

## The BDS Movement: Economics, Businesses and Human Rights

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### Abstract

The Boycott, Divestment and Sanctions (BDS) Movement is an economic warfare established by a Palestinian Civil Society in 2005. It means to delegitimize and marginalize Israel. The movement calls for Israel to comply with International law and Palestinian rights including the international Court of Justice's historic advisory opinion on the illegality of Israel's wall in the occupied Palestinian territories. The movement also calls for people of conscience to boycott, divest and impose sanctions on Israeli products and companies including international companies that support Israel directly as well as indirectly. This paper discusses the history and development of the BDS movement, its legality and if it is anti-Semitism. Has there been a real effect on the Israeli economy and what is the effect of this movement on the Palestinian economy? The BDS has listed a number of companies, Israeli as well as international companies that supply goods to Israeli settlements. A noted example is that of Caterpillar Inc. which has been supplying bulldozers to Israel has caused an outcry across countries. And, here is where protection of corporate interests comes into question.

Recently, the state senate of New York passed an anti-BDS bill to strengthen the bond between Israel and New York. Several other states of the United States have also followed suit. Governor Andrew Cuomo's statement, "If you boycott Israel, New York will boycott you" has raised several questions in the international scenario. This research paper intends to answer if a boycott can be declared against a boycott? What are the possible consequences of New York's new executive order? Through this paper, one can examine the balance between economic growth and human rights in light of the BDS movement.

**KEYWORDS:** Human Rights, peace, security, racism

### Introduction

The 2001 Durban UN Conference against Racism triggered a series of events in the world and more especially in the Israel-occupied Palestine. Among many things that were discussed, the plight of Palestinians and the activities of Israel (which some countries referred to as 'racist and discriminatory') came into question.<sup>1</sup> This led to what came to be known as the 'Durban Strategy' the aim of which was to isolate Israel from the rest of the world, as representatives from several countries, ignoring the objectives of the conference drew attention to the Israeli-Palestinian issue. On 9<sup>th</sup>

<sup>1</sup>Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, August 31 – September 7, 2001.

July, 2005, inspired by the Durban Conference, several UN Resolutions and the advisory opinion of the International Court of Justice against the West Bank Barrier, a group of non-governmental Palestinian organizations called for the Boycott, Divestment and Sanctions against Israel until it complies with international law and principles of human rights.<sup>2</sup>

This paper consists of four main sections which will broadly give an idea of the impact this movement has had on Israel, Palestine and the rest of the world in particular aspects. The first part of the paper will give a historical background of the BDS movement and shall touch upon key events that led to its popularity. The second part of the paper shall discuss the legality of this movement and if it can justly be classified as anti-Semitism. Surely, human rights violations cannot be ignored and the construction of West Bank Barrier may be a serious error on Israel's part but separating and targeting Israel not only politically but segregating Israeli individuals and companies sure falls within the definition of 'anti-Semitism.' The third part discusses the impact of such a movement on the economy of both states as well as international corporate world. The BDS movement not only encourages boycotts against Israeli companies and their products but also international companies that do any form of business with Israel. When one steps back to analyze such an approach, one may wonder the legitimacy of such an attack.

Finally, the last section of the paper discusses the boycott against the boycott against Israel and what possible solutions are available for this mayhem of boycotts slapping countries back and forth. While the objective of BDS is not entirely without matter, the means to achieve the objective is questionable and needs reconsideration.

### **Objective**

This paper seeks to draw the story of Israel and Palestine, from where it began to where it is now. It aims to analyze the pros and cons of the BDS movement that has arisen in many parts of the world and seeks its readers to step back and question if the movement has gone too far. The paper finally aims to prove that though there are stains on Israel's hands, the boycotts beyond limit is quickly becoming inexcusable and entering the borders of anti-Semitism.

### **Research methodology**

This researcher has adopted a doctrinal research methodology in making analyses and drawing conclusions. With this regard, references have been taken from various online libraries, UN reports and documents including several General Assembly and Security Council resolutions. Historical information as well present day information was taken into account in making analyses.

