

Responses by Omar Barghouti, on behalf of the Palestinian BDS National Committee (BNC), to questions from the UN [Special Rapporteur on freedom of religion or belief](#), Dr. Ahmed Shaheed

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1. Could you please explain the main objectives and the activities of the Boycott, Divestment and Sanctions movement? How are these activities carried out?

OB: The BDS movement's objectives, as stated in the [BDS Call](#) issued by Palestinian civil society in 2005, are: ending Israel's 1967 occupation, full equality for Palestinian citizens of Israel, and respect for and recognition of the right of Palestinian refugees to return, in accordance with UNGA resolution 194. These objectives are firmly based in international law.

The BDS Call was issued on the first anniversary of the advisory opinion of the International Court of Justice condemning Israel's wall in the occupied Palestinian territory as illegal and calling on third states not to recognize its consequences and to work towards dismantling it.

The absolute majority in Palestinian civil society supports the BDS movement and recognizes the three objectives in the BDS Call as constituting the minimal conditions required for the Palestinian people to exercise our inalienable right to self-determination.

Inspired by the South African anti-apartheid movement and the U.S. Civil Rights movement, BDS calls for nonviolent measures to bring about Israel's compliance with its obligations under international law. These include boycotts and divestment initiatives against Israeli or international corporations and institutions that enable Israel's violations of Palestinian human rights. They also include targeted and lawful sanctions by state, inter-state or international bodies that are designed to bring Israel's violations of international law to an end.

2. Based on the "Racism and Racial Discrimination are the Antithesis of Freedom, Justice & Equality" statement, what are the safeguards in place to ensure that the activities of the movement are compatible with international human rights standards and do not constitute any form of incitement to hatred or violence?

OB: Anchored in the Universal Declaration of Human Rights, the nonviolent BDS movement for Palestinian rights considers its [anti-racist set of principles](#) as one of its fundamental pillars. As that reference document states: "the BDS movement does not tolerate any act or discourse which adopts or promotes, among others, anti-Black racism, anti-Arab racism, Islamophobia, anti-Semitism, sexism, xenophobia, or homophobia."

Accordingly, the BDS movement does not target anyone because of his/her Jewish or Israeli identity. The BDS movement, rather, targets institutions and business enterprises on

grounds of their involvement in Israel's flagrant violations of Palestinian rights and international law. We do not work with those who incite to hatred, bigotry or racial violence.

This ethical commitment is premised on our deep conviction that justice and human rights are indivisible and that all hate, transgressions and bigotry against human groups based on racial, gender, sexual, religious or other identity must be rejected and fought by all human rights advocates, regardless of the identity of the perpetrators or the victims.

The BDS movement consistently raises awareness about its anti-racist statement of principles in its campaigns as well as its internal and external communications and media output. It also partners with progressive movements, trade unions, faith groups, student groups, academic associations, artists collectives, feminist and LGBTQI groups, etc. that share its values and anti-racist principles.

3. Many Jewish groups are concerned that BDS goes beyond criticism of Israeli policies and promotes the demonization and delegitimization of Israel. In particular, they allege that BDS seeks to eliminate Israel's very existence because the campaign does not support a two-state solution. How would you address these concerns?

OB: This question is based on the premise that those who are opposed to the "two-state solution" (as defined by the UN, I assume) are in effect seeking to "eliminate Israel's very existence." Anyone following the official statements of the far-right government of Israel, including by Prime Minister [Benjamin Netanyahu](#) and government [ministers](#), the ruling Likud party's central committee, and [majority leaders in the Knesset](#) cannot but recognize that Israel has [ruled out a two-state solution](#). It is increasingly adopting a vision of "greater Israel"--a one apartheid state "solution."

During Israel's last parliamentary election campaign, Netanyahu promised to begin [annexing](#) the West Bank and repeatedly incited against Palestinian citizens of Israel, [declaring](#), "Israel is not a state of all its citizens. ... Israel is the nation state of the Jewish people – and only it." His current government is even more extreme and intransigent than the last, which was the [most racist](#) in Israel's history. Netanyahu, with full [support](#) from the Trump administration, has effectively [declared](#) an end to the two-state paradigm that has been the cornerstone of the U.S.-sponsored Oslo peace process for almost three decades by [declaring](#): "All the settlements, without exception, those that are in blocs and those that aren't, need to remain under Israeli sovereignty."

The largest opposition party in Israel, Blue and White, [does not endorse a Palestinian state or a two-state solution](#) in accordance with UN resolutions either. This means the absolute majority in the Knesset today opposes the two-state solution.

