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Jumping obstacles; the Israeli settlement course

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Jumping Obstacles; the Israeli Settlement Course

**A thesis submitted in partial fulfilment
of the University's requirements for the degree of
Doctor of Philosophy**

**Coventry University
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Abstract

Since 2005, when the International Criminal Court (ICC) issued its opinion deeming the Israeli Separation Wall and settlements illegal, there have been significant developments in the nonviolent methods adopted for countering Israeli occupation. While Palestinian nonviolent resistance has existed throughout history, from this time onwards, there have been a number of factors that give this period its unique traits.

The most central method that has been adopted by all nonviolent actors is to influence economic interaction with Israel in a way that is in line with international law, and is supportive of the official positions adopted by the countries that nonviolent activists aim to influence.

While Israeli settlements are illegal according to international law, they include industrial areas that export products to many countries. Through this contradiction, nonviolent activists have found an opportunity to pressurise countries to end their economic ties with those settlements, and consequently put pressure Israel to change its settlement policies. Some of these call for ending economic ties with Israel itself, because it is upholding the settlements, and some call for ending ties only with Israeli settlements; in other words, some target the criminal and others just the crime.

In 2010, the Palestinian National Authority (PNA) adopted its first unilateral program that was not in agreement with Israel, and which introduced a strategy for the cessation of economic ties with Israeli settlements. This was done through a mixture of national public awareness campaigns to influence consumer behaviour, and the introduction of legislation by which it became illegal for Palestinian enterprises to have any economic ties with Israeli settlements.

After starting by focussing on its own markets, the PNA called upon other countries to follow suit by lobbying government officials, parliamentarians, and financial institutions. However, this action came five years after a call for a full boycott, including divestment and sanctions against Israel, made by Palestinian civil society organizations and political parties. This call, known as the BDS call had gained tremendous support and amalgamated a large pool of members internationally by the time that the PNA started with its campaign for a limited boycott. This disparity has had a significant influence on the dynamics of the boycott movement, both locally in Palestine and globally.

This research explores those dynamics. It takes an in-depth look at the effort to end economic ties with settlements, including who the actors are, what they aim for, how they interact, and how effective they have been. The PNA's program to end economic ties with settlements was chosen as a case study for this doctoral thesis, because of its central position in relation to the topic and the unique access to its documentation through the author's previous role as its director.

Dedication

To the people who form my very being;

My parents for raising me with the most perfect upbringing that anyone can ever dream of. For making me believe that anything is possible as long as I decide to work for it; for showing me the true meaning of determination, persistence, and accomplishment through their own journey; for being such wonderful role models...

My wife Dima for showing me what dedication is in the first place; for being the perfect wife, partner, and mother to our daughters, whilst being an accomplished dentist with sterling prestige; for showing me what I am capable of; for her tolerance; her unconditional love, support, and encouragement...

My daughters Leen and Noor for being the joy of my life; for giving it purpose...

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Acronyms

BDS	Boycott, Divestment and Sanctions
BNC	The Palestinian BDS National Council
CAABU	Centre for Arab British Understanding
ECJ	European Court of Justice
EU	European Union
ICC	International Criminal Court
ISM	International Solidarity Movement
NEF	National Economic Fund
OPT	Occupied Palestinian Territories
PLO	Palestinian Liberation Organisation
PNA	Palestinian National Authority
PSC	Palestine Solidarity Campaign
UK	United Kingdom
UNSC	United Nations Security Council
NVR	Nonviolent Resistance

Chapter 1

Introduction

At the time of writing this introduction, the Middle East seems to have fallen into complete disarray. On the surface, since the outbreak of the Arab Spring different Arab dictators have been replaced, regimes have fallen, and fanatic extremists have taken over large parts of Syria and Iraq. The latter have overridden borders that were imposed by colonial powers and, in doing so, are compromising the entire region's stability and terrorizing its people.

The more one examines the Middle East by analysing the underlining factors relating to these disturbing events, the more apparent it becomes that it is in fact the system instated during colonial times that is falling apart and expiring. From some perspectives, this system seemed to have worked for the greater part of the twentieth century, at least in terms of stability; although socio-economic conditions were poor, regimes were in place and in control. Yet, now, it seems to have significantly deviated from the vision of a stable Middle East that is at peace with its dictators. And, in consequence, Arab countries are no longer in order, and the system is no longer working.

In the midst of this regional chaos lies a further complicated issue that also does not seem to be working: the Israeli – Palestinian conflict. Its roots go back to the same era that witnessed so much colonial involvement as do those of the neighbouring Arab states. In particular, in 1918, the Arab leader, King Faisal, accepted the establishment of a Jewish political entity under the British mandate in Palestine. Lawrence of Arabia's report to the British government regarding King Faisal's response to the imposition of this indicated how the situation was used as a political bargaining point:

[Faisal] was ready to accept the Zionists' demands if the British would guarantee for him the throne of Syria, otherwise he would adopt the Palestinian cause and resist Zionism. In other words, his throne was of great significance to the extent that he had the intention of giving Palestine in exchange for Syria (Ayyad, 1999, p. 81).

However, even before the establishment of the state of Israel in 1948, the Israeli – Palestinian conflict was first an Arab – Zionist conflict. Arabs had objected to policies advancing Jewish immigration that were adopted first by the Turkish Empire and, subsequently, by the British mandate. The creation of a homeland for the Jewish people in Palestine undermined Arab efforts towards independence in Palestine, which reflected the desire for Arab independent states across the region. The Balfour Declaration of 1917 that preceded this intended to introduce/establish

a workable solution by creating a Jewish homeland in Palestine. However, it also stated the following notable intention: “nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine” (Balfour, 1917).

Long before the establishment of Israel, Arabs were wary of the transfer of Arab land to Jews and had opposed both Turkish and British legislation that eased this transfer. Meanwhile, the Jewish immigrants established *kibbutzim* (cooperative settlements) on purchased land. Consequently, Arabs have protested, both violently and nonviolently, against the establishment of Jewish settlements ever since they learned about the Zionist movement, and its determination to establish a homeland for the Jews in Palestine. This includes a period of over 130 years following the first wave of Jewish immigration to Palestine in 1882 during which Palestinians have been struggling to live with Israeli settlements (Attias and Benbassa, 2003); that is, over 65 years since the establishment of the state of Israel in 1948 - and in 2017 it will be 50 years since Israel captured the West Bank in 1967 and the Occupied Palestinian Territories (OPT) came into existence.

Many settlements have been established during these years, and vary in location, type and size. Reasons for supporting them also vary, as do the reasons for objecting to them. Nevertheless, however many variables exist, one thing remains: the settlement issue continues to be at the core of the Palestinian – Israeli conflict.

Palestinians view this as the reason why repeated attempts for a peaceful resolution have failed. Some argue that Israeli occupation exists just to maintain the settlements, and the land and resources that they exploit:

The fact that Israel's settlement construction has been based on the economic exploitation of the OPT has been widely documented. This has included the confiscation of large swathes of Palestinian land and destruction of Palestinian property to use for construction and agriculture purposes; seizure of water resources to the extent that 599,901 settlers use six times more water than the whole Palestinian population in the West Bank of some 2.86 million; appropriation of touristic and archeological sites; and exploitation of Palestinian quarries, mines, Dead Sea resources, and other non-renewable natural resources (Farsakh, Botmeh and Arafeh, 2015).

In the first few years of the settlements, construction was mainly focused on agricultural activity that benefited from the modern agricultural practices introduced through the kibbutzim. Today, settlements are associated with a wider range of industry and business, and in many cases include entire industrial zones. Their types of industry include information technology, hardware, pharmaceuticals, construction materials, weapons, chemicals, agriculture, food and beverages. Moreover, settlement companies have been exporting to international markets as well as the local Israeli and Palestinian ones. Therefore,

different states have developed their own positions on trade with Israeli settlements. The most recent of these positions is perhaps the recent EU guidelines on labelling settlement products, issued in November 2015. Prior to these guidelines, settlement products were marketed in Europe as Israeli products; however, since the EU considers settlements to be outside Israel, it now requires them to be labelled as "From settlements in the West Bank". The guidelines specified this on the grounds that its consumers had the right to know the origin of the products so they could make an informed choice regarding their purchase. Nevertheless, Israel made clear that it considers this new policy to be discriminatory, claiming it is anti-Semitic and echoes the Nazi era (Beaumont, 2015).

1.1 The contemporary problem with settlements

On the 22nd of May 1979, United Nations Security Council (UNSC) resolution number 446 determined: "that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" (UNSC, 1979).

However, several decades later, on the 18th of February 2011, the UNSC failed to condemn Israeli settlements as an obstacle to peace given the United States' veto on a further resolution put forward by the Arab countries (BBC, 2011).

This contrast in the Security Council's position contradicts considerable diplomatic development since 1979 to 2011, through which the peace process came to exist along with internationally recognized Palestinian representation that acknowledges Israel's right to exist and is officially committed to achieving a two state solution. There has also been a significant shift in Arab countries' positions with the introduction of the Arab Peace Initiative in 2002 that offers Israel normal relations with the Arab world if, among other things, it gives up its settlement activity.

After the 1967 war, when Israel captured the West Bank, the Israeli Labour party, which was in office until 1977, often referred to the captured areas (at that stage these included the Golan Heights, Gaza Strip and Sinai Peninsula) as "bargaining chips" to be cashed in for peace with the Arab world. However, its interest changed when it found itself enjoying the economic benefits and religious significance of the captured land (Mosely Lesch, 1977).

In the beginning, the Israeli government had sent its army to remove settlers who immediately started claiming possession of the captured land. The settlers

however kept coming back and the government gave in. In his book, *The Accidental Empire; Israel and the Birth of Settlements, 1967-1977*, Gresham Gorenberg explains that: "More than deciding on settlements, the government drifted into permitting it" (Gorenberg, 2006).

On the ground, the West Bank evolved from 36 settlements in 1977 at the end of the Labour party's term to 121 settlements in 2011. By then, these were inhabited by 462,000 people, with an annual population growth rate between 4 and 6% (compared to 1.5% in Israel) (The Palestinian Monitor, n.d.).

Today, although built on only about 3% of the West Bank, settlements control over 40% of its land and resources (The Palestinian Monitor, n.d.); which indicates another economic element associated with settlements, as they are not simply buildings inhabited by settlers. Through the lands they confiscate, along with the bypass roads which Palestinians do not have access to and the security restrictions in general, settlements are allowed access to over 40% of the West Bank while denying Palestinians that access.

To sum up, the PLO's Negotiations Support Unit provides a useful explanation of the underlying function of the settlements in terms of their effectiveness in shoring up the occupation. At the same time, they effectively undermine any

processes aimed at establishing a Palestinian state or lasting peace between the two countries:

The aim and effect of Israel's settlement enterprise has been to alter the OPT's status, both physically and demographically, so as to prevent its return to us. The construction of Israeli settlements is designed to illegally confiscate our land and natural resources while confining our population to unsustainable, ever-shrinking enclaves and severing East Jerusalem from the rest of the OPT. By limiting the territorial contiguity and economic viability of the OPT, Israeli settlements pose the single greatest threat to the establishment of an independent Palestinian state, and hence, to a just and lasting peace between Israelis and Palestinians (PLO, 2016).

The economic nature of settlements

In the context of this thesis, it is the settlements' economic nature that is especially significant. In relation to this, the PLO's Negotiations Support Unit makes clear that it is economic incentives that have made the settlements attractive:

Incentives offered by the Israeli government have succeeded in luring thousands of Israeli settlers to the OPT. According to a poll conducted by the Israeli organization Peace Now, 77 percent of surveyed settlers live in the

OPT for “quality of life” reasons and not for religious or national security reasons (PLO, 2016).