### **The history and development of the BDS movement**

The 1967 war

The 1947 General Assembly Resolution terminated the Mandate for Palestine and prescribed the creation of an independent Arab, Jewish states and the Special International Regime for the city of Jerusalem.<sup>3</sup> However, since the formation of the

<sup>2</sup>*Palestinian Civil Society Calls for BDS* (9th July, 2005)<https://bdsmovement.net/call>.

<sup>3</sup>G.A. Res. 181 (II).

state of Israel, the middle-eastern nations refused to recognize this small nation as a state.

In 1964, they created the Palestine Liberation Organization (PLO) which aimed to liberate the Palestinian territory from the hands of the Israelis by employing armed struggle.<sup>4</sup> The PLO launched raids in Israel from 1965 till April, 1967 which totaled to 113 attacks<sup>5</sup> and eventually led to the 1967 six-day war between the Arab nations and Israel. Israel came out successful and Israel captured Palestinian, Egyptian and Syrian territories. Though eventually, it gave back the Egyptian and Syrian territories in exchange for peace agreements<sup>6</sup>, it still retains Palestinian territory.

The Oslo accords, 1993 and forward

On 13<sup>th</sup> September, 1993, Israel and Palestine came to an agreement and formed the Declaration of Principles on Interim Self-Government popularly known as the Oslo I Accords at the White House. In Annexure 2, Israel agreed to withdraw its forces from the Palestinian territory and further agreed to allow Palestine to self-govern for an interim period of five years.<sup>7</sup> However, in 1995 Yitzhak Rabin, the Israeli Prime Minister who signed the Oslo Accords was killed by a fellow Israeli who disagreed with the Oslo Accords.<sup>8</sup> This incident threw out the entire agreement between the two states and led to a series of violent events.

Following the collapse of the Oslo Accords, the Hebron Protocol was signed between Israel and Palestine in the year, 1997 wherein Israel agreed to render Area H-1 to Palestine and retain Area H-2.<sup>9</sup> Accordingly, most of Hebron was transferred back to Palestine. Following the Hebron Protocol, a summit was held in 1998 at the Wye River, Maryland and the president of America invited the Israeli and Palestinian representatives to further negotiate peace. The essence of the memorandum held that the Palestinians shall comply to certain requirements and at every stage, a percentage of their land shall be returned by Israel.<sup>10</sup> In 2001 again, the Taba Summit proposed returning certain territories back to Palestine however, due to oncoming elections, the Israeli Prime Minister could not commit to an agreement. And, the new Israeli Prime Minister who later came into power refused to agree to the terms of the agreement.<sup>11</sup> The Durban Conference against racial discrimination was also held and debated this year. Several countries spoke against a much unprepared Israel and out of the scope of

<sup>4</sup> Glenn E. Robinson, *Palestine Liberation Organization*, Oxford Encyclopedia of the Islamic World, <http://www.oxfordislamicstudies.com/article/opr/t236/e0618>.

<sup>5</sup> *The Six-Day War: Background & Overview*, JEWISH VIRTUAL LIBRARY (2016), [http://www.jewishvirtuallibrary.org/jsource/History/67\\_War.html](http://www.jewishvirtuallibrary.org/jsource/History/67_War.html).

<sup>6</sup> Peace Treaty between Israel and Egypt Article I (2) (March 29, 1979), <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-egypt%20peace%20treaty.aspx>; Israel-Syria Separation of Forces Agreement – 1974 (31 May, 1974), <http://mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/Israel-Syria%20Separation%20of%20Forces%20Agreement%20-%201974.aspx> and; S.C. Res. 350 (1974).

<sup>7</sup> [http://news.bbc.co.uk/2/hi/in\\_depth/middle\\_east/israel\\_and\\_the\\_palestinians/key\\_documents/1682727.stm](http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm) (Last Updated on 29th November, 2001).

<sup>8</sup> *The Oslo Accords and the Arab-Israeli Peace Process*, OFFICE OF THE HISTORIAN, <https://history.state.gov/milestones/1993-2000/oslo>.

<sup>9</sup> <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/protocol%20concerning%20the%20redeployment%20in%20hebron.aspx>.

<sup>10</sup> *The Wye Memorandum* (23 October, 1998), <http://www.unsco.org/Documents/Key/The%20Wye%20River%20Memorandum.pdf>.