Given the above, would you then conclude, by the same premise, that the Israeli government and parliament are "seeking to eliminate Israel's very existence?" In fact, this is what some leading Israeli generals are more or less [accusing](#) Israel's far-right government of doing.

Regardless, and as clearly [stated](#) on the movement's website, "The BDS movement does not advocate for a particular solution to the conflict and does not call for either a 'one state solution' or a 'two state solution'. Instead, BDS focuses on the realization of basic rights and the implementation of international law." The [United Nations](#) has characterized these rights as "inalienable rights of the Palestinian people," emphasizing that "full respect for and realization of" these rights "are indispensable for the solution of the question of Palestine." As such, the BDS movement promotes accountability to international obligations which must be respected in any political solution that is conducive to a just and lasting peace.

Calling for freedom, justice and equality for the Palestinian people, as the BDS movement does, cannot be reasonably or logically understood as calling for "eliminating" anything but subjugation, injustice, and inequality.

Only if one assumes that Israel's very existence is premised on maintaining its current regime of colonial oppression, military occupation and apartheid would one accept the otherwise illogical assertion in the question. After all, ending apartheid did not "eliminate South Africa's very existence," nor did ending the Jim Crow regime in the US end its very existence. In both cases, ending oppression allowed for more freedom, more justice and more equality, and that's exactly what BDS seeks.

- 4. From the statement (in question 2) above, it was stated that "We reject Zionism, as it constitutes the racist and discriminatory ideological pillar of Israel's regime of occupation, settler colonialism and apartheid that has deprived the Palestinian people of its fundamental human rights since 1948." Can you please explain what do you mean and understand by Zionism and if you equating it with racism and if so how this different from being antisemitic?**

OB: Last year, more than [40 international Jewish groups](#), including the influential Jewish Voice for Peace in the US, condemned the conflation between "legitimate criticisms of Israel and advocacy for Palestinian rights with antisemitism, as a means to suppress the former." Their statement said, "This conflation undermines both the Palestinian struggle for freedom, justice and equality and the global struggle against antisemitism. It also serves to shield Israel from being held accountable to universal standards of human rights and international law."

- Until the Nazi Holocaust against Jews started to unfold in the late 1930s, the absolute majority of Jewish communities around the world rejected political Zionism. As the prominent philosopher [Joseph Levine explains in the New York Times](#):

"The 18th and 19th centuries were the period of Jewish 'emancipation' in Western Europe, when the ghetto walls were torn down and Jews were granted the full rights of citizenship in the states within which they resided. The anti-Semitic forces in those days, those opposing emancipation, were associated not with denying Jewish peoplehood but with emphatically insisting on it! The idea

was that since Jews constituted a nation of their own, they could not be loyal citizens of any European state. The liberals who strongly opposed anti-Semitism insisted that Jews could both practice their religion and uphold their cultural traditions while maintaining full citizenship in the various nation-states in which they resided.”

- In 1975, a large majority at the UNGA [adopted](#) a resolution that exposed the links between Zionism and apartheid in South Africa and condemned the former as a form of racism. This was only repealed in 1991 under intense US-Israeli pressure in the context of the Madrid “peace process.”

- Recently, Jewish Voice for Peace (JVP), the largest progressive Jewish organization in the world, issued a historic [statement condemning Zionism](#). It said:

“While it had many strains historically, the Zionism that took hold and stands today is a settler-colonial movement, establishing an apartheid state where Jews have more rights than others. Our own history teaches us how dangerous this can be.

Palestinian dispossession and occupation are by design. Zionism has meant profound trauma for generations, systematically separating Palestinians from their homes, land, and each other. Zionism, in practice, has resulted in massacres of Palestinian people, ancient villages and olive groves destroyed, families who live just a mile away from each other separated by checkpoints and walls, and children holding onto the keys of the homes from which their grandparents were forcibly exiled.”

Reflecting on the damage Zionism has caused to Jewish communities, the JVP statement said:

“In sharing our stories with one another, we see the ways Zionism has also harmed Jewish people. Many of us have learned from Zionism to treat our neighbors with suspicion, to forget the ways Jews built home and community wherever we found ourselves to be. Jewish people have had long and integrated histories in the Arab world and North Africa, living among and sharing community, language and custom with Muslims and Christians for thousands of years.

By creating a racist hierarchy with European Jews at the top, Zionism erased those histories and destroyed those communities and relationships.”

