entirely on income from agriculture. Their ability to farm is severely hampered by Israeli restrictions on movement. These cause problems with irrigation and obstacle with transporting fertilizers and farming equipment, and finally not having enough time for harvesting. Sometimes the gates don't open and the farmers can't get in - preventing us from accessing our lands threatens our livelihoods, dreams, hopes, future and heritage.
- It's not easy to get an entry permit. People who were arrested by the Israeli occupation forces, such as my son and many others, are usually refused entry permits.
- We can't hire workers to help us on our lands, because the Israeli occupation authorities deny people who don't own lands in the area to apply for permits. Instead, we help each other by distributing the work between those who have permits to enter the lands.
- Israeli authorities obstruct our work in the lands in cynical ways, even when they issue permits for us. For example, we are required to include the vehicle we want to use in the permit application. Recently I received a permit to enter my land, but my vehicle was denied entry.

## The Gate:



Jayyous Village © K. van dick , Source: Palestine Monitor

- The gates open three times every day, in the morning from 05:00 to 06:00; from 13:00 to 14:00; and from 16:00 to 17:00. If someone was hurt while the gate was closed he would need to wait until the opening hours to seek medical help.
- You cannot pass through the gate without being searched by the soldiers. These searches occur not only when you enter, but also when you exit. That makes no sense. Why should they search me when I am returning home? Do they have to protect my sons from me?!
- Lately the soldiers have been requiring us to unpack the whole cargo. We are speaking about tons of fruits. We informed our attorney about this situation, and filed a petition against this behavior.
- If, as it happens, the soldiers do not open the gate we are prevented from working. For example, the soldiers might be on patrol and the villagers wanting to go to their land at the appointed hour must wait, sometimes for hours, until the soldiers return.
- If the Israeli occupation authorities shut the gate, we would have to go to another gate, which is four kilometers away from Jayyous.

## Popular Resistance and the Land Defense Committee:

In 1980, with other farmers representing villages throughout the West Bank, we founded the Land Defense Committee. This is one of 18 organizations which constitute the Stop the Wall Campaign. The committee was established to stand against the massive land confiscation policy carried out by Israel. We provided people with attorneys, land surveyors, funds and other services. The committees are still working, but less functionally than before. The local committee in Jayyous is more active than the others as a result of the severe problems caused to the village by the occupation.

Many of us are afraid to lose our entry permits to the lands. The Israeli occupation authorities threaten us by withdrawing our permits, so many have stopped attending demonstrations and public activities.

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*\*Shareef Omar Khaled - Abu Azzam - is a 70 year-old farmer from Jayyous and a representative of the Land Defense Committee from Qalqilya District. For 30 years he has fought against Israel land confiscation and resisted the construction of the Annexation Wall.*

*\*\*Halimeh Al Ubeidiya and Wassim Ghantous are BADIL field researchers.*

## Universal Periodic Review (UPR) - Israel

**Report submitted on 30 September 2013 by BADIL Resource Center for Palestinian Residency and Refugee Rights<sup>1</sup>**

Palestinian refugees and internally displaced persons (IDPs) are the largest and longest-standing case of displaced persons in the world today. There are at least 7.4 million displaced Palestinians including 360,000 IDPs in Israel, representing 66 percent of the entire Palestinian population (11.2 million) worldwide.<sup>2</sup> Among them are: 5.2 million who are registered with and assisted by the UN Relief and Works Agency for Palestine Refugees (UNRWA).<sup>3</sup>

Israel fails to respect and meet its obligations under international law, including UN resolutions, and continues its politics aiming at forcible population transfer of the Palestinian people. These politics are applied in order to annex, de facto, the main Israeli settlements in the occupied Palestinian territory (oPt), and establish an Israeli Jewish majority in areas populated by Palestinians, in particular in occupied East-Jerusalem, but also in the Naqab (Negev) and the Galilee.<sup>4</sup>

### Denying the Right of Return

Most importantly, Israel is denying the return of Palestinian refugees through legal and political mechanisms. However, the right of return exists in the law of nationality, customary law, international humanitarian law, international human rights law and refugee law.<sup>5</sup> In fact, the obligation to respect the right of return has been a customary, legally binding, norm of international law since before 1948. Later, in December 1948, the UN General Assembly called upon Israel to respect the Palestinian refugees' right of return in Resolution 194 (III). Also, in its resolution 237, June 1967, the UN Security Council called upon the government of Israel to "facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities." These resolutions, among many others, explicitly stated that Palestinians had the right of return to their homes of origin. Since Israel is the only state from which Palestinian refugees originated, it is the only state of origin and thus is obligated under international law to receive these refugees.