<sup>11</sup> [http://www.palestinefacts.org/pf\\_1991to\\_now\\_alaqsa\\_tabo.php](http://www.palestinefacts.org/pf_1991to_now_alaqsa_tabo.php) (last visited on 15 August, 2016).

the conference's agendas. It led U.S and Israel's withdrawal from the conference entirely.

#### Advisory opinion of the international court in 2004

In 1997, the General Assembly convened an emergency special meeting wherein it held that Israel having failed to comply with Security Council and General Assembly resolutions is threatening international peace and security. The General Assembly further condemned Israeli's illegal actions in occupied Palestinian territory.<sup>12</sup> The meeting adjourned and reconvened eleven times till the year 2003.<sup>13</sup> And, in 2003, the General Assembly passed yet another resolution<sup>14</sup> to cease and reverse the construction of the wall in the occupied territory against international law. Further, the Security Council in the same year adopted a resolution endorsing the permanent two-state solution to the Israeli-Palestinian discord.<sup>15</sup> In December 2003, the General Assembly reconvened its meeting and the participating states requested an advisory opinion of the International Court of Justice on the matter.<sup>16</sup>

The Court recalled the 'Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States' adopted by the General Assembly<sup>17</sup> in consonance with Article 2(4) of the United Nations Charter. Accordingly, it emphasized that territorial acquisition by force or threat of use of force is illegal. The Court also noted the Palestinian people's right to self-determination envisaged in the International Covenant on Civil and Political Rights. The Court held that Israel has acted contrary to Article 49(6) of the Fourth Geneva Convention since 1977 by establishing settlements within Palestinian territory. The Court considered the construction of the wall as "de facto annexation" breaching the Palestinian right to self-determination. The Court further held that the construction of the wall violated the requirement of The Hague Regulations of 1907 as well.<sup>18</sup> Although an advisory opinion of the International Court is not binding, it still significantly wounded Israel.

#### Culmination of boycott, divestment and sanctions movement

It is in this background of several years of battle that the BDS movement originated. In the year 2005, highly motivated by the ICJ opinion and the plethora of resolutions passed by the General Assembly and the Security Council, the Palestinian Civil Society which then comprised of 173 unions, associations and campaigns called for the world to boycott and implement divestment initiatives against Israel similar to those that were applied against South Africa during the Apartheid era.<sup>19</sup> The letter also states the three objectives that this movement seeks to achieve;

An end to the Israeli occupation of Arab lands including the dismantlement of the Wall.

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<sup>12</sup>U.N. Doc. A-ES-10/1 (22 April, 1997).

<sup>13</sup>*Legal Consequences of the construction of a wall in the occupied Palestinian territory, Advisory opinion*, I.C.J. Reports 2004, 136.

<sup>14</sup>U.N. Doc. ES-10/13.

<sup>15</sup>S.C. Res. 1515 (2003).

<sup>16</sup>U.N. Doc. A/ES-10/249 (2 December 2003).

<sup>17</sup>G.A. Res. 2625 (XXV) (24 October 1970).

<sup>18</sup>Supra 13.

<sup>19</sup>Supra 3.

Israel should recognize the fundamental rights of Palestinians in Israel to full equality.

According to UN Resolution 194, Israel should respect, protect and promote the rights of Palestinian refugees so that they can return to their home and properties.<sup>20</sup>

Until these goals are met, the Palestinian Civil Society have encouraged the culmination of a movement across the world wherein they shall also act in a non-violent but three-fold manner whereby;

Boycotts which include the withdrawal of support to Israel, Israeli and international companies that involve in the violation of Palestinian rights and also including complicit Israeli sporting, cultural and academic institutions be motivated.

Divestment campaigns which urge people and entities across the world to withdraw investment from all Israeli and international companies involved be effected.