- Palestinians, Arabs and many progressives regard Zionism as a racist political ideology that has formed the ideological scaffolding of the settler-colonial dispossession of the Palestinian people and the ongoing Israeli Nakba. This is based on the following facts:

- a. The racist ideology of late 19th century European chauvinistic nationalism and colonialism was adopted by the dominant stream of the Zionist movement (World Zionist Organization, Jewish Agency, Jewish National Fund, a.o.) in order to justify and recruit political support for its colonial project of an exclusionary Jewish state in Palestine (i.e. in the area of current Israel and the OPT) at the expense of the indigenous Palestinian Arabs.
- b. Secular political Zionism translated ancient religious-spiritual notions of Jews as “a chosen people” and of “Eretz Israel” into a racist colonial program, which -- based on the doctrine that Jews were a separate nation in political terms with superior claims to Palestine -- called to “redeem” Palestine, which was declared to be “a land without a people.”
- c. Realization of this settler-colonial project was pursued with the support of Western imperial powers (especially Britain and the United States), and later the United Nations, through a policy and practice of colonization and population transfer. The main features of this project were the massive settlement of Jewish immigrants in Palestine, particularly at the height of the Nazi genocide against European Jews, and the forcible transfer of a majority of the indigenous Palestinian-Arab population.
- d. The Zionist project of planned ethnic cleansing started well before the break of the armed conflict of 1948, but it was mainly accomplished during and in the guise of that armed conflict. 750,000 – 900,000 indigenous Palestinians were forcibly displaced and some 500 Palestinian communities depopulated by Zionist militias and – as of 15 May 1948 – by the army of the State of Israel, in order to make space for the new exclusionary Jewish state on 78 percent of pre-war Palestine.
- e. Zionism continues to play a profound role in the ongoing Palestinian Nakba as it has been transformed into the laws and policies of the State of Israel that constitute the current regime of military occupation, settler-colonialism and apartheid. Since 1948, Israeli legislators and governments, in conjunction with global Zionist organizations and their subsidiaries, have established and developed a regime of institutionalized racial discrimination and Jewish supremacy that systematically dispossesses, disenfranchises and maintains the inferior status of the indigenous Palestinian people. By means of this regime, the State of Israel continues to assert control over a maximum amount of Palestinian land with a minimum number of Palestinians through colonization, denial of refugees’ right of return, and ongoing, gradual forced population transfer.
- f. As Prof. Daniel Blatman, Holocaust era historian at the Hebrew University of Jerusalem and chief historian of the Warsaw Ghetto Museum, [wrote](#) recently in Haaretz:

“The Nazi movement, as we know, flirted with Zionism quite a bit in the 1920s and '30s. Alfred Rosenberg, one of the main Nazi ideologues, wrote at the time about the nature of the Zionist movement and about what the German nationalist

movement's correct attitude toward it should be. In his 1920 book "Die Spur" ("The Jews' Trail Through the Ages"), Rosenberg suggested encouraging and supporting the German Zionist movement in order to promote the exodus of German Jews to Palestine. He noted that the Zionists were a group with a potential for short-term cooperation with national-socialist Germany, since both were interested in halting Jewish assimilation and integration, and promoting Jewish emigration.

"Rosenberg also planned to use Jewish claims as a legal justification for – and proof that Jews also supported the idea of – denying German Jews their civil rights. The Zionist claim to the effect that there was a separate Jewish community with its own unique cultural and national interests, which were not identical to those of other Germans, was also in keeping with the Nazi policy whose implementation began after 1933."

5. What are your comments towards the critics of States and/or other stakeholders that the BDS movement is antisemitic or the fact that the movement has led to the increase of antisemitism in different countries around the world?

OB: Israel, its lobby groups and other anti-Palestinians desperately throw about this baseless accusation without any evidence, precisely because BDS has consistently opposed anti-Jewish racism and hate since its inception and has won significant Jewish support worldwide. BDS is today supported by a fast rising number of [Jewish millennials](#), who cannot reconcile their liberal values with what Zionism and Israel stand for today. Support for BDS is also growing among prominent Jewish academics, writers, filmmakers, philosophers and human rights defenders.

Asserting that boycotting Israel is intrinsically antisemitic is not only [baseless propaganda](#). It absurdly equates Israel with "all Jews." This is as [bigoted](#) as claiming that boycotting a self-defined Islamic state like Saudi Arabia, say, over its legalized discrimination against women or its war crimes in Yemen would necessarily be Islamophobic.

Israel and its lobby groups, in response, have aggressively promoted a [new, revisionist definition of antisemitism](#) that [aims](#) "to shield Israel from being held accountable to universal standards of human rights and international law."