### Legal statuses under Israeli law

Next to this, the Israeli nationality law embodies in law the separation of citizenship ('Israeli'), from nationality ('Jewish'). This separation was confirmed by the Israeli Supreme Court in *George Raphael Tamarin v State of Israel 1972*. Such a distinction allows Israel to discriminate against its Palestinian citizens and, even more severely, against Palestinian refugees by ensuring that certain rights and privileges are conditioned upon Jewish nationality. The Israeli regime has essentially divided the Palestinian people into several distinct political-legal statuses: Palestinian citizens of Israel, permanent residents of East Jerusalem, West Bank identity card holders, Gaza Strip identity card holders and the millions of Palestinian refugees living in forced exile. Despite their differing categorizations under Israeli law, Palestinians across the board maintain an inferior status to that of Jewish nationals living within the same territory or beyond.

Israel's distinction between Jewish nationality, Israeli citizenship, and Palestinian Arabs status within Israel, the oPt, including East Jerusalem, provides a basis upon which discriminatory policies are applied to the detriment of Palestinians, both within Israel and the oPt. Israel and the oPt are in fact treated as one legal entity by Israel, which has two effects: (1) Jewish nationals, wherever they may reside, benefit from a range of legal rights and privileges afforded by Israel; and (2) Palestinian Arabs, wherever they may reside, are collectively exposed to a single coherent structure of apartheid and discrimination. In

particular, Israel's institutionalized discrimination aims to privilege Jewish nationals, and abridge the right of Palestinian Arabs, with regard to residency rights, land ownership, freedom of movement, nationality, citizenship and the right to leave and return to one's country.

Jewish people all over the world are given "the automatic right, by virtue of being Jewish, to immigrate to Israel and acquire Israeli citizenship [but] Arab Palestinians including the millions of Palestinian refugees, on the other hand, are denied to return to their homes and to acquire citizenship."<sup>6</sup> Thus, under Israel's legal regime, *only* Jews have the right to return, and only "Jewish nationals and citizens of Israel" constitute the privileged group of Israeli citizens who have full access to human rights.

Among Israel's pillars is the policy of legal separation between Jewish nationality, Israeli citizenship and the status of Palestinian Arabs as well as the practice of forced population transfer: a practice aimed at displacing non-Jewish nationals (Palestinian Arabs) within Israel and the oPt.

Palestinians who did not meet the criteria of the 1952 Citizenship Law because they were outside the country or in territory controlled by Israeli-defined 'enemy forces' at certain cutoff dates, are excluded from Israeli citizenship and consequently made stateless by the law.<sup>7</sup> At least 750,000 Palestinians and their descendants (approximately 6 million persons) suffer from statelessness and/or a lack of nationality (1948 Palestinian refugees) until today.<sup>8</sup>

Israel continues to deny and violate the right of these refugees to return to their country of origin. In 2001 the Israeli Knesset passed the *Entrenchment of the Negation of the Right to Return Law*. 19 Section 2 of this law states that "refugees will not be returned to the territory of the State of Israel save with the approval of the majority of the Knesset Members." Section 1 of the law defines a refugee as a person who "left the borders of the State of Israel at a time of war and is not a citizen of the State of Israel, including, persons displaced in 1967 and refugees from 1948 or a family member." Furthermore, based on the 1954 *Prevention of Infiltration Law* and military orders 1649 and 165020 those Palestinians are prohibited from legally returning to Israel or the oPt as well.

In effect, Israel has institutionalized its exclusion of, and discrimination against, the indigenous Palestinian refugees who were forcibly displaced and denationalized. The Law of Return (1950)<sup>9</sup> provides that every Jewish person in the world is automatically entitled to "Jewish nationality" in Israel. Under the Law of Return, a Jewish national is "born of a Jewish mother or has become converted to Judaism and who is not a member of another religion."<sup>10</sup> Thus Jewish nationals enjoy the right to enter Israel even if they were not born in Israel and have no connection whatsoever to Israel. On the other hand Palestinians, the indigenous population of the territory, are excluded from the Law of Return on grounds that they are not of Jewish origin, do not enjoy the legal status of nationals under any other Israeli law; and have no right to enter the country.