Just as economic incentives are less recognised as a reason for the expansion of settlements, so too is their overall economic nature. Settlement companies that enjoy economic ties with foreign markets have expanded over the past decades and have become an integral part of the settlement enterprise. However, some thorough research into the economic ties between settlements and a number of European countries has been conducted by groups such as ProsperPalestine. Such research provides evidence that

the main European countries ... have trade and investment links with at least 44 settlement companies. We found five European countries to have trade and investment links with more than 20 settlement companies: the United Kingdom (31), Germany (25), France and the Netherlands (24 each) and Belgium (23). They are followed by Spain (20), Italy (18), Sweden (12) and Denmark (11), which all have trade and investment links with more than ten settlement companies. Norway (7) and Finland (6) have trade and investment links with only a small number of settlement companies (ProsperPalestine, 2011).

The settlement economy became more noticeable when the European Union (EU) demanded that a clear distinction be made between settlement products and those

of Israeli origin entering its markets. Prior to the 2005 EU decision to exempt settlement products from preferential treatment, Israeli products enjoyed this same treatment as part of its free trade agreement with Israel; consequently, settlement products flowed into European markets as Israeli products. Although the EU has been continuously criticized for not applying proper procedures to make the distinction between the two origins, the decision triggered much civil society activism and research highlighting the origin of settlement products. This ongoing situation has given rise to a growing demand for the various forms of boycott that form the subject of this thesis.

1.2 Research Aims

In the light of the situation discussed above, the aim of this research is to examine the movement to boycott Israeli settlements and to analyse the conditions and events that led to the recent EU guidelines. Boycott is explored here as a specific approach that is widely considered as nonviolent and, after explaining the historical background, the research analyses the different tactics, strategies, and methods adopted by the contemporary Palestinian nonviolent movement. In doing so, it attempts to answer the main research questions:

What are the different nonviolent programs to boycott settlements products between 2005 and 2012? How effective were they? and What are the different perspectives and approaches to boycotting settlements?

Different terms have been used by activists and scholars to describe activism against the occupation. "Popular struggle" is used to refer to the civilian based modes of resistance used by Palestinian activists and society. More specifically, the term, "unarmed resistance", is used by Rigby (1991) to reflect the reality that many of the clashes with the settlers or the Israeli army has not been nonviolent insofar as they have included stone-throwing and other non-lethal means. However, other scholars continue to use the term 'nonviolent' despite the fact that some Palestinian actions have inflicted direct harm upon Israeli opponents.

To answer these in detail, the different forms of nonviolent resistance in Palestinian history are described according to major events that have occurred, such as the Great Revolt of 1936, the first Intifada, the post-Oslo Agreement era, the second Intifada. However, the thesis focusses specifically on the post-2005 era following the International Criminal Court's (ICC) advisory opinion that the Israeli Separation Wall and settlements were illegal. This decision sparked nationwide and even worldwide nonviolent activism objecting to the Separation Wall, settlements, and occupation. Indeed, the Wall provided a physical embodiment of Israeli occupation that could be clearly targeted by activists to the

point where nonviolent activity against it became established with weekly demonstrations occurring in a number of Palestinian villages, such as Bil'in, Ni'lin, Al-Masara, Nabi Saleh, and others.

The original contribution of this thesis is focused on the case study of Al-Karameh (Dignity) National Empowerment Fund (NEF), which is of particular interest for several reasons. As an initiative by the government in partnership with the Palestinian private sector, aimed at severing economic ties with Israeli settlements both from Palestine and the international market, it is one of its kind. Andrew Rigby and Marwan Darweish refer to this as “a strange hybrid – initiated and funded by a coalition between business and political elites in the West Bank, but at the same time trying to engage and empower people at the grass-roots level” (Darweish and Rigby, 2015, p. 84). While international law considers Israeli settlements illegal, trade with them still exists, and Palestinians and their supporters have been continuing to call upon countries to end those ties. However, at the time the NEF was initiated, a major contradiction lay in the fact that there was a strong presence of settlement products in Palestinian markets, making awareness of this one of the programmes tasks.

The NEF took a purely nonviolent approach and at every point it emphasized its objection to violence, not only in practice but also in the language and rhetoric it

adopted. The organisation also had an ambiguous position amongst the different actors and movements that were already carrying out boycott campaigns of various types. Some of these were more enthused than others that the Palestinian National Authority (PNA) had decided to join the boycott efforts. Positions ranged from those seeing it as a breakthrough and important step, and those that saw it as threatening the already existing Boycott, Divestment and Sanctions (BDS) campaign, which called for a full boycott of Israel rather than a limited one. I was the Chief Executive of the NEF during its existence and responsible for the leadership and management of the organisation. This position gave me unique access to information and people that were essential to this research.

While the scope of this study is concerned with the period from 2005 and 2012, there have been many events organised by the boycott movement since then – many of which can be considered as victories. Here, I would like to present a recent example that illustrates how effective boycotts can be. This concerns a company called “Soda Stream” which had previously operated in the settlement industrial zone, Mishur Adomim. This zone is attached to the Ma’ale Adomim Settlement to the East of Jerusalem. As one may expect, Soda Stream is a factory with products related to the fizzy beverage market, which reach the Americas, Europe, Australia, and many Asian countries. It is one of the biggest settlement companies that, in the past, had a value of USD 1.5 billion. However, that value has now decreased to around USD 300 million (Zerachovitz, 2015). While many

purely market related factors - such as the rise of new competitors and shifts in consumer health consciousness - will have contributed to this acute decline, I would suggest that it is no coincidence that the company has been a prime target of boycott campaigns. It was one of the first companies to be listed as one of the NEF's blacklisted companies, and activists since then have been campaigning, and calling on consumers to boycott its products. In September 2015, the factory decided to shut down its site in Meshor Adomin, and relocate to the Negev desert in Israel. Its CEO, Daniel Birnbaum, rejects the claim that this was due to the boycott campaign, claiming "It's propaganda. It's politics. It's hate. It's anti-Semitism. It's all the bad stuff we don't want to be part of." On the other hand, Omar Barghouti, the co-founder of the BDS movement was clear the boycotts had been a significant influence; saying that he considered their withdrawal from the settlement a "clear-cut BDS victory against an odiously complicit Israeli company" (Birnbaum, 2015).

There are no hard statistics that can prove the point either way; however, the boycott campaign did have an impact on the company's reputation, despite Birnbaum insistence that it was marginal. In the media, the issue was covered extensively and this coverage was especially intense when actress Scarlett Johansen officially became the face of Soda Stream in the US markets. Not only was the actress barraged with complaints protesting her involvement with an illegal settlement company, but the topic of settlement companies became covered

by mainstream media. Consequently, people from all walks of life became interested in the issues, and not simply those who were already concerned with the Israeli Palestinian conflict. In particular, people interested in following celebrity news and gossip became aware of the issue of settlements and their products, as well as the difference between them and products made in Israel proper. A main objective for many activists and leaders of boycott campaigns is to raise awareness of the issues; as my interviewee, Adri Nieuwhof, a BDS leader, explains in Chapter 8, the objective is to “tell the story of occupation”.¹ Or, as the head of the Palestine Solidarity Campaign (PSC), Sara Colborne, asserted in an interview with the author, the aim of their activities is “to keep the discussion on Palestine going”.² Clearly, the case of Soda Stream illustrates how this objective has been achieved very successfully.

1.3 Thesis Outline

This dissertation is divided into three major parts:

Part I comprises the Literature Review and the Methodology, including an explanation of the analytical framework that informs the thesis.

¹ Interview with the Adri Nieuwhof in Switzerland using Skype, 11/12/2013

² Interview with the Sarah Colborne in London, 19/02/2013.

Part II consists of two chapters; Chapter 4 provides a detailed examination of the background to Israeli settlements; their roots, types, and motivations, as well as their relationship to the different forms of Zionism. Chapter 5, on the Palestinian nonviolence movement, discusses the maximalist position calling for total boycott of Israel and the minimalist position advocating boycott of settlements products only. This part of the thesis presents the different arguments and debates both in support of and against each of these positions. The Israeli position on the boycott movement is also briefly reviewed in this chapter.

Part III focuses on the Palestinian civil society and international actors and their role in the boycott campaign. Firstly, Chapter 6 provides the context in which the following chapters are presented. It gives a detailed account of the two types of boycotts of Israel: the BDS movement which calls for a full boycott of Israel, and the other, which is a more diffuse movement focussed on a limited boycott of Israeli settlements. The arguments for and against each of these are presented before key political decisions and divestments that undermine trade with settlements are discussed. The Israeli position on the boycott movement is also briefly reviewed in this chapter.

Following this, focus on the civil society and international actors carrying out the boycotts; based on the original research carried out as part of this study. Chapter 7 examines the Palestinian nonviolent movement, since it is this that spearheads the

boycott activities. Interviews were conducted with leaders of Palestinian popular struggle to better understand their motives, strategy, tactics, challenges, and objectives; and the issues and ways in which these are aligned or contrast each other are considered. A major obstacle that was identified is the absence of a national strategy for popular struggle that can unite all actors, and align their respective actions so that they all contribute towards shared objectives. Instead, the interviews revealed many areas of disagreement and contention amongst the groups leading Palestinian popular struggle. The structure of the popular struggle movement is described, demonstrating many complications and the competition among its different committees for the leadership of popular struggles. How members and committees interact with the political leadership, and its Fatah youth movement is also presented.

Since Palestinian popular struggle largely depends on its international supporters, leaders of the international boycott movement are interviewed in Chapter 8. Just as the motivation, tactics, and objectives of the Palestinian popular struggle movement is examined in its preceding chapter, this chapter examines the same for international supporters, whether they support a full or a limited boycott of Israel. How they interact with the PNA and, more importantly, leaders of Palestinian popular struggle is thoroughly examined. Their perception of achievement and victory is presented and evaluated against their desired outcome for the Israeli Palestinian conflict.

Chapter 9 presents the case study of the NEF, explaining why it was established, and the two tier approach adopted to end the existence of settlement products on the West Bank: introducing a law making it illegal to trade with them and carrying out public awareness campaigns. These campaigns made clear the difference between settlement products and those produced in Israel proper, their detrimental effect on the Palestinian economy, and the implications of Palestinian consumer behaviour. The PNA saw a chance through this effort to involve the public in the economy building and, therefore, state building efforts of Palestine.

At a practical level, the NEF targeted a number of Israeli settlement companies. Those companies were blacklisted in a booklet that was widely distributed. The exact impact on those companies and the volume of their trade is not precisely known, however, reports that are presented throughout the chapter suggest that several companies did in fact collapse, especially those depending on the Palestinian markets.

The chapter presents the main findings from my interviews with those who led the activities of the NEF; from the prime minister at the time, Dr Salam Fayyad, to the coordinators of the NEF's grassroots activities, such as its door to door, and shop to shop campaigns. The implications of the NEF and the practical effect it

had form the main focus, including Israel's response to the campaign given the PNA's major involvement.

Finally, in the Conclusion, I assess the effectiveness of the various boycott movements and consider the usefulness of the analytical framework used in this thesis, as set out in Chapter 3. I consider the value of the work in addressing the gap in academic literature regarding settlement boycotts and suggest how it may be built on in further research.