In May 2019, more than [240 Jewish and Israeli scholars](#), many of whom distinguished academics specializing in antisemitism, Jewish history and history of the Holocaust, issued a statement condemning a German Bundestag resolution that smears the BDS movement for Palestinian rights as antisemitic. Crucially, their statement accuses the German resolution of doing nothing to "advance the urgent fight against anti-Semitism." The statement says:

“[W]e all reject the deceitful allegation that BDS as such is anti-Semitic and maintain that boycotts are a legitimate and non-violent tool of resistance. We, leading researchers of anti-Semitism included, assert that one should be considered an anti-Semite according to the content and the context of one’s words and deeds – whether they come from BDS supporters or not. Regrettably, the adopted motion ignores the explicit opposition of the BDS movement to “all forms of racism, including anti-Semitism.

The BDS movement seeks to influence the policies of the government of a state that is responsible for the ongoing occupation and oppression of the Palestinian people. Such policies cannot be immune to criticism. In this context, it should also be noted that many Jewish and Israeli individuals and groups either support BDS explicitly, or defend the right to support it. We consider it inappropriate and offensive when German governmental and parliamentary institutions label them anti-Semitic.”

Taking Germany as a case study, only one day before the above mentioned Bundestag resolution, government released a [study](#) pointing out that 90% of the antisemitic -- and other racist/xenophobic -- attacks in Germany come from the far right. Those 90% come from the voter pool of the Alternative für Deutschland (AfD) that has proposed an even more anti-democratic resolution, completely outlawing the BDS movement.

We strongly and consistently condemn antisemitism as much as any other form of racism and call on decision makers to take on those responsible for it, instead of shielding them by targeting the anti-racist BDS movement.

Finally, Israel’s facile claim to be fighting antisemitism is in fact [undermined](#) by its [sharp shift](#) to the far right camp and its [alliances](#) with xenophobic and [patently antisemitic](#) forces in the [U.S.](#), [Europe](#), [Brazil](#) and elsewhere.

- 6. Does the campaign offer guidelines for how one may discuss the objectives of the BDS movement while avoiding the promotion of antisemitic narratives and tropes? If you found out that some of the activities of your movement beyond Palestine was indeed antisemitic or incited hatred/violence, what would/could be the actions taken by BNC to stop such acts. Is there any example where you condemn or sanction such act within the movement?**

OB: The Palestinian BDS National Committee (BNC), the largest Palestinian civil society coalition that leads the global BDS movement for Palestinian rights, categorically rejects any expression of racism, including antisemitism. It [prominently displays](#) on its website its guidelines for groups that use the BDS acronym or claim to be part of the movement. These guidelines state that BDS partners are expected to “abide by the BDS movement’s commitment to nonviolence as well as its ethical and anti-racist principles.”

The guidelines also state:

“Any group that propagates or tolerates forms of expression or activities that conflict with the movement’s principles of anti-racism and non-violence or undermines the Palestinian rights stated in the BDS Call cannot be part of the BDS movement and will be considered outside the BDS movement and will be asked, by the BNC, to no longer use the BDS acronym or claim any affiliation to the movement.”

“Any group that is affiliated with a group or organization that is known to tolerate views that conflict with the BDS movement’s ethical guidelines or anti-racism principles cannot be part of the BDS movement and will be asked to remove the BDS acronym from its name and logo.”

“If a group undermines any of the ethical and anti-racist principles of the BDS movement, the BNC will privately ask the group to drop the BDS acronym and to stop presenting itself as part of the BDS movement. If the group does not heed the BNC request within a specified deadline, the BNC will publicly censure the group and distance the BDS movement from it.”

Over the last 14 years since BDS was launched, such infringements have been extremely rare. Regardless, whenever detected, the BNC acted swiftly and resolutely to condemn and sanction groups and individuals who claim to support BDS while expressing racist views, including against Jews for being Jews.

A recent example was with a group in Morocco that called itself “BDS Casablanca.” When the BNC found out from our partners in Morocco that this group has posted/re-posted antisemitic content on its Facebook page, we immediately called for an emergency video meeting with them and asked them to: a. immediately remove all antisemitic content and b. post the BNC’s anti-racist statement of principles and educate their supporters about it. We gave them an ultimatum to comply. After their failure to comply by the given deadline, we issued a public [statement on our Facebook account](#) (in Arabic) condemning their expressions of racism and clearly stating that they “are not part of the BDS movement.” This helped to discredit them amidst their base of supporters.