### **Palestinian land**

Israeli legislation is also threatening the land rights of Palestinian citizens of Israel, Palestinian residents of the oPt as well as those Palestinian refugees who are forcibly exiled. The Land Acquisition for Public Purposes Ordinance (1943) is a British-mandate era law that authorizes the Finance Minister to confiscate Palestinian lands for "public purposes" in perpetuity. In February 2010, the Knesset amended the law to prevent Palestinian landowners from restoring land confiscated pursuant to the ordinance even if it was never used for the alleged public purpose for which it was originally confiscated. The Amendment allows the state not to use the land for the original intended purpose for 17 years and it prevents landowners from demanding restoration if the land has been transferred to a third party or if more than 25 years has lapsed since the confiscation. This impacts Palestinians collectively as Israel confiscated significant portions of their lands over 25 years ago and has since transferred them to third parties.

After 1948, Israel ‘inherited’ all the land that was registered in the High Commissioner’s name from the British government, which thus became Israeli state land.<sup>11</sup> After 1967, Israel also claimed all the ‘state land’ that Jordan had designated as such under its rule in the West Bank. This was achieved through the application of a 1967-adopted military order, the Order Concerning Government Property (No. 59).<sup>12</sup> This defines state land as property that, on the “relevant date” (7 June 1967, the day Israel occupied the West Bank), belonged to an enemy state and/or corporation of which an enemy state had control or rights or that was registered at that time in its name.<sup>13</sup> Furthermore, the Order bestows administration of state land to the Custodian who is appointed by the Israeli Military Commander and empowered, “to take possession of government property and to take any measure he deems necessary to that end.”<sup>14</sup> The Order also allows for the custodian to deem any lands as state lands, even if they are retroactively shown not to be state lands, provided he held “good faith” that they were state lands.<sup>15</sup> This Order was since amended.

Parallel to that in 1968 the Israeli military commander passed the Order concerning Land and Water Settlement (Judea and Samaria) (No. 291) – an order which forbade any further land settlement/registration for Palestinians and put a halt to any settlements, or registrations which were at that time being processed which has resulted in only 33% of all West Bank land being registered.<sup>16</sup>

In 1969 a provision was added to the Order Concerning Government Property stating that, “if the Custodian confirms in a written document with his signature that a given property is government property, that property will be considered government property unless proven otherwise.”<sup>17</sup> This transferred the burden of proof from the State to the individual. In 1984, the military commander amended the Order Concerning Government Property to expand the types of land that could fall under its control. The amendment defines government property as, “property that on the relevant date or thereafter belongs, is registered in the name of or is imparted to an enemy state or a corporation in which an enemy state has rights.”<sup>18</sup> The use of the word “thereafter” offers scope to expand upon a previously static definition of state land.

### **Declaration process**

The declaration (of state land) process is not anchored in the law or in military legislation, but rather in the procedures of the Israeli Civil Administration alone.<sup>19</sup> Among their requirements is that the Custodian must sign a certificate specifying the location of the land for declaration accompanied by a map demonstrating the plot’s total area.

Various petitions filed by Palestinians against the declaration process and against the appeals committee (whereby individuals can oppose declarations) failed before the Israeli Supreme Court.<sup>20</sup> The Court upheld the legality of the declaration mechanism and rejected the petitioners’ right to object: as they could not prove personal injury on non-private, ‘state land’.

### **Absentee Property Law**

The *Absentee Property Law* of 1950 is another law that is applied in order to confiscate Palestinian land. The term ‘absentee’ was defined so broadly as to include not only Palestinians who had fled the newly established state of Israel but also those who had fled their homes but remained within its borders.

Estimates of the total amount of ‘abandoned’ lands to which Israel laid claim vary between 4.2 and 5.8 million dunums (4,200-5,800 km<sup>2</sup>).<sup>21</sup> As a result of the Absentee Property Law, the pre-1948 Palestinian Bedouins of the Naqab lost 90% of their lands and property.<sup>22</sup> Between 1948 and 1953 alone, 350 of the 370 new Israeli Jewish settlements were created in lands confiscated under the Law.<sup>23</sup>

The authority to declare land or property as ‘abandoned’ extends to property whose owner is “unknown”. Following the mass forcible displacement of Palestinians from their homes and lands in 1948, the *Absentee*



*Property Law* transferred the ownership of such lands to the State of Israel should the owner have been residing, even for a short while, in one of a list of territories outlined in the law between the 29<sup>th</sup> November 1947, and the day on which “it shall be declared that the state of emergency shall cease to exist”. Along with the ‘state of emergency’, the law continues to apply. Further, the law even applies to persons who left their ordinary place of residence in Palestine, to another location in Palestine. Such persons are referred to as ‘*Present Absentees*’, to whom Absentee Law also applies. Absentee property is any property, within Israel, that the ‘absentee’ owns or has a right to. This requirement that the property itself be located within the State of Israel, also applies to East Jerusalem subsequent to Israel’s illegal 1967 annexation.