And, pressurize governments to expelling Israel from international forums, end military and trade support and so on till they fulfill their obligations be employed.<sup>21</sup>

One may address such a movement as a “law fare”. And this movement over the years has employed several tactics to delegitimize Israel. The minds behind the movement used the OECD guidelines to target UK companies to stop doing business with Israel. They sought to restrict the grants to Israel by recreating the EU guidelines. Several attempts were made to prosecute Israel’s current and former officials for these violations. International companies that conducted business with Israel were accused of aiding Israel in violating international principles of law. However, all of these attempts turned out to be unsuccessful.<sup>22</sup>

### **Legitimacy of BDS: question of anti-Semitism**

The argument in favor

The BDS movement claims to have a cause in the interest of human rights. The minds behind this movement have sought to ‘legalize’ the cause of this movement in their website, speeches and other representations. In accordance with several international documents that Israel is a party to, it is clearly in violation of the Palestinian people’s right to self-determination. The UN Declaration on Human Rights Defenders, 1988 states that –

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”<sup>23</sup>

The General Assembly has reaffirmed the inalienable rights of the Palestinians to self-determination and has the right to national independence and sovereignty.<sup>24</sup> Israel has conveniently ignored the several UN resolutions as well as the advisory opinion of the International Court of Justice. The Security Council vide a resolution in 1980 calls for states not to provide any assistance to Israel in connection with the settlements in the

<sup>20</sup>*Ibidat* 20.

<sup>21</sup>*What is BDS?*, <https://bdsmovement.net/what-is-bds> (last visited on 13th August, 2016).

<sup>22</sup>Orde F. Kittrie, *Lawfare: Law as a Weapon of a Warfare* 278 (Oxford University Press, 2016).

<sup>23</sup>G.A. Res. 144, U.N. Doc. A/Res/53/144, art. 1 (8 March 1999).

<sup>24</sup>G.A. Res. 3236 (XXIX) (22 November 1974).

occupied territories.<sup>25</sup> The General Assembly resolution in 1983 made the Israeli occupation in Palestine as null and void and in violation of International law.<sup>26</sup> The UN Special Rapporteur in 2010 observed in his report that the BDS movement has received support in increasing numbers. And, it represents the united efforts of society to replace a forceful regime such as Israel with the rule of law in the occupied territories.<sup>27</sup> Based on all the above legal backing, a BDS supporter is very assured of his standing in this political battle.

The other side

Is the BDS movement legal and if so how far can one stretch the legality of the movement. There is a fine line between such boycotts and anti-Semitism. And, based on the facts available on the issue, it is quite evident that the Palestinian National Committee is dancing on this line. A movement that promoted the protection of one's rights is very different from the one that aims to boycott another. The opponents to the BDS movement have a lot to say.

Firstly, it is quite evident from the plethora of UN resolutions with regard to Israel that only twice have the Assembly requested for sanctions against Israel and both of such times were blocked by the United States. Also, the ICJ opinion was an advisory opinion to the General Assembly and not to any nation. The UN Declaration on Human Rights Defenders, which the BDS movement believes is the backbone by which they can carry on their activities, actually goes on to explain in Article 5 the methods that can be used for the promotion of human rights. Nothing in the entire document mentions the employment of 'boycotts', 'sanctions' or 'divestment'. It is important to note that Article 10 of the same Declaration states –

“Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.”

Based on this, can one conclude that BDS has stretched their legitimacy beyond the scope of the Declaration in itself? The BDS supporters have called for boycotts, sanctions and divestments against Israeli products sold in the supermarket, Israeli artists from scheduled performances, foreign artists scheduled to perform in Israel, against Israeli academic and cultural institutions amounting to academic boycotts in Europe and several other countries across the world. The individuals and entities involved in these categories perhaps have nothing to do with the Israeli government or its activities in the occupied territories. In fact, most of them don't. By calling on such boycotts, which have now become generally against Israelis instead of the Israeli government or businesses established in the occupied territories, the BDS has ventured to a whole other problem of its own. It now seems to promote the violation of all the rights it claims Israel has been violating.

And it therefore comes as no surprise that now the world is labeling the BDS movement as 'anti-Semitic'. Ambassador Dani Danon has now taken the stage

<sup>25</sup>S.C. Res. 465, U.N. Doc. S/Res/465 (1980).

<sup>26</sup>G.A. Res. 180, U.N. Doc. A/RES/38/180 (19 December 1983).