- 7. We have received some examples of cartoon published by The Palestinian NGO BADIL that allegedly runs international BDS campaigns. One of the examples was the cartoon in 2010 that included a Jewish man, garbed in traditional Hasidic attire, with a hooked nose and side locks. He stands on top of a box adorned with Jewish stars crushing to death a child, holding keys labelled “US” and “UK” and a pitchfork stylized as a menorah dripping with blood, while skulls litter the ground. Please see attached picture. What are your views on this?**



OB: The BNC unequivocally condemns this cartoon as antisemitic and as a racist misrepresentation of the reality of Israel's regime of oppression of the Palestinian people. In our view, this and any similarly antisemitic material should never have been published. This view is also shared by BADIL, which already back in 2010 immediately removed the cartoon from its website, published an apology, and [adopted a policy](#) that prevents repetition of such mistakes (see point 4, rules and regulations, al Awda Award). As far as we know, this terrible mistake has never been repeated since.

The cartoon had been selected for publication in the context of a public competition not by BADIL but by an independent jury that was clearly misguided and reckless.

In contrast, the Israeli government recently produced a [promotional video for Eurovision in Tel Aviv](#) that contained blatant antisemitic content (describing Jews as "greedy") and has yet to remove that video or apologize for it.

Last year, Yair Netanyahu, the Israeli Prime Minister's son and rising young leader on the right, posted an indisputably [antisemitic cartoon](#) attacking Jewish-American philanthropist George Soros. No apology or retraction has yet been issued by Netanyahu. On the contrary, according to a Swiss magazine, PM Netanyahu's close advisers [admitted](#) hatching the antisemitic conspiracy theory against Soros that Hungary's xenophobic president Orban later adopted.

8. Could you provide more information on the case(s) that you have brought to European courts to challenge the false and defamatory accusations of antisemitism against the BDS movement? Has there been a decision and could you elaborate the judgement of the court please?

OB: There is broad consensus among the community of legal, civil- and human rights experts in the United States and Europe that the false and defamatory accusations of antisemitism and associated restrictive and punitive measures against the BDS movement violate constitutionally protected rights, in particular the fundamental right to freedom of expression.

In the United States, jurists of [Palestine Legal](#), the American Civil Liberties Union ([ACLU](#)), the Center for Constitutional Rights, the National Lawyers Guild and others have been defending the right to boycott on these grounds by means of para-legal advocacy and litigation in courts. Information about the first ruling of a US court which affirms that boycotts for Palestinian rights are protected by the First Amendment is available [here](#). Examples of other cases challenged by jurists in the US can be found [here](#).

In Europe, more than [200 legal scholars and jurists](#) have called on governments to respect the BDS movement as a legitimate movement for Palestinian rights. In 2016, [Federica Mogherini](#) [wrote](#) on behalf of the European Commission: “The EU stands firm in protecting freedom of expression and freedom of association in line with the Charter of Fundamental Rights of the European Union, which is applicable on EU Member States' territory, including with regard to BDS actions carried out on this territory.”

The governments of [Netherlands, Sweden and Ireland](#), the parliaments of [Spain and Switzerland](#), the Socialist International, and leading human rights organizations including the International Federation for Human Rights ([FIDH](#)) and [Amnesty International](#) have all upheld the right to call for BDS to advocate for the UN-stipulated rights of the Palestinian people.

Since early 2019, the European Legal Support Center (ELSC) -- an initiative of The Rights Forum in the Netherlands, Palestinian civil society and European legal scholars -- has assisted jurists in European countries in defending individuals and organizations that face false and defamatory accusations of antisemitism and repression because of their support for Palestinian rights and particularly for BDS measures to achieve these rights.

In Germany, where repression of solidarity with the Palestinian people is particularly severe, collaborative litigation with local jurists has thus far resulted in a decision of the Higher Administrative Court of Lower Saxony. In its judgement, the Court explained that: 1) Since the charge of antisemitism represents a very serious allegation, the burden of proof lies with the party making the accusation; and, 2) the Court's examination had not produced any evidence that the applicant or the BDS Campaign had violated the principles of the liberal-democratic order. Consequently, the Court instructed the City of Oldenburg to provide the requested rooms, and BDS Oldenburg was able to organize Israeli Apartheid Week events in public space. The City was also forced to cover the plaintiff's legal cost for both proceedings. A copy of the Court's decision (in German) is [here](#). More information about the ELSC and this decision of the Higher Administrative Court-Lower Saxony is available [here](#). You may also contact the jurists of the ELSC directly by writing to: elsc@rightsforum.org