Part I

Chapter 2

Literature Review: Nonviolence in theory

2.1 Introduction

Literature on nonviolence dates back thousands of years. The Old and New Testaments, the Quran, and many other documentations of prophets' words and actions all refer to nonviolence. Throughout the years up until the present day, nonviolence in theory and practice continues to be documented and studied. In literature, boycotts have been labelled both as a nonviolent means of resistance and as violent protest; and descriptions range from that of Qardawi, which presents them as peaceful (Halevi 2012, p. 53) to that of Harper's magazine, which calls boycotts a "new form of terrorism". Critics claim that boycotts aim to harm and kill and, in the case of boycotting Israel, opponents refer to this as a new form of the anti-Semitism that preceded the Nazi Holocaust (Hallward, 2013, p. 18). On the other hand, there has been some significant research into the positive effects, in particular that of Gene Sharp and others whose work is discussed below.

This chapter explores how nonviolence has been theorised, strategized and put into practice according to contemporary academic discourse. The first section considers the accepted definition of nonviolence as well as the two main schools

of thought on how the subject needs to be approached. The chapter then provides a brief review of the distinctions between pacifism, passivity and nonviolence. The next two sections examine more practical issues, firstly looking at how nonviolence can be used to challenge oppressive power structures and then reviewing the various methods employed as presented in the relevant literature. This leads on to a discussion of the Palestinian situation in relation to nonviolence, looking specifically at the boycotts. The chapter closes by considering how this thesis may contribute to or challenge current academic thought on the subject.

2.2 Nonviolence in theory

i. Definition, perceptions, and positions

An examination of an authoritative definition of nonviolence highlights the attributes and contentions that lie within the subject itself. Webster's dictionary gives the following definition:

[A] philosophy and strategy for social change that rejects the use of physical violence. As such, nonviolence is an alternative to passive acceptance of oppression and armed struggle against it. Practitioners of nonviolence may use diverse methods in their campaigns for social change, including critical forms of education and persuasion, aggressive civil disobedience and nonviolent direct action, and targeted manipulation of mass media (Webster, n.d.).

This suggests that there are different attributes to nonviolence; *a philosophy, a strategy, an alternative to both passivity and violent resistance, and a practice*. It also makes clear that nonviolence depends on a variety of methods to achieve its goal of social change without the use of physical violence.

Nevertheless, in the first part of this chapter, I explore how existing literature relating to nonviolence challenges the attributes, methods, and goals as presented by this definition. To begin, I note that nonviolence is presented above as both a philosophy and strategy, and this suggests that the two go hand in hand, and are not separate. However, this is a rather controversial issue among scholars and practitioners who hold a variety of positions regarding this.

ii. Nonviolence as philosophy, principle, or “personal perfection”:

One school of thought argues that nonviolence is a philosophy, a way of life, or principle rather than a strategy that is limited in terms of time and interest. As such, it does not justify violence under any circumstances. This position is often found in religions and embedded in ideologies presented by the likes of Mohandas K. Gandhi whose philosophy developed from Jainism and Buddhism. Gandhi argued that. “Victory attained by violence is tantamount to defeat, for it is momentary” (Gandhi, 1919, p. 5). More controversially, he also argued that “[i]t is better to be violent, if there is violence in our hearts, than to put on the cloak of nonviolence to cover impotence”(quoted in Merton and Kulansky, 2007). There is

ample evidence of Gandhi's rejection of violence in any form and under any external circumstance, which is reflected through his teachings.

In line with Gandhi, many authors argue that a correlation exists between the means and the ends. Robert Holmes (1990) explains that when the choice to adopt violence is made and seen as justifiable, we rarely factor in "the extent to which the means we use to attain our ends transform the moral quality of the resultant state of affairs; we fail, that is, to see the extent to which means and ends are interrelated" (Holmes, 1990, p. 4).

This school of thought aims to win the hearts and minds of opponents rather than destroying or hurting them. Holmes expresses this when introducing Gandhi's concept of the Satyagraha and of a person associated with this, a Satyagrahi. He explains that if someone gives us pain through ignorance, as Satyagrahi we shall win him/her through love (Holmes, 1990).

A Satyagrahi does not fear for his body, he does not give up what he thinks is truth; the word "defeat" is not to be found in his dictionary, he does not wish for the destruction of his antagonist, he does not vent anger on him; but has only compassion for him (Holmes, 1990, p. 53).

Mary E, King (2007, p.12) supports this, stating: "The technique of nonviolent action carries within it the potential for benefiting both parties to a conflict,

because it does not seek to accomplish its goals by wounding or harming the adversary except politically.”

As mentioned above, principled nonviolence is often advocated by religions and ideologies. The spiritual leader and scholar, Tich Nhat Hanh, presents a Buddhist position on nonviolence and explains the interrelation between knowledge, understanding, anger, and nonviolence. He explains that something may be different in reality to what it is in our minds since our perception is merely what we think of or conceive as reality. However, we have many misperceptions in the course of our lives; in Tich Nhat Hanh (1987, p. 46) words: "if you look at me, the me in myself may be different from the me you perceive, if I don't understand you, I may be angry with you." Therefore, we must learn to understand each other. According to the Buddha, in order to understand, we must become one with what we want to understand, and knowledge itself may be an obstacle to understanding since it can act like ice blocking the flow of water. Thus, for things to reveal themselves to us, we must be willing to give up any preformed perception of them since there should not be any room for preconceptions. One should not assume to know things as this may dictate one's course of action erroneously. Therefore, understanding that enables us to avoid misperceptions and consequent inappropriate treatment or anger is relevant to oneself before it is relevant to others. If a person does not understand their anger to be part of their self, s/he will deal with it badly and not know how to transform this negative

feeling into a constructive one. Tich Nhat Hanh makes clear that feelings such as anger are a type of energy, and energy cannot be destroyed - it can only be converted.

I would not look upon anger as something foreign to me that I have to fight, to have surgery to remove it. I know that anger is me, and I am anger. Non-duality, not two. I have to deal with my anger with care, with love, with tenderness, with nonviolence.... In Buddhism we do not consider anger, hatred, greed as enemies we have to fight, to destroy, to annihilate. If we annihilate anger, we annihilate ourselves. Dealing with anger in that way would be transforming yourself into a battlefield, tearing yourself into parts...if you struggle in that way, you do violence to yourself. If you cannot be compassionate with yourself, you cannot be compassionate with others.

(Tich Nhat Hanh, 1987, p. 41)

At a more academic level, Holmes (1990) gives special attention to nonviolence in Judaism and Christianity. He notes that most of the philosophical and religious thinking on nonviolence began in the Eastern world and explains nonviolence in Eastern philosophy and religion, starting with Jainism, which accepts the postulates of nonviolence as the highest ideal of life, and as the means to attaining liberation. Jainism has five principles: "nonviolence, truth, non-stealing, celibacy, and non-possession" (Sharma, cited in Holmes, 1990, p. 12). Starting with the

Palestinian Talmudic sources from the middle third century (BCE) and into the early fourth century (BCE), he cites a number of stories or *Midrash* that offer a two point program for reconciliation; to control your urge to hate, and to act in such a manner that your enemy will become your friend. Questions like - 'How far does the prohibition to kill extend?' - and - 'How does one react to a potential murder?' - are answered through a number of stories from the Talmudic period. For instance, one *Midrash* explains that the blessing of peace worthy of Israel is that "He does not choose the way of violence even to overthrow his oppressors" (Holmes, 1990, p. 25). It follows that the sign of Israel's righteousness is its rejection of violence. Another *Midrash* explains that God is always with the persecuted (Holmes, 1990).

In regard to Christianity, Holmes mentions some of the teachings of the New Testament that resemble the transforming power that Christianity adopts. Of the teachings he discusses, three are especially worth mention here: 1) "All who take the sword will perish by the sword"; 2) "You have heard that I said, 'You shall love your neighbor and hate your enemy.' But, I say to you, love your enemies and pray for those who persecute you"; 3) "If your enemy is hungry, feed him; if he is thirsty, give him drink; for by doing so you will heap burning coals on his head. Do not be overcome by evil, but overcome evil with good." (Holmes, 1990, p. 28)

Holmes also introduces the works of Leo Tolstoy (1828-1910), Gandhi (1869-1948), and Martin Luther King Jr. (1929-1968) as three modern philosophers of nonviolence:

Tolstoy and King both derive their conclusions from their Christian faith, and Gandhi from Hinduism. Tolstoy pursued this understanding of Christianity to what he saw as its logical conclusion: the rejection not only of the organized violence of war but also of the institutionalized violence of government itself, which makes war possible (Holmes, 1990, p. 42).

While Gandhi and King, and surely any pacifist, would agree with Tolstoy's renunciation of violence and war, they do not follow him into anarchism. Gandhi thought of himself as engaging in an experiment with truth and asserting that one must first seek the truth, and be open to the possibility that one's convictions may present a partial or imperfect grasp of a situation in a similar manner to Tich Nhat Hanh. Moreover, he considered that, in seeking truth, one may suffer and must endure the suffering for the truth's sake. King, also, was concerned with seeking the truth and rejecting cowardice. He saw that the truth in the socioeconomic system that develops out of capitalism is the spiritual values, the valuing of the individual, and freedom. King put forward five main principles on nonviolence: 1) nonviolence is not for cowards; 2) it seeks friendship and reconciliation rather than defeat and humiliation of the opponent; 3) it is evil that nonviolence seeks to

defeat and not the persons victimized by it; 4) nonviolence must not only avoid physical violence but also the internal violence of the spirit; and 5) one must have faith that the universe is on the side of justice (Holmes, 1990, p. 44).

Irwin and Faison (1984) provide further insight into the differences within this school of thought by describing three types of group that follow modern principled nonviolence:

The first sizable groups in the modern world who attempted to live their nonviolent ideals were small “non-resistant” Christian sects, such as the Mennonites and Anabaptists, who in times of war refused conscription into the army and bore punishments laid on them without resisting. A second, more worldly nonviolence, which may be called active reconciliation, is subscribed to by many Quakers and individual pacifists. They particularly aim to reconcile parties in conflict, to aid victims of war and poverty, and to persuade by education and example rather than coercion. A third category of adherents of nonviolence can be called advocates of moral resistance. Although advocating and engaging in education and projects promoting human cooperation, they frequently lack an overall social analysis or comprehensive program of social change (Irwin and Faison, 1984, p. 37).

Clearly, all these groups are very much followers of the school of thought seeing nonviolence as a philosophy or way of life.

Of particular interest to this thesis, Rajmohan Gandhi, Mohandas Gandhi's grandson, makes a link between nonviolent resistance as described above and the situation in Palestine. In his paper, "Mohandas Gandhi, Abdul Ghaffar Khan, and the Middle East Today"(Gandhi, 2005), he explains that his grandfather's teachings and those of Abdul Ghaffar Khan are relevant to Palestinians in their quest for independence. The paper emphasizes the psychological victories of Mohandas Gandhi and Abdul Ghaffar Khan, which he sees as relevant goals for Palestinians in their nonviolent resistance.

iii. Nonviolence as strategy, pragmatism, or "political realism":

Following a more pragmatic approach, Gene Sharp (2005) asserts that one must not necessarily reject violence in principle to wage nonviolent struggle. He states:

Only in rare historical instances did a group or a leader have a personal belief that rejected violence in principle. Nevertheless, even in these cases, nonviolent struggle based on pragmatic concerns was often still viewed as morally superior (Sharp, 2005, p. 19).

Sharp also criticizes those who divide social and political behaviour into either violent or nonviolent, since this naturally categorizes the violent as evil, and the nonviolent as good, although nonviolent action may be used for evil (Sharp, 1973).

In a later work, he states his belief that, "nonviolent action or nonviolent struggle is a technique of action by which the population can restrict and sever the sources

of power of their rulers or other oppressors and mobilize their own power potential into effective power” (Sharp, 2005, p. 41).