<sup>27</sup> Richard Falk, *Reports of the Special Rapporteur on the situation of human rights in the Palestinian territories since 1967*, U.N. Doc. A/HRC/13/53/Rev.1 (7 June 2010).

within the halls of the UN itself to call this movement as the “modern incarnation of anti-Semitism”.<sup>28</sup> Omar Barghouti, the leader of the BDS movement in his book not just rejects the occupation of Israel in Palestinian territory but also the existence of Israel altogether.<sup>29</sup> BDS movement with a noble objective now seems to have evolved into an ethnic hatred group with many of its recent methodologies.

### **Corporates under the purview of the BDS**

The BDS campaign according to their motto, aims to focus on companies that have a direct role in Israel’s crimes in the occupied territories and boycott their products. It further also states that it aims to focus on companies “where we think we can have an impact”, the interpretation of which is left to the reader.<sup>30</sup> This motto of BDS campaign can be divided into two categories; (a) Boycott products of companies that play a direct role in Israeli crimes and, (b) Boycott products of companies that can have an impact on Israel.

#### **Boycott of products of companies that play a direct role**

Based on the very choice of words used by the Palestinian National Committee, it can be permitted to interpret that the companies in question would be companies that have a “direct” part in the Israeli crimes against Palestinians in the occupied territory. This in turn, would also mean that the company would be fully aware of its direct abetment to the crime as well. Moreover, the UN Global Compact demands that every business in the world follows the ten principles of international law derived from the Universal Declaration of Human Rights. The two main principles suggest that no business should support, respect or be complicit to human rights violation.<sup>31</sup> Although most businesses do not expressly support or respect violations, they can be complicit as in the cases of very many in the Israeli-Palestinian conflict.

Caterpillar Incorporated in a U.S. based company that sells bulldozers to the Israeli military. It has been alleged that these bulldozers are used by the military to destroy Palestinian homes. The boycott against the Caterpillar goods appear justified as a business whether national or international need to abide by human rights law and international humanitarian law. Mr. Falk brought this company and several other companies to light in his call to the General Assembly to boycott businesses that profit from these settlements.<sup>32</sup> RE/MAX is the largest real-estate company in the world and by the end of 2015, it had proposed to sell over 80 properties in the occupied territories of Palestine directly and knowingly violating international law.<sup>33</sup> In this case as well, the boycott of this company should be justified.

<sup>28</sup> Richard Falk, *Zionism, Anti-Semitism, BDS and the United Nations* (June 10, 2016), <http://www.foreignpolicyjournal.com/2016/06/10/zionism-anti-semitism-bds-and-the-united-nations/>.

<sup>29</sup> Philip Mendes and Nick Dyrenfurth, *What BDS really wants: a One-state solution, minus the Jewish State*, (April 30, 2015), <http://www.haaretz.com/opinion/.premium-1.654282>.

<sup>30</sup> *What to Boycott*, <https://bdsmovement.net/get-involved/what-to-boycott> (last visited on 19th August, 2016).

<sup>31</sup> UN Global Compact art. 1 & 2, <https://www.unglobalcompact.org/what-is-gc/mission/principles>.

<sup>32</sup> <http://www.un.org/apps/news/story.asp?NewsID=43376#.V7c691n0anM> (June 2012).

<sup>33</sup> Rob Prince, *RE/MAX; First in Global Home Sales including West Bank Settlements* (May 3, 2016), <http://fpif.org/remax-first-global-home-sales-including-west-bank-settlements/>.

The UN Human Rights Council very recently generated a list of black-listed companies that have benefitted from Israeli crimes.<sup>34</sup> The BDS campaign however, provides a much longer list of companies which need to be boycotted. The Human Rights Watch has also submitted a report on how businesses in the West Bank violate human rights law in several ways. The financial incentives to a Jew is more than the one provided to a Palestinian. There is preferential treatment towards Jewish settlers over Palestinian settlers. While Israeli civil law applies to the Jews, military law governs the Palestinians. Israel has licenses eleven non-Palestinian quarries in the West Bank but not one Palestinian quarry.<sup>35</sup> The non-Palestinian companies and individuals in these territories are therefore directly benefitting from Israel's unjust behavior towards Palestine.

These settlement companies play a very direct role in violation of the UN Global Compact and international human rights law. Their actions are evidence of the fact that they make business of another's misery and loss of rights. The boycott imposed by the BDS movement on these companies is quite justifiable. However, there are certain other companies and small businesses which are also unjustly boycotted through this campaign.