### **Custodian**

The Custodian of Absentee Property is appointed by the Israeli Minister of Finance to retain possession of “absentee property” pursuant to a prescribed manner. As these rights are automatically transferred no notice of this transfer is given to the owner and they may only be made aware of it when granted an eviction order, or when attempting to sell the property.

Article 17(a) outlines that, should the Custodian designate or ‘believe’ that a certain property is owned by an absentee, then it is automatically considered so even if the rightful owner can later prove that they were not an ‘absentee’. If the property in question had already been sold to a ‘third’ party, then there is nothing the rightful owner could do to reclaim it, under the principle that the transaction was made in ‘good faith’.<sup>24</sup>

### **Privatizing occupied lands**

On 3 August 2009, the Israeli Knesset ratified the *Israel Land Administration Law (Amendment No. 7) 5769 – 2009* reforming land management for 93% of the State of Israel’s territory, commonly known as the Land Reform Law. The Law, which applies to Israel-proper and occupied East Jerusalem and the Golan Heights, enables a process of privatizing land comprising 800,000 dunums or 4% of the State. The Law also increases control of land to the Jewish National Fund, an organization that explicitly excludes non-Jewish residents from lands under its management.

### **Recommendations**

We urge the Human Rights Council to:

- Declare that Israel’s policies aimed at excluding Palestinian refugees from their homes of habitual residence, coupled with laws and policies aimed at diminishing the number of Palestinians within Israel proper and the occupied Palestinian territory, amounts to forced population transfer.
- Urge Israel to recognize and facilitate the right of Palestinian refugees to return to their homes, to compensation, and to restitution, by amending the discriminatory laws that permit only Jewish nationals to enjoy the benefits of the Law of Return.
- Urge Israel to establish legal and proper mechanisms aiming at returning all property confiscated under the Absentee Property Law to their original owners.
- Urge Israel to amend the Land Acquisition for Public Purposes Ordinance (1943) to afford mechanisms for Palestinian refugees, who have been displaced from their homes and unable to claim their private lands, to make those claims.
- Urge Israel to repeal the Land Administration Law (Amendment No. 7) 5769 – 2009 (commonly known as Land Reform Law) and ensure that refugees’ property is not privatized.

\* Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

## **Palestinian Human Rights Organisations Welcome the EU's Adherence to International Law Through the Adoption of EU Guidelines on EU Support to Israeli Entities or Activities in Illegal Settlements**

Date: 17 July 2013  
Ref. No.: 127/2013

On 16 July 2013, the European Union (EU) announced its adoption of a Commission Notice providing guidelines “on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes, and financial instruments funded by the EU from 2014 onwards” (guidelines).

As members of the Palestinian Human Rights Organisations Council (PHROC), we welcome these guidelines, which enforce the longstanding position of the international community, including that of the EU, that Israeli settlements located in the Occupied Palestinian Territory (OPT) are illegal under international law. Moreover, the guidelines ensure that EU member states comply with their legal obligation not to recognise Israeli sovereignty over the occupied territory and to ensure respect for the Geneva Conventions. In addition, the guidelines implement the 10 December 2012 position agreed upon by all Foreign Ministers of the EU that “all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967”<sup>1</sup>.

PHROC commends moves by EU member states to adhere to their legal obligations and to positions adopted by the EU itself and hopes that these guidelines will be fully implemented. If fully implemented, the guidelines will demonstrate the EU's ability to move from words to action and to comply with its own commitment to put international law at the forefront of its foreign relations.

In light of the above, PHROC looks forward to the official publication of the guidelines, and more importantly, welcomes their full and transparent implementation.

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<sup>1</sup> *Council of the European Union, Council Conclusions, 10 December 2012, para. 4*

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## ABOUT THE MEANING OF AL-MAJDAL

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as "10 Plagues") aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city's residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as "Ashkelon." Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. al-Majdal, BADIL's quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

Coming soon:  
BADIL's Calendar 2014

## FORCED POPULATION TRANSFER: ONGOING INTERNATIONAL CRIME



### **About this calendar:**

The 2014 BADIL Calendar focuses on the crime of forced population transfer through highlighting Israeli policies of colonization and displacement. This Calendar aims to spread knowledge, expand interest and raise awareness regarding the rights of displaced Palestinians and emphasizing the need for a comprehensive just solution for their predicament. Such a solution must be based on international law, particularly through implementing the 1948 UN resolution 194 and the 1967 Security Council resolution 237.