It is therefore clear that, unlike Gandhi, Sharp does not seek to win the hearts of his opponents; rather, he aims at ridding the oppressed from the oppressor. In this sense, a nonviolent struggle group should target its opponent’s power sources that enable it to reduce or destroy their capacity to continue with the struggle. It is for this reason that Sharp focuses on exploring the *power paradigm* and how its roots can, in fact, be tapped to benefit the oppressed, as will be further examined in Section 2.3.

One can argue that Islam’s position on violence may also be considered in this category since under certain circumstances the use of violence is justified in Islam. In explaining nonviolence in Islam, Mohammad Abu-Nimer (2003) states that, in Islam, peace goes hand in hand with justice for there can be no peace without justice. In Islam, action dedicated to Allah is understood to be action that is seeking justice. Therefore, a major call of Islamic religion is to establish a just social reality. While divine justice in Islam is rooted in what the Prophet communicated, its public rulings and laws are arrived at through scholars' *ijtihad*, or reasoning; thus, as Abu-Nimer explains, "Scholars therefore agree on the Divine nature of justice but disagree on how it should be implemented on earth" (Abu-Nimer, 2003, p. 50).

Islamic peace building strategies are drawn from this ideal and comprehensive notion of justice, whereby each individual has the responsibility of fighting against injustice. The Quran stresses the importance of justice by mentioning it and its synonyms over 100 times. It also gives over 200 warnings against injustice. Indeed, except for the existence of one God, no other religious moral principle is emphasized in the Quran as much as principles of justice, equality, and temperance. Thus, as Abu-Nimer asserts, "The interconnection and independence of peace building and justice are thus never far from the surface of Islam. Peace is the product of order and justice." (Abu-Nimer, 2003, p. 53) However, while these principles are greatly emphasized, there are no specific measures mentioned in the Quran as to how to establish justice on earth; therefore, this responsibility lies with scholars.

Abu-Nimer mentions many testaments to Islam's emphasis on social empowerment through doing good (that is, *khair* (goodness) and *ihsan* (excellence)), and charity is prescribed in at least 25 Qur'anic verses. These make clear that Muslims have an obligation towards the underprivileged in their societies and the abolition of slavery was a clear example of Islam's commitment to ending oppression, poverty, and human suffering. Muslims are to have good interrelations. The Prophet states that: "No Muslim can become a Mu'min (genuine believer) unless he likes for all others (not only Muslim) what he likes for

himself and makes friends with them for God's sake" (Al Tirmidhi, quoted in Abu-Nimer, 2003, p. 56)(brackets are Abu-Nimer's).

Human dignity, the sacredness of human life, knowledge and reason, creativity and innovation, forgiveness, and patience, are given special attention in Islam and parallels can be drawn between these virtues and contemporary nonviolent action and conflict resolution. For instance, one cannot resolve a conflict without having a comprehensive knowledge of its circumstances and context, as well as those involved. This is exemplified in the account of Prophet Mohammad's creative solution to a conflict between tribes concerning the placing of the Black Stone, a symbolic object of great religious significance. Through his knowledge of all involved he provides a solution to the conflict by proposing that the Stone be held in a cloth that all competing clan representatives could hold when placing it into its rightful place on the Ka'abah.

Muslims believe that God is the creator of all people and, consequently, human beings are the manifestation of God's will on earth. Therefore, protecting human life and respecting human dignity is a central part of Islam. As the Qur'anic verse states: "If anyone saved a life, it would be as if he saved the life of the whole people" (The Holy Koran, quoted in Abu-Nimer, 2003, p. 59). Abu-Nimer also explains that it is forbidden to harm resources that are useful to the human race, as evident from several stories from Islamic history.

Peace in Islam is understood as a state of physical, mental, spiritual, and social harmony, living at peace with God through submission, and living at peace with one's fellow human beings by avoiding wrongdoing. ... The ultimate purpose of Qur'anic revelation for Muslims is to create a peaceful and just social order (Abu-Nimer, 2003, p. 60).

Islam therefore involves a quest for peace. It shuns violence and aggression in all its forms. This is stressed through many verses from the Quran and Hadith. The Prophet always discouraged the use of violence to resolve conflicts, and Islam always had a preference for peaceful resolution of conflicts. Yet in certain cases, resort to violence is allowed for the greater good and advancement of peace. However, many restrictions are placed on the type and amount of force used, and whom it targets. Islam prefers forgiveness and amnesty, and considers these the best reaction to anger (Abu-Nimer, 2003).

The Prophet set an example of nonviolent resistance from the early days of Islam when he lived in Mecca with his followers before his journey to Medina. His main focus was on patience and steadfastness in the face of oppression. For thirteen years, the Prophet depended on his spiritual preaching in dealing with aggression and confrontation, adopting only nonviolent methods. He never cursed his

enemies or encouraged violence. He prayed for his oppressors' enlightenment and wished them forgiveness and peace (Abu-Nimer, 2003).

iv. Nonviolence, passivity and pacifism:

Nonviolence has a complex relationship with passivity and pacifism and it is important to understand the differences between the latter two concepts. The case of Rosa Parks, who refused to comply with a directive to vacate her place on a bus in favour of a white person, constitutes an act of passive resistance, and as such is not passivity; to have relinquished her seat would have been passivity. This illustrates how, sometimes, to refuse to perform a certain act is to be active, whereas to perform the act is to be passive.

Moreover, there are different types of pacifism just as there are different types of nonviolence: absolute pacifism, according to which no war is justified under any circumstance; conditional pacifism, which asserts that war in the world as we know it is wrong; and nuclear pacifism that is only opposed to nuclear wars. In all these forms, being a pacifist does not necessarily entail being nonviolent since one may justify violence as a means to opposing wars (Holmes, 1990).

Sharp explains the relationship between nonviolence and passivity by stating simply, "Nonviolent action is not passive; it is action that is nonviolent" (Sharp, 2005, p. 41). He also explains that all responses to conflict, whether violent or

nonviolent, can first be divided into those of action and those of inaction. This clearly rules out the perception that nonviolent action means being passive or submissive.

Carter, Clark and Randle, however, argue that passive resistance can be used to denote hidden resistance. Based on their study introducing a geographically-categorized comprehensive overview of the most relevant studies on nonviolence relating to conflicts across all continents, they have compiled a bibliography of books and studies, *Bibliography of people power and nonviolent protest* (2013). Here, they explain that, while popular resistance using nonviolent means, which had previously been termed passive resistance, has come to be known as 'people power', passive resistance still has its place as a hidden, under the radar, form of resistance (Carter, Clark and Randle, 2013).

To sum up using the words of A. A. Milne, author of Pooh Bear, the distinctions between pacifism and passivity can be understood as follows: "pacifism is the conviction that war is wrong. Morally wrong. It is not that war is merely bad, or terrible. And to desire peace is not to be a pacifist." (Quoted in Holmes, 1990, p. 114)

2.3 Practical issues of nonviolence

i. Challenging oppressive power structures:

Through the discussion above, it becomes clear that the two schools of thought aim to achieve different goals. Those who follow nonviolence as a principle seek to convince the other of the rightness of their cause and feel that if they hurt their opponent in achieving a successful resolution they have undermined their purpose. Meanwhile, those who see nonviolence as a strategy to be used to dismantle their opponents' power structure are not so concerned with convincing them. Moreover, getting rid of a regime by severing its power resources requires different methods and strategies than those used to persuade it to change its ways. This approach assumes the existence of a power paradigm that depends on variables, and an understanding of these variables then determines the nonviolent group's strategy for change.

Sharp explains that there are two views on the nature of power: The first is that people are dependent on the good will, support, and decisions made by their government or hierarchical system to which they belong. In other words, political power is monolithic. The other view sees political power as the exact opposite; in this case, the government is dependent on the people - in other words, political power is pluralistic. Nonviolent action is based on the second of these views (Sharp, 1973).

According to Sharp (2005), nonviolent action assumes that political power can most probably be controlled at its sources and it is, therefore, important to identify

the opponent's sources of power since only then can nonviolent groups target them. Moreover, as he earlier explains, political power emerges from the interaction of all or several of the following sources: "authority, human resources, skills and knowledge, intangible factors, material resources, and sanctions" (Sharp, 1973, p. 11). These interactions are governed by three variables - the ruler, the subject, and the situation. He further asserts that all of these sources depend on obedience at some level, and this obedience is voluntary, even when sanctions are applied: "Without the various types of cooperation and assistance, no ruler could impose sanctions" (Sharp, 1973, p. 14). This obedience can be understood to relate to many causes:

[T]he reasons why people obey rulers are complex and interrelated, they include habit, fear of sanctions, moral obligation, self interest, psychological identification with the ruler, indifference, absence of self confidence (Sharp, 2005, p. 32).

He goes on to describe how the support a ruler's party gives him/her conveys his/her power throughout the rest of society:

All rulers use the obedience and cooperation they receive from part of society in order to rule the whole. The part of the administration that administers and enforces the rulers' policies is most likely to obey and

cooperate in those duties because feelings of moral obligations and of personal interest, especially motives related to economic gains, prestige, and status. Most people in the general population obey out of habit (Sharp, 2005, p. 32).

Dealing with oppression, Sharp argues, is a matter of maintaining gradual withdrawal of cooperation despite repression. Factors that need to be taken into account regarding controlling political power include the relative desire of the populace to do so, the relative strength of society's independent institutions, and the population's ability to withhold consent by concrete actions (Sharp, 2005). Or, as he states in his earlier publication, "The degree of liberty or tyranny in any government is, it follows, in large degree a reflection of the relative determination of the subjects to be free and their willingness and ability to resist efforts to enslave them" (Sharp, 1973, p. 29).

According to this line of argument, to overthrow a power system, the cost of sustaining the status quo must be increased so that the ruler(s) can no longer sustain their rule without accommodating the protestors' demands. This can be achieved by intentional disruption, as Chenoweth and Stephan (1983, p. 28) explain:

The result of sustained disruption include the failure of the government to perform basic functions, a decline in GDP, investment, and tax revenues, loss

of power by government elites, and the breakdown of normal order of society.

Taking a slightly different approach, Kenneth Boulding (1999) explains that there are three types of power; threat power, economic power, and integrative power. The last, he states, is the most important since the group subject to the ruler wielding this form of power acknowledges its legitimacy. Thus, it is through conviction and understanding that this power is respected and wielded. While responses to the other two types of power may vary, it is economic power that boycotts challenge and which is consequently of most relevance to this study (Boulding, 1999). The next section describes how activists have gone about putting these challenges to oppressive power structures into practice.

ii. Methods of nonviolent resistance:

Just as violent action has its methods, requirements and characteristics, so does nonviolent struggle. Darweish and Rigby (2015) use a categorisation of forms of nonviolent action according to five characterizations (based on those originally suggested by Werner Ring) as a framework for identifying different types of nonviolent action: symbolic resistance, polemical resistance, offensive resistance, defensive resistance, and constructive resistance (Darweish and Rigby, 2015).

Meanwhile, Sharp explains that nonviolent groups achieve their goals through one of four mechanisms; conversion, accommodation, nonviolent coercion, or disintegration, or a combination of these (Sharp, 2005). Many methods exist that can be categorized in this way. In his book, *There Are Realistic Alternatives* (2003), he lists and categorises 198 methods, explaining that this collection in no way constitutes a definitive list and many more methods can be devised and added.