Boycott products of companies that may have an impact on Israel

The BDS National committee has called for the boycott of all Israeli fruits and vegetables on the ground that Israeli's biggest exports comprise of agricultural produce which are cultivated in stolen land.<sup>36</sup> A call for boycott of such as this is a call for a boycott that impacts Israel without just cause. Not all of the agricultural land is situated in the West Bank. Therefore, a blanket boycott on all agricultural products of Israel does not only hurt Israel's economy but also the thousands of small Israeli businessmen who depend on it for their livelihood. It is highly likely these businesses have no relation with the occupied territories entirely. Ahava was another company whose products were called to be boycotted by the BDS Campaign. The company sells products made of active Dead Sea minerals. Since it is obvious that the Dead Sea and its minerals falls clearly within the territories of Israel, the purpose for this boycott is also perhaps to spite Jewish businesses in general. On what to boycott, the BDS committee also encourages boycotts against SodaStream, another large Israeli enterprise. The explanation given by the Committee is "SodaStream home drink's machines are one of Israel's best known exports."<sup>37</sup> The Committee does not mention any relation this company has with the ongoing violations in the settlements or how it benefits from it. Since Israel's largest water sources are the Sea of Galilee and the Mediterranean Sea, one can wonder how a company such as this one affects the West Bank settlements. These are clear examples of companies in Israel who are unjustly blacklisted by a campaign that has begun to look outside its scope altogether.

In October 2010, there was an 18-month old picket against two shoe-stores in Canada for selling Israeli-made shoes by the BDS Campaign. One businessman ended up

<sup>34</sup>UN passes Resolution to 'blacklist' Companies linked to Israeli Settlements, (24 March, 2016), <http://www.i24news.tv/en/news/israel/diplomacy-defense/107288-160324-un-passes-resolution-to-blacklist-companies-linked-to-israeli-settlements>.

<sup>35</sup>*Occupation Inc., How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights* 29-74, Human rights watch (January 2016), [https://www.hrw.org/sites/default/files/report\\_pdf/israel0116\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/israel0116_web.pdf).

<sup>36</sup>Supra 30.

<sup>37</sup>Supra 30.



calling these propagandists as economic terrorists.<sup>38</sup> Harassing small businesses across the globe especially against those who do not have a hand in Israeli crimes is an international human rights violation on its own. Other unjust boycotts would also include academic boycotts happening throughout Europe and America against Jewish academics. The United Nations encouraged the boycott and sanction of activities of the Israeli government and businesses that have a direct role in the crimes committed in Occupied Territory. The BDS Campaign adopted the selfsame statement as their objective but it appears that over the years, this objective has been twisted and turned to become something racist and anti-Semitic.

### Concluding remarks

Today, there is a boycott against the boycott against Israel. As funny as it sounds, it is true to the very last letter. In the U.S, twenty states have considered an anti-BDS legislation. Nine states have enacted the legislation.<sup>39</sup> State governments can no longer contract or fund entities that support the BDS movement. In 2015, President Obama signed on provisions that implied that a boycott on Israel will have a very negative bearing on America's trade talks with the European Union.<sup>40</sup> Israel activists have achieved 24 rulings against the BDS campaign in Spain wherein the Spanish tribunals labeled the movement as discriminatory and unconstitutional.<sup>41</sup> Canada and several other countries have started opposing the BDS movement on the ground that it is becoming anti-Semitic. The back and forth of boycotts show one thing; that both sides have the law somewhat on their sides.

While the culmination of the BDS movement had its just cause, its development has growingly gone out of line. Israel is guilty of violations of several international humanitarian laws. The two sanctions if were imposed by the UN, would be justified. Perhaps the blacklisted companies by the Human Rights Council are also fair. Fact Finding Missions of the UN have reported over several decades that Israel and its military are committing crimes in the West Bank territory. It is very apparent as well that the 1948 UN approved territory have been extended by the Israel by use of force and threat of force. And, the two-state solution provided by the UN as well as the US in several instances is not without cause. The initial objective of BDS is to be applauded. However, the current state of affairs is downright anti-Semitism. BDS initiatives to shut off not just the Israeli government and businesses in the West Bank but also any individual, institution, small or large businesses, academia who may not have the faintest association with humanitarian violations is without cause and needs to be stopped. Boycotting where one thinks can have an impact on Israel is also out of the scope of international law and deplorable.