A significant method described by Sharp, which illustrates his understanding of nonviolence as a strategy, is that of political jujitsu. In jujitsu, the martial art, the attacker's violent thrust is not met with a physical blockage or counter thrust. Instead, the attacked person pulls the opponent forward in the same direction they have already started to strike. This causes the opponent to lose balance and fall. In the same way, Sharp explains that nonviolent action can be used to turn a political opponent's strength back on him or herself: "In political jujitsu, the opponents' violent attack is not met with counter violence, but instead with nonviolent defiance" (Sharp, 2005, p. 406).

Sharp explains that the opponent prefers violence; therefore, the resisters must not fall into that trap and use violence at any stage. The opponent will take advantage of such a mistake and in return will weaken the resisters' movement. Instead, nonviolent behaviour is needed, and resisters must never be identified with any kind of sabotage.

Nevertheless, repression must be expected in response to resistance since the fact that the struggle is nonviolent does not rule out that it will be met with violence, although methods will vary. However, this can be understood as a positive sign, as Sharp explains: “repression is an acknowledgment by the opponents of the seriousness of the challenge posed by the resistance” (Sharp, 2005, p. 378). This understanding is especially useful in relation to Palestinian boycotts in the light of Israel’s sometimes violent response:

Moreover, as the opponent’s forms of repression are generally better suited to counter violent campaigns, nonviolent resisters will have much scope to make the repression ineffective. Yet, Sharp asserts, it remains important not to show weakness: “If the resisters show in any way that the repression weakens the movement, they will signal to the opponents that if they make the repression severe enough it will produce submission” (Sharp, 2005, p. 381). Therefore, resisters must persist while maintaining their nonviolent discipline. To be effective, they must persist through whatever brutalities and suffering they meet through the hands of a repressive regime and maintain their fearlessness, nonviolent discipline, and firmness. At the same time, all their actions must serve the strategic purpose they set out to achieve.

Indeed, repression can legitimize the resistance movement because it deepens the injustice and reveals the true nature of the opponents. Extreme repression against

violent resisters is unlikely to provoke protests and opposition from persons and groups within the repressor's own group. In contrast, extreme repression against *nonviolent* resisters is more likely to create opposition from within the repressor's own group.

From the above discussion, it becomes clear that persistence, bravery, commitment to nonviolence, casting off fear, and the will to sacrifice are all requirements for nonviolent groups. Furthermore, nonviolent action must be part of a broader strategy for change. As Irwin and Faison (1984, p. 39) state:

Nonviolent action is not simply any method of action which is not violent. Broadly speaking, it means taking action that goes beyond normal institutionalized political methods (voting, lobbying, letter writing, verbal expression) without injuring opponents. Nonviolent action, like war, is a means of waging conflict. It requires a willingness to take risks and bear suffering without retaliation. On the most fundamental level, it is a means by which people discover their social power.

Many scholars have taken the theories of nonviolence and examined their relevance in particular areas and specific conflicts. Comparing the effects that nonviolence has produced as part of those conflicts has then led to instructive lessons. While each conflict has its unique conditions, through each one, teachings

such as those of Gandhi, King, and Sharp have been weighed in real situations. These theories have been tested in conflicts of many types and in many countries, although some have received more attention than others. In the next section, I look specifically at the situation involved in the nonviolent action against the Israeli occupation of Palestine.

2.4 Palestinian nonviolence:

The topic of Palestinian nonviolence has attracted a number of academics and there have been numerous case studies and papers presented, in addition to books dedicated to examining Palestinian nonviolence. These consider Palestinian nonviolent struggle since the Ottoman Empire era where Palestinians thrived due to superior political representation and policies, and official objection to conditions that allowed for transfer of land ownership to Jewish immigration. Moreover, the struggle for an independent Arab state under the British mandate, and later on efforts to thwart the creation of a Jewish state, formed rallying points for the Palestinian people. However, since 1948 when Israel was established till the present day, Palestinian nonviolent struggle against Israeli policies has been particularly extensively studied.

Qumsieh's (2011) detailed study of Palestinian nonviolence provides useful insight into its early beginnings in the final decades of Turkish rule over Palestine up until the struggle against the construction of the Wall. Palestine was a

province of the Ottoman Empire for almost 500 years up until the end of World War 1. Qumsieh explains that the revival of European interest in Palestine grew out of the perceived need to plant a foreign body - in the form of a sovereign Jewish state - in the middle of the Arab states of the Middle East to help prolong their colonization of the area. Due to this desire, along with the weakness of the Ottoman Empire and the existence and growing strength of the Zionist movement, Palestine became vulnerable to the Jewish settler movement. After explaining this background, Qumsieh's book then introduces the different nonviolent methods that Palestinians have adopted in their struggle in response to the resultant situation. These included forming political parties, media outreach, and protests (Qumsieh, 2011).

Qumsieh describes how there have been a number of benchmarks in the history of the Palestinian nonviolent resistance. Notable among these, is the 1936 revolt or the 'Great Revolt', which lasted for six months and involved a number of nonviolent forms of resistance, including demonstrations, boycotts, economic sabotage, tax revolts and other acts of civil disobedience. The British authorities responded violently by killing, detaining, expelling, executing thousands of protestors and demolishing hundreds of homes with the aim of crushing any resistance:

The Palestinians paid a heavy price for the uprising of 1935 – 39 in material and human losses. In the first year of the uprising, about 1000 Palestinians were killed, more than half of them unarmed; by the time the uprising ended over 5000 Palestinians were dead and a thousand more injured ... As collective punishment, whole sections of Jaffa and many other places were demolished and the local economy devastated. Approximately 10 percent of the males were imprisoned. Hundreds were executed and hundreds more exiled (Qumsieh, 2011, p. 85).

Another milestone was the first Palestinian Intifada (1987-1993). Andrew Rigby's *Living the Intifada* (1991) delves deeply into the dynamics of this uprising. Rigby explains the social, economic, and political actions that Palestinians adopted. While the most graphic aspect of the Intifada, which consequently received much media attention, was stone throwing by Palestinian youths, the revolt involved many more nonviolent forms of protest, such as strikes, forming local committees, and various forms of self-governance. In 2015, a newer version of *Living the Intifada*, called *The First Palestinian Intifada Revisited*, was published in May 2015.

Mary King also wrote a classic reference book on the first Intifada; *A Quiet Revolution* (2007). This focuses on the nonviolent nature of the Intifada, giving a detailed account of its leadership structure. She explains how the Unified National Leadership Command came to surface as the leadership on the ground of the Intifada. In explaining the different positions and opinions that were manifested

in the strategies of the Palestinian society's leaders, she makes clear that the most visible division was that between the external leadership (the Palestinian Liberation Organisation (PLO)) and the internal leadership (i.e., the Unified National Leadership Command). King explains the emerging conflict between those in favour of an exclusively nonviolent uprising within the Command and with the PLO:

The combining of military and nonviolent methods of struggle, the theory advocated by Palestinian theorists as "all means of struggle", was the main area of conflict within the Command and the issue that eventually became the most conspicuous disagreement between Palestinians in the territories and the PLO in Tunis (Kuttab, cited in King, 2007, p. 211).

Rigby explains that the Unified National Leadership Command or, in the appellation he uses, the Unified National Command of the Intifada, along with several popular committees, was established "to provide an alternative organizational infrastructure to meet people's needs and provide some service previously administered by Israel and its appointees" (Rigby, 1991, p. 21). Rigby lists and explains these popular committees which include the following:

- Strike forces
- Women's committees
- Guard committees

- Popular education committees
- Food and supply committees
- Social reform committees
- Committees to confront the tax
- Merchants' committees
- Information committees (Rigby, 1991)

Thus, it is clear that Palestinian resistance involved a great deal more than boycotts. While these may have had a significant effect and lead to the establishment of many of the contemporary Palestinian institutions, in the present day boycotts have received a great deal more attention both locally and internationally. As the subject of this thesis, it is important to have a specific understanding of how boycotts have been represented in previous literature and the next section discusses this in detail.

Economic Boycotts

In his 2013 book, *How Nonviolent Struggle Works* - a distilled version of his earlier book, *The Politics of Nonviolent Action* - Gene Sharp explains that there are two main categories of economic non-cooperation; economic boycott and strike. He defines an economic boycott as "the refusal to buy, sell, handle, or distribute specific goods and services" (Sharp, 2013, p. 31).

While there have been a number of studies on boycotts, as discussed below, a paper that is especially relevant to this thesis is that of Klein, Smith and John (2004): "Why we Boycott: Consumer Motivations for Boycott Participation". This article examines what motivates people to participate in boycotts, and when it is more likely to have greater numbers of participating boycotters. It starts by presenting the research done on the topic, yet the authors point out that until their study all previous research focused on the boycotted company or product, or why it is being boycotted, rather than the boycotters themselves (Klein, Smith and John, 2004).

The paper first gives some history on boycotts, stating that consumer boycotts date at least as far back as the fourteenth century. One can however think of examples that date back far before then. During the seventh century, for instance, the Quraish, the people of an Arab tribe that resided in Mecca, boycotted those who had converted to Islam from their own tribe. Their boycott was both cultural and economic (Rizvi, n.d.).

Klein, Smith and John (2004) go on to consider how, due to the increased power of transnational corporations and the heightened vulnerability of corporate reputation, in modern times the socio-political motives behind boycotts are diminishing in favour of those focusing on corporate practices. The authors later

expand on this assumption by emphasizing the growing importance of corporate social responsibility in defusing consumer anger at corporate practices.

However, a main focus of the paper is on the social, economic and psychological motivations of boycotters. Their premise is that there are four factors used to predict boycott participation:

- 1) The desire to make a difference
- 2) The scope for self-enhancement
- 3) Counterarguments that inhibit boycotting
- 4) The cost to the boycotter of constrained consumption

Once a consumer encounters an offensive act by a company, s/he compares the expected costs of the boycott with its benefits. The study sees the decision to participate in a boycott as similar to that involved in offering help to others in need; one takes a benefit – cost approach. Research has also shown that the more competent a potential boycotter feels, the more likely s/he is to offer help or to participate in a boycott. The last three considerations mentioned above, all work to support the first point; the desire to make a difference (Klein, Smith and John, 2004).

Among the elements affecting boycotters' participation is how well noticed a company's offence is, and how it is perceived. Yet even when people share the

same anger towards a company's practice, not all of them participate in a boycott, proving that other motives are involved (Klein, Smith and John, 2004).

Furthermore, all previous research has found that people are more cooperative with social dilemmas if they think the group is able to realize its goals. However, Klein, Smith and John point out that many people have been found to participate in boycotts just to feel good about themselves by helping others, or to rid themselves from feelings of guilt for not caring. These are all psychological variables that are directly related to a person's self-enhancement. Also, they found that participation enables boycotters to boost their social and personal self-esteem, whether by associating themselves with a group or cause (Klein, Smith and John, 2004).

In their research entitled "Ensouling Consumption: a Netnographic Exploration of the Meaning of Boycotting Behavior", Robert Kozinets and Jay Handelman (1998) explain that boycott behaviour has been theorized as a collective effort to coerce corporate change. They also cite the following empirical studies that are consistent with this view of boycotts as a collective consumer act, explaining that they have focused on their potential impact on the target organizations. These studies include the following:

Pruitt and Friedman (1986) found that the mere announcement of a boycott can have a negative effect on an organization's stock prices. Garrett (1987) and Putnam and Muck (1991) noted that boycotts negatively affect an organization's image, and divert managerial resources towards increased public relations aimed at damage control. Miller and Sturdivant (1977), in a rare empirical study examining boycotting behavior from a consumer-oriented position, still had attitude toward the company, an organizational outcome, as their focus (Kozinets and Handelman, 1998, p. 472).

Like Klein, Smith and John's study, Kozinets and Handelman's (1998) research also aimed to understand the subjective meaning of boycott participation, and concluded by describing two emerging themes which challenge the traditional collective participation nature of boycotts: "First, boycotters see their involvement not merely as part of collective effort but as a complex emotional expression of their individuality. Second, boycotting serves as a vehicle for more self-realization." (Kozinets and Handelman, 1998, p. 475)

In relation to boycotting activities targeting Israel, in her book *Transnational activism and the Israeli-Palestinian conflict* (2013), Maia Carter Hallward focuses on explaining the boycott and divestment side of the BDS movement. She highlights that sanctions are in the realm of states rather than civil society; although the latter can pressure the government to adopt sanctions. More specifically, she refers to

the situation in the US where there is a general appetite for supporting Israel rather than sanctioning it; therefore, this means there is little influence from civil society to guide the state towards sanctions (Hallward, 2013).

While this certainly does reflect common belief, it must be noted that, in 1990, the more conservative first Bush administration withheld loan guarantees from Israel for the exact amount of money it allocated for settlement expansion, as long as Israel continued with its settlement activity. In his book, *Zealots for Zion, Inside Israel's West Bank Settlement Movement* (1992), Robert Friedman explains this situation further. In 1990, the US state department officials privately vowed to cut Israel's 3.5 billion USD annual aid by the same amount it spends on its settlement activity. Friedman gives a glimpse of the heightened tension between the US and Israel over settlements, and how the US indeed used economic means to coerce Israel to join the Madrid peace talks.

Increasing tension over the settlement issue set the stage for a bitter row over Israel's request in spring 1991 for \$10 billion in U.S. government loan guarantees to absorb the vast exodus of Jews from the Soviet Union. The U.S. guarantee would enable Israel to borrow money from commercial banks at lower interest rates than it would normally be able to obtain. The United States would have to repay the loan should Israel default. The Israeli government, which felt so confident about securing the loan guarantees that

it included the first installment of \$2 billion in its 1992 budget, was stunned when Secretary of State James Baker asked Congress on September 4, 1991, to delay the bill until after a Middle East peace conference that was scheduled for October 1991 in Madrid (Friedman, 1992, p. 2).

The strategy proved successful, at least in that Israel did take part in the Madrid peace talks. In evaluating the strategy, the Boston Study Group on Middle East Peace considered that the reason behind this success was that the intervention was “very specific and pinpointed in its focus – both in the actions against which it was directed and in the sanctions it introduced” (Berger et al., 2008).

Stephen Zunes (2015), however, supports Hallward in her assumption that the US is increasingly supportive of Israel regardless of its occupation and settlement activity. In fact, in his paper, “Bipartisan Attacks against Anti-occupation Divestment Campaigns” (2015), Zunes explains that the US political parties have, in fact, undermined efforts to boycott Israel or divest from companies complicit with its occupation. He provides a number of examples where grassroots movements, student bodies, unions etc. voted in favour of divestment and were swiftly attacked in response by US politicians, and even state legislation condemning them as being anti-Semitic, and promoting hatred, intimidation, and intolerance. Citing the contradiction in US standards, Zunes explains:

The anti-BDS fervor has gone beyond statements and nonbinding resolutions. This spring, the Illinois legislature passed a unanimous measure sponsored by Democratic leaders which requires divesting state pension funds from companies that invest in Iran or Sudan, but ironically also call for divesting from companies that boycott Israel, Israeli settlements, or otherwise use economic means to oppose the occupation (Zunes, 2015).

Lastly, the above discussions show that, as Hallward (2013) points out, boycotts are generally studied either through the perspective of business and economics, or through the lens of social movement theory. She explains how the approaches of these two perspectives differ significantly because while both require the mobilization of adequate numbers of people to be effective in economic, social, or political terms, their ultimate goals are different:

In contrast to economic approaches, which tend to focus on market factors including sales, incomes, and labor conditions, social movement approaches to boycott and divestment are less motivated by activists' perceptions of the boycott's likelihood of success in strict financial terms and instead have a more socially oriented agenda in which activists attempt to coerce their targets toward specific ethical or socially responsible actions (Hallward, 2013, p. 4).

In this way, she supports the arguments of Klein, Smith and John that the motivations of boycotters go beyond the purely economic. Moreover, the socially orientated agenda that Hallward describes was clearly reflected in the accounts of some of the leaders of the BDS movement that I interviewed as part of this research. To them, as will be seen in later chapters, boycotting Israel is not only a means to assert economic pressure but was also a socially motivated action aimed at telling the story of Israeli occupation.

2.5 Conclusion

To conclude by returning to my opening discussion regarding whether boycotts violent or nonviolent. And does a boycotter have to be strictly in favour of nonviolent action, and shun anything that is violent? In the above discussions, this literature review presented the unequivocal demand of both Sharp and Gandhi - along with other classical thinkers - that nonviolent activists should never resort to violence under any circumstance; they should never fall into such a trap that would undoubtedly suit their oppressors well. However, Hallward refers to the Stop the Wall Campaign as “[c]haracterizing the struggle as a whole as nonviolent does not necessarily equate with the values of the oppressed for whom BDS forms one part or mechanism of support for their struggle” (Hallward, 2013, p. 5).

Moreover, this is an issue where the current research found no consensus among those interviewed, neither among those who are leaders of boycott campaigns or

those involved in the official boycott campaign. This ambiguity is reflected in the findings of this research, which therefore challenges accepted thought to some extent, while also contributing to our understanding of the subject, as presented in the following chapters.

This chapter has gone some way towards indicating how nonviolence has been understood in academic discourse; both at a conceptual level - as either a philosophy or a strategy – and in terms of the issues involved in its practice. The studies that considered the economic and social aims of boycotters as well as their subjective experience are of particular relevance to this thesis. However, one notable issue in the context of this research is the lack of previous studies of the experiences and attitudes of boycotters themselves, as highlighted by Klein, Smith and John, above. In the next chapter, I set out an analytical framework that facilitates an understanding of the issues involved in boycotts of the Israeli settlements and, by projection, boycotts and nonviolent resistance in general. Through this, the present research will be able to fill this gap in academic research in quite significant detail, hopefully providing insight into the boycotting activities of an official organisation as well as the subjective view of civil society boycotters. As this former phenomenon is all but absent as a subject of academic study, I feel this research will be able to advance our knowledge of the challenges and benefits of such campaigns.

Chapter 3

Methodology

3.1 Introduction

The settlement movement triggered various anti-settlement groups and efforts crafted to counter the different motives fuelling their existence. The PLO has adopted a diplomatic approach that has encouraged the UNSC to pass more resolutions condemning Israel than it has for all other nations combined, including Iraq! (Middle East Facts, n.d.). The PNA on the other hand has developed programs to counter the economic nature of settlements. Many Palestinian, Israeli, and international civil society organizations have also played a visible role in countering the settlement movement that is reportedly endorsed by the Israeli government. Moreover, while there continues to be strong economic cooperation and investment between the EU and the settlements, there is a particular challenge for the boycott movement to highlight the illegal nature of the situation and its violation of international law.

To get a comprehensive view of the issues involved, it is important to include consideration of all the significant players. Among others, these include the PLO, the PNA (through the NEF and ProsperPalestine), and the BDS National Committee. The leaders and supporters of the global Palestinian solidarity

movement, as well as those of Israeli organizations, such as Gush Shalom and WhoProfits, are also primary players that need to be included.

3.2 Analytical framework

From the literature reviewed in the previous chapter, one can conclude that the basic assumption informing most studies of nonviolent civil resistance in pursuit of social and political change is that all forms of domination and oppression are dependent on various sources of support, internal and external. These include the cooperation (willing or forced) of significant sectors of the occupied population (Sharp, 1980), as well as international political and economic systems of support. Repressive occupation depends not only on fear and intimidation of the local population, including the use of coercive power of the police and army, but also on the preparedness of subjects to cooperate with the occupying force - by paying taxes, supporting their economy and complying with the rules and regulations it imposes. Therefore, it is important to identify and try to undermine the pillars of support that maintain the occupier power. This can be based on political, economic and moral grounds both internally within the “occupying society” and internationally. To support this, many studies of regime change through nonviolent civil resistance focus on identifying the key pillars of support, and explore the ways in which these pillars might be undermined and the regime support eroded (Ackerman and Kruegler, 1994).

Boycott and divestment are actions taken to empower movements advocating social and political change and force an occupying power to reconsider its policies; and there are many examples throughout history of boycott and divestment movements. The history of the Palestinian nonviolence movement as discussed in this thesis clearly indicates two major actions of boycott and divestment, namely, during the Great Revolt in 1936 and second Intifada in 1987.

In these cases, internationals and Palestinians utilised boycott and divestment as a means to exert pressure on Israel to reconsider its policies. Here, I suggest a framework of three factors to consider in the analysis and facilitate understanding of the boycott against settlements. The “cost of the occupation”, “Israel’s image as a democracy” and “telling the story of the occupation oppression” will be used to deepen our conceptualisation of the issues under discussion and to enable the reader to have a comprehensive understanding of the limitation and achievement of the boycott movement.

1. **Raising the cost of occupation:** Israel has installed a system and structures of control and repression to preserve and maintain the occupation. This system involves securing Israeli settlements, providing them with the required infrastructure, access roads, and resources. Settlements have evolved to become sources of income for settlers, and therefore Israel,

through the businesses and industrial areas that produce products and attract international investment. Boycott and divestment from this economy will leave Israel with the cost needed to maintain them and force it to rethink its policies. Furthermore, in the case of the BDS movement, which boycotts Israel as a whole, their success will mean that Israel proper will also be paying a price for maintaining occupation. Some scholars have emphasised the significance of nonviolent resisters influencing regime policies by means of activities that raise the costs of its repressive policies. Ackerman and Kruegler (1994) call this, "muting the impact of the opponents' violent weapons", which means discouraging them from using violence and being prepared to limit damage to the movement (cited in Mayton, 2007, p. 51).

2. **Israel as a democracy:** Israel claims to be the only democracy in the Middle East and has been successful in maintaining this image for a long time. Therefore, the decisions that are made in Israel to maintain its settlement policies and occupation are reached through a democratic process, making Israel as a whole responsible and accountable for its policies of discrimination and violation of international law and international humanitarian law in the OPT. If Israel claims to be a part of Western democracy and uphold its values then it must be held accountable to those

values and ideas. Through the boycott campaign, Israel will become exposed as an undemocratic occupying regime that does not respect basic democratic values when it deals with the Palestinians. This is the argument that those in favour of a full boycott of Israel adopt, whereas in the case of those calling for a limited boycott, such as the NEF, these are seen to boycott the act rather than the actor.

3. **Telling the story of occupation:** This involves storytelling about the control and oppressive systems of the Israeli occupation against the Palestinians and actions that “shame the power”(Galtung, 1989, p. 19) of Israel. This may be done through specific cases where Israel is shown to benefit from its occupation; for instance, by preventing the occupied population from access to their own resources and instead using them for itself. Such actions are illegal according to international law, specifically the Fourth Geneva Convention. In particular, article 49 states: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” Moreover, article 52 of the convention states: “All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power, are prohibited.”

As this thesis documents, the PNA developed a strategy of boycotting settlement products, therefore calling for a boycott of the act, while Palestinian civil society has adopted a strategy of full boycott of Israel, in other words, calling supporters to boycott the actor. To aid the analysis of these two approaches, the factors set out above provide a framework that is used to facilitate an understanding of the effectiveness and challenges of these two forms of resistance.

3.3 Overall Aim

The overall aim of this research is to analyse the political and economic issues relating to nonviolent action against Israeli settlements on the West Bank between 2005 and 2012, both locally in Palestine and internationally. The research examines the emergence of the movement to boycott settlements products and the debates within the movement and critically assesses the role of the PNA and the BDS movement. It also analyses the role of the Israeli groups in such a campaign.