<sup>38</sup> Adam Shay, *Manipulation and Deception; the Anti-Israel "BDS" Campaign* (March 19 2012), <http://jcpa.org/article/manipulation-and-deception-the-anti-israel-bds-campaign-boycott-divestment-and-sanctions/>.

<sup>39</sup> Alex Kane, *Is the BDS Movement facing new challenges in the US?* (2 August, 2016), <http://www.aljazeera.com/indepth/features/2016/07/bds-movement-facing-challenges-160717125349715.html>.

<sup>40</sup> *Obama signs Anti-BDS Bill into Law* (June 2015), <http://www.timesofisrael.com/obama-signs-anti-bds-bill-into-law/>.

<sup>41</sup> *Why Spain is Standing up to BDS – for now* (18 August, 2016), <http://www.jweekly.com/article/full/78227/why-spain-is-standing-up-to-bds-for-now/>.

## References

- Kittrie, O. (2016). *Lawfare: Law as a Weapon of a Warfare*. Oxford University Press.
- BBC News, (2001). Available from: [http://news.bbc.co.uk/2/hi/in\\_depth/middle\\_east/israel\\_and\\_the\\_palestinians/key\\_documents/1682727.stm](http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm)
- Falk, R. (2016). *Zionism, Antisemitism, BDS and the United Nations* [Internet]. Available from: <http://www.foreignpolicyjournal.com/2016/06/10/zionism-anti-semitism-bds-and-the-united-nations/>.
- Kane, A. *Is the BDS Movement facing new challenges in the US?* [Internet]. Available from: <http://www.aljazeera.com/indepth/features/2016/07/bds-movement-facing-challenges-160717125349715.html>.
- Mendes, P and Dyrenfurth, N. (2015) *What BDS really wants: a One-state solution, minus the Jewish State* [Internet]. Available from: <http://www.haaretz.com/opinion/.premium-1.654282>.
- *Obama signs Anti-BDS Bill into Law* [Internet]. Available from: <http://www.timesofisrael.com/obama-signs-anti-bds-bill-into-law/>.
- *Occupation Inc., How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights* [Internet]. Available from: [https://www.hrw.org/sites/default/files/report\\_pdf/israel0116\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/israel0116_web.pdf).
- *Palestinian Civil Society Calls for BDS*[Internet]. Available from: <https://bdsmovement.net/call>.
- Prince, R. (2016). *RE/MAX; First in Global Home Sales including West Bank Settlements* [Internet]. Available from: <http://fpif.org/remax-first-global-home-sales-including-west-bank-settlements/>.
- Robinson, G. *Palestine Liberation Organization* [Internet]. Available from: <http://www.oxfordislamicstudies.com/article/opr/t236/e0618>.
- Shay, A. *Manipulation and Deception; the Anti-Israel "BDS" Campaign* [Internet]. Available from: <http://jcpa.org/article/manipulation-and-deception-the-anti-israel-bds-campaign-boycott-divestment-and-sanctions/>.
- *The Six-Day War: Background & Overview* [Internet]. Available from: [http://www.jewishvirtuallibrary.org/jsource/History/67\\_War.html](http://www.jewishvirtuallibrary.org/jsource/History/67_War.html).
- UN passes Resolution to 'blacklist' Companies linked to Israeli Settlements [Internet]. Available from: <http://www.i24news.tv/en/news/israel/diplomacy-defense/107288-160324-un-passes-resolution-to-blacklist-companies-linked-to-israeli-settlements>.
- *What is BDS?* [Internet] Available from: <https://bdsmovement.net/what-is-bds>.
- *What to Boycott* [Internet]. Available from: <https://bdsmovement.net/get-involved/what-to-boycott>
- *Why Spain is Standing up to BDS – for now*[Internet]. Available from: <http://www.jweekly.com/article/full/78227/why-spain-is-standing-up-to-bds-for>