Palestine has a long history of nonviolent action; and, in recent years, this movement has been influenced by the presence of new tools, communication methods and strategies. Many nonviolent groups with programs targeting Israeli settlements have come into existence, and a large number of these groups surfaced only after the second Intifada broke out in September 2000. To gain an insight into the nonviolent movement protesting against the settlements, the main groups'

internal dynamics are analysed in this thesis, as are their interactions and coordination with other groups that share similar goals.

The Arab Spring had an impact on the entire Middle East, including Palestine and its struggle to end the occupation. One ramification of this was that the PNA seemed more inclined to support popular peaceful resistance. Not only did it support and encourage nonviolent groups, it also had nonviolent programs of its own; the first specifically targeted the Israeli settlement economy at a grassroots level, and the other, which was more diplomatic in nature while also involving grassroots recruitment, was its bid in 2012 for UN membership as a Palestinian state within the 1967 borders. Thus, the PNA's interaction with the already existing nonviolent groups (many representing left wing political groups) is particularly significant in terms of the boycott movement and, consequently, another important objective of this thesis is to gain detailed insight into this.

Specific Objectives

To enable the achievement of the more general objectives stated above, the following specific objectives were established:

- To examine the strategy, tactics and goals of the main actors against settlements products and analyse their different perspectives. The study

will also evaluate their progress and effectiveness in the context of their actions against settlements.

- Exploring the interaction among local and international nonviolent groups concerned with settlements, and whether their relationship has contributed or hindered their overall shared goals.
- Analysing the relationship between the PNA and nonviolent groups that are active against settlements.
- Analysing the PNA's nonviolent program to resist the settlements by means of Al Karameh National Empowerment Fund.
- Evaluating the political and economic impact of nonviolent action against Israeli settlements.

3.4 Definitions:

The following concepts and definitions will form part of the framework of this research, mark the boundaries of the research and make clear its focus.

- I. **Boycott:** There are several schools of thought concerning boycotts. The most generally accepted is that of Israel itself, as summed up in the Free Dictionary:

[E]conomic and political campaigns that seek a selective or total cutting of ties with the State of Israel. Such campaigns constitute one tactic used by those who challenge the legitimacy of Israel's right to exist or oppose Israeli territorial claims in the West Bank and policies towards the Palestinians over the course of the Arab-Israeli and Israeli-Palestinian conflict (The Free Dictionary, n.d.).

However, in this study, I make two particular distinctions between various types of boycott. Firstly, there is the difference between boycotts targeting Israel itself and boycotts targeting only the settlements. Secondly, there are several different forms of boycott: the boycott of products, the boycott of services and investments; and political and cultural forms of boycott. In particular, I term the form of boycott that targets only the products of the settlements as *the limited form of boycott*. This is the form adopted by the NEF.

II. **Settlements:** These are understood to be the Israeli settlements built beyond the 1967 armistice line where Israelis live for ideological or economic reasons. They have been described in many ways, including: “An Israeli settlement is a Jewish civilian community on land that was captured by Israel during the Six-Day War and is considered by much of the international community to be occupied territory” (Newman, 1989). It is

important to note that these have been deemed illegal under international law since, on the 22nd of May 1979, United Nations Security Council resolution, number 446, determined: "that the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal validity and constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East" (UNSC, 1979). Since 1967, a number of similar UN resolutions have been passed that condemned settlements and confirm their illegal status.

III. **Boycott, Divestment, Sanctions:** The movement that emerged from the 2005 Palestinian civil society call for an Israeli boycott, including divestment and sanctions until Israel complies with international law. This movement calls for a total boycott of Israel at cultural, academic, political, and economic levels.

Lastly, different terms have been used by activists and scholars to describe activism against the occupation. "Popular struggle" is used to refer to the civilian based modes of resistance used by Palestinian activists and society. More specifically, the term, "unarmed resistance", is used by Rigby (1991) to reflect the reality that many of the clashes with the settlers or the Israeli army has not been nonviolent insofar as they have included stone-throwing and other non-lethal

means. However, other scholars continue to use the term 'nonviolent' despite the fact that some Palestinian actions have inflicted direct harm upon Israeli opponents.

3.5 Research scope

While the main emphasis of this study is limited to nonviolent action against Israeli settlements between 2005 and 2012, it includes research on the BDS movement and other initiatives that go beyond a limited boycott both in terms of geography and targets. However, it is not always easy to draw a line between nonviolent action specifically directed against settlements and nonviolent action against Israeli occupation in general since all aspects of occupation serve settlements and their economy. As concrete examples of this, the Israeli Separation Wall, road blocks, checkpoints, and land classifications all have an impact on settlements and their growth. However, the study focus will remain on action directed against settlements and their economy. In geographic terms, the research focusses on areas that have instituted boycotts of some kind; these include the West Bank, Israel, and particular western European countries, such as the United Kingdom, France, Spain, and Italy.

There are several reasons for including the EU in the study. These are as follows:

- The EU in general has been the main area targeted by many of the settlement boycott campaigns. It is therefore important to evaluate how successful these campaigns were in altering consumer behaviour and regulations in the EU.
- The most active organizations that have adopted calls to boycott settlement products exist in Europe. Not only have these organizations made clear their positions on economic ties with settlements, they in fact actively lobby and campaign to end such ties.
- ProsperPalestine was launched in the United Kingdom, Spain, Italy and France. This research will therefore revisit these four countries, which will serve as a representative sample of the rest of the EU.
- The EU introduced legislation in the wake of a case known as the 'Brita case' that exempts settlement products from the benefits of the free trade agreement that Israel has with the EU (Ynetnews, 2010). Thus, it has made a clear distinction between Israeli and settlement products, giving it a unique position of particular relevance to this study.

In terms of timescale, the study will focus on nonviolent resistance from 2005 to 2012. This is because in 2004 the pivotal International Court of Justice's (ICJ) ruling on the illegality of the Israeli Separation Wall and settlements triggered unprecedented focused nonviolent action in 2005 protesting against both the Israeli Separation Wall and the settlements. Thus, a clear shift in Palestinian

nonviolent resistance followed with significant consequent developments and, therefore, 2005 represents an important year for the study's subject matter.

3.6 Selected case study: Al-Karameh National Empowerment fund

In his book *Politics of Change in Palestine: State-Building and Nonviolent Resistance*, Bröning was among the first to publish brief yet credible work about the campaign within academic circles. He explains that in early 2010, Palestinian Prime Minister Fayyad set up NEF as a joint PNA and private sector initiative, and declared that the boycott from then on would be “a daily expression of rejecting the occupation” (Bröning, 2011 p. 145). Palestinian President Mahmoud Abbas approved legislation in April 2010 making it illegal to deal or trade with settlement products (Bröning, 2011 p. 145). From then on, NEF became responsible for enforcing the presidential decree and engaged in comprehensive public awareness campaigns with the help of several hundred volunteers.

The primary reason for choosing NEF as a case study was its unique position in terms of Palestinian nonviolent politics. In particular, it involved almost all levels of Palestinian society and international supporters, grassroots, politicians, academics, and private businesses. Initiated by the PNA, it represents an informative example of collaboration between the government and private sector

and also throws light on the PNA's subsequent international campaign, ProsperPalestine.

Moreover, as the director of both programs, I am well placed to have knowledge of and access to resources that were not made available publically, although these were not deliberately made confidential. This is the first time that the PNA has established such a programme and supported it politically and financially. We worked closely with the Palestinian Prime Minister and the Ministry of Economy. My key role in this initiative as director provided access to documents and personnel from both the PNA and Fatah that would have been difficult for an outsider to reach.

3.7 Research Questions

The overall research question that this study aims to answer is "What are the dynamics of the different nonviolent programs against settlements between 2005 and 2012, and how effective were they?"

However, many sub-questions were considered as a means to answering the main question comprehensively. These include:

- What are the different forms of nonviolent resistance against settlements?
- Who are the main actors in the nonviolent campaign against settlements?
- What kind of relationship exists between different nonviolent groups working against settlements?
- What is the PNA's relationship with other nonviolent groups working against settlements?
- In what ways was the BDS campaign effective?
- How was the PNA's nonviolent program against settlements effective?
- What economic ties exist between settlements and the PNA on one hand, and European countries on the other?

3.8 Hypothesis

To date, Palestinian nonviolent groups have been unsuccessful in ending economic ties not only between European countries and Israeli settlements but also between Palestine itself and the settlements. The hypothesis of this thesis is that this is due to inefficient strategies. There is disparity between the desired goals of nonviolent groups and the actions they choose to counter Israeli settlements, due to a variety of political and organizational affiliations, competition and lack of strategy. Namely, groups that desire to end economic ties

with settlements have inaccurately stated this desire as being to end all ties with Israel by adopting the BDS call of 2005.

Evidence supporting or contradicting this hypothesis will result from comparing what has been achieved by the campaigns that have adopted the BDS call, and those that have favoured a limited boycott, while taking into consideration the time, effort, and human resources that go into each campaign. Also, by following specific cases against economic ties with Israel in general, and others against settlement products in particular, reactions and opinions of different relevant stakeholders and activists are presented and analysed to provide further evidence supporting or challenging this study's hypothesis.

3.9 Research approach

A qualitative approach appropriate for research seeking to understand an existing pattern, or patterns of behaviour, and to analyse it based on the experience of a limited number of people. Thus, this approach was adopted for this research as the aim was to understand and interpret the experience of activists who have been engaged in the Palestinian boycott movement, with a particular focus on the case study of the NEF. By conducting in-depth interviews with a small number of respondents, a study is able to explore particular ideas or situations, consequently these were used as one of the main data collection procedure. Moreover,

qualitative research and, in particular, in-depth interviews using open-ended questions, allows a researcher to gather an “accurate” understanding of the informants and their experience. Consequently, these are suitable for ethnography, grounded theory or as method of data collection for work such as this study (Boyne and Neal, 2006). In relation to this, the researcher’s involvement with NEF and its stakeholders can be capitalised upon through qualitative research. Consequently, in this context, using a qualitative approach has distinct advantages over quantitative research. Moreover, the typical sources of data for qualitative research are all available and accessible for the researcher; that is, interviews, documents, and observations.

3.9.1 Data sources

The primary sources of information for this study are interviews and material released by relevant organizations and movements. Given my previous involvement with the NEF, I had access to original material, unpublished data, policy papers, political leaders, civil society representatives, and stakeholders across the Palestinian, Israeli, and European societies.

Interviews were conducted with representatives of the following organisations:

- Palestinian politicians
- Palestinian nonviolent activists
- Israeli peace organizations

- Representatives of Palestinian solidarity groups and organizations in Europe

Interviews were held with a number of actors from each of these categories. A total of 19 interviews were conducted. (See Annex A for the full list of interviewees and questions asked). The interviews were consistent with the overall aim of the research and reflected the research questions and objectives and the list of questions and themes was agreed with each interviewee beforehand. These interviews mostly took place at the organization or group's offices in Palestine, Israel, or the respective European countries when possible. Interviews that could not be held face to face were done using Skype. Each interview was recorded in full, and later transcribed. Questions were prepared beforehand to guarantee that all the research questions previously listed were properly addressed and answered. Since the researcher can speak both languages, interviews were conducted in Arabic or in English depending on the native language of the interviewee; translation, where necessary, was verified by my supervisor who also speaks both languages.

To complement the interviews, I also studied various forms of documentation. In particular, all available documents, meeting minutes, plans, and correspondence from the NEF's program were gathered, examined and analysed. I also studied the documents produced by other organizations that have led campaigns against

settlements, which include the Palestinian BDS National Committee (BNC), ProsperPalestine, WhoProfits from Occupation, Gush Shalom, and Diakonia. Some of these organizations have led and won legal cases against settlement companies in European courts and the information made available by such active organizations was gathered, compared, and analysed.

Since this research is based on qualitative data, its analysis will involve organizing, interpreting, highlighting similarities and disagreements, drawing lessons, evaluating, and explaining the gathered material. The data validity and reliability were tested through a triangulation method which enabled the researcher to review the findings and uncover insights and meanings from the data and deepen understanding of the issues under discussion. This is also contributed to increase the level of validity of the data.

3.9.2 Specific challenges and limitation of the research

This study faced a number of challenges. Firstly, as mentioned before, it is not always easy to single out action specifically targeting settlements since any action against occupation is eventually against some form of maintaining settlements and the resources they control. Therefore nonviolent action opposing the Israeli Separation Wall, for instance, is effectively against the occupation of land within the 1967 borders that is annexed to settlements. Similarly, campaigns that call for a

complete boycott of Israel, such as the BDS campaign, naturally call for boycotting settlements as a part of their comprehensive programs. Indeed, nonviolent programs against settlements are mostly absorbed within wider programs, or programs that state other goals besides countering settlements.

As the only Palestinian program with goals concerned solely with Israeli settlements, the NEF – the research case study - treated the settlement economy as if it were detached from the reality of occupation. This made it especially difficult to determine its effectiveness. Moreover, since internationally there is no program with goals similar to those of the NEF, neither is there any comparative material. In Israel, however, a number of organizations do exist with programs clearly targeting Israeli settlements, which were easy to identify and examine.

A further challenge for the research, as for organisations promoting a limited boycott, was how to determine what economic ties actually do exist between settlements and other countries due to the fact that the settlements are an integral part of the Israeli economy. Even those businesses who favour letting go of settlement side of their operations, as part of a future peace deal with the Palestinians, remain part of Israel until that deal is made. Therefore, Israel does not differentiate between settlement products and Israeli ones, and does not make any clear distinction between the two on product labels. With the recent demands by the European Union for settlement products to be presented as such (rather

than as Israeli products), settlement companies have put even more effort into hiding their products' link with settlements. This is so that their products would enjoy the same preferential treatment that Israeli products enjoy when entering European markets. In addition, it is especially difficult to identify settlement products when some are only partially processed on settlements. In some cases, crops are grown on settlements and then produced in other forms (e.g. jam) in Israel proper. Such products' labels will state an Israeli origin rather than one within internationally recognised occupied land.

Due to such difficulties, this study did not set out to determine all economic ties that settlements have with other countries. Rather, the aim was to understand the kind of relationship that settlements have with other markets, as well as some idea of their economic magnitude.

3.9.3 Measuring effectiveness

Assessing the effectiveness of on-going nonviolent action is not straightforward, especially so in circumstances where the indicators of success are not readily available, as is the case in the Palestinian movement. However, there are a number of suggested ways to get an accurate (although not comprehensive) sense of how effective the movement has been in combatting economic ties with settlements:

- By comparing the number of economic ties that have been severed with settlement companies in relation to the number severed with Israeli companies over the same time period; the ratio provides a clear indicator of which goal has been more effective/achievable.
- Some supermarkets in the UK have decided to make the labelling clear so that consumers are able to distinguish settlement products from other Israeli products. The research will indicate whether nonviolent campaigns against settlements were able to raise the average consumer's awareness regarding settlements, and why they are different from Israel and whether there was a decline in consumer demand for settlements products.
- In interviews with stakeholders and activists, the researcher asked questions regarding specific and tangible success stories. These were not only in relation to moral victories but also instances where real change occurred in the nature of economic ties with settlements or Israel as a direct result of their work.
- Another useful indicator was the annual financial reports of major settlement companies that depend on foreign markets. If there seems to be an acute decline in one of the markets where the BDS or anti settlement product campaigns were active, this could be an indication of their effectiveness. If these campaigns had put all their weight in a specific market yet settlement companies are not reported to have suffered any loss, then this may indicate their ineffectiveness.

- The goal of settlement boycott campaigns is straightforward: to end economic ties between settlements and other parties, organizations, countries...etc. This goal can be understood to be achieved through these campaigns if they meet a number of objectives: the introduction of regulations in other countries that would make it illegal to have economic ties with settlements; making the cost of maintaining an economic relationship higher than ending it through pressure on company stakeholders; convincing company stakeholders that what they are doing is unethical. Many of these objectives are tangible and cases where they had been achieved can be seen and measured.

3.9.4 Subjectivity

There are several issues associated with subjectivity that were taken into consideration while conducting and analysing the research. Due to the nature of the subject, most of the people interviewed belonged to a certain movement or were affiliated with a particular political group. This presented the challenge of ensuring they gave their honest and personal opinion - rather than their official party line - on matters being discussed.

This was countered through the way I introduced myself and the interview process and the type of questions I used during interviews. The fact that I am

Palestinian myself, and have interacted or worked in one-way or another with most of the interviewees, or at least the organizations and political groups they represent, meant that I already had first-hand experience of their official arguments. Through this I was able to limit the amount of talk along general official political lines and instead bring the discussion round to more specific and realistic perspectives and to make the discussion more honest and real. By doing this, I ensured that the interviewees were presenting their own subjective opinion.

As for the effects of my own subjectivity, I came to this research with a hypothesis that I sought to support through the information gathered and analysed. However, a balanced presentation of all data found will be made, even if it leads in fact to disproving my hypothesis.

My previous engagement with the NEF, the subject of the case study, can be seen both as an advantage and disadvantage. It was an advantage since it enabled me to have special access to material and stakeholders relevant to the research, including unpublished material, meeting minutes, strategies etc. However, my previous involvement with the project also meant that I had a personal attachment which could affect my objectivity as a researcher. This was overcome through my supervisor's monitoring my work and challenging my ideas so as to ensure this did not happen. To support this, I preceded the main research with a pilot phase in which the developed questions, the format of the interviews, the interview

process itself were examined by the supervisor. Following this, certain changes were made to the questions and the process to ensure further objectivity before conducting the actual interviews. It was very important to find the balance and address the risk of bias throughout the research stages and be aware of bias in research design, data collection and bias in data analysis and interpretation. Therefore, every PhD student at the Centre for Trust, Peace and Social Relations has to submit the research proposal and research methodology to conduct the interviews and collect the data to be approved by an external “Ethics Committee” within the Centre.

Lastly, all the participants in the research have to sign a consent form and were given the option not to participate or to withdraw from the research. The researcher explained verbally or by introductory letter about the aims and objectives of the research.

3.10 Conclusion: Why this study is important?

While many studies have been carried out on Palestinian nonviolent struggle, no thorough research specifically on nonviolent resistance to Israeli settlement policy has been conducted. Nor have there been any studies of the role and interactions between the different nonviolent groups leading this movement. Therefore, this research will provide an original contribution to the debate and knowledge in this

field. It will be an important academic contribution to research and will enhance the understanding of academics, practitioners and policy makers in relation to the issues under discussion. This has become especially interesting since international solidarity groups have become so widespread, along with the development of Israeli organizations that have nonviolent programs countering Israeli settlement activity. The PNA's National Empowerment Fund and ProsperPalestine campaigns are programs that tackled issues relating to boycotting settlement products and withdrawing investments in the settlement economy, and this forms a main focus of this study. As such, it constitutes the research's original contribution to the wider topic of Palestinian nonviolent struggle.

The NEF's program to ban and combat settlement products, which was launched in 2010, has not been documented or researched. The research studied the PNA's campaign as a case study, documenting, analysing, and evaluating its impact.

This study is therefore important in that it researches a major Palestinian nonviolent program that was led by both the PNA and Palestinian grassroots, and executed by myself as the director; and if it were not for this research, this program would not be documented. Moreover, my former role as director of the program enabled me to have unique access to documents, informants, contacts within the PNA, and insights on this program.

What also makes this study important is its attempt to explore the relationship and interaction among relevant nonviolent groups. By doing so, gaps and missed opportunities will be identified, making it possible to suggest what can in fact bridge those gaps to have a more effective nonviolent campaign against settlements. Suggestions and recommendations that are made will be both on a coordination/logistic and general policy level. Thus, by attending to these issues through its original analytical framework, this study aims to address a gap in the literature and to make an original contribution to academic thought on the Palestinian nonviolent struggle, in particular, as well as nonviolent movements, in general.

Part II

Chapter 4

Background: Israeli settlements

“Judea and Samaria are part of the land of Israel, if we want to achieve Jewish sovereignty, we have to settle. Those who have the power here will prevail - and we have the strength. I read the Bible. It doesn't talk about the borders of England. But Eretz Yisrael is in the Bible. According to the Bible, I have the right to the East Bank too. For my generation the West Bank is enough. As for the next generation, the East Bank is their problem.”

Matityahu Drobless, Co-Chair of the World Zionist Organization's Settlement Department (Friedman R. , 1992).

4.1 Introduction

This chapter aims to provide an analysis of what Israeli settlements are, how they were first established, and what motivated the settlement project. The chapter opens by exploring links between Zionism and the settlement. Firstly, it explains the different types of Zionism, secular and religious, and how these translated into different types of settlement, namely, secular, agricultural, or religious. The history of each of these types of settlement is introduced, along with who supported each form. Furthermore, a distinction is made between Zionist

religious settlers and ultra-Orthodox settlers who opposed Zionism in the first place.

This chapter is concerned with two main eras, pre- and post-1967 settlements. The settlement movement that advocated settling the captured land after the 1967 Six Day War is introduced, along with its relationship with the Israeli Labour and Likud governments of that time.

In the second part of the chapter, four different plans that were prepared by these governments regarding settlements are explained before giving an overview of how many settlements were established along with their population growth since 1967.

The third part of the chapter considers how settlements are perceived according to international law and several UN resolutions relating to this are listed in the following part of the chapter. The chapter then gives an economic account of settlements in terms of the Israeli government's investment in them and the costs it incurs to maintain them.

The final section of the chapter introduces the industry that is associated with settlements, linking it with the following chapter; international economic ties with settlements.

4.2 Origins

While this study is concerned with settlements built beyond the 1967 armistice line, the settlement movement started much earlier. Thus, to understand its originating motives, we must examine the period when the Jewish settlements in Palestine actually began.

Long before Israel took over the West Bank and the Gaza Strip in 1967, and even before announcing its independence in 1948, positions, motives and views relating to Jewish settlements and their nature varied and often conflicted. These differences reflected divisions within Zionism and the Zionist movement; most notably, between secular, religious, and spiritual Zionism. Consequently, when Jewish settlements were being built at the end of the 19th and beginning of the 20th centuries, such divisions within Zionism also influenced the nature of settlements, resulting in settlements with different characters. As Kaufman (1926, p. 1) explains, “To understand the construction of the new Jewish settlements in Palestine some knowledge is essential of the character and objects of the Zionist movement, which aims at the settlement and revival of the Jewish people.”

4.2.1 The Zionist Influence on Settlements

Although this chapter does not focus on Zionism or the Zionist movement, it is relevant to note that the very first goal agreed by delegates to the First Zionist

Congress in Basel on August 29, 1897, was stated as: “The promotion by appropriate means of the settlement in Eretz-Israel of Jewish farmers, artisans, and manufacturers.” (The American-Jewish Cooperative Enterprise, The First Zionist Congress and the Basel Program, 2013). However, while Zionism sought to gather world Jewry in Palestine (after considering other countries as possible options), it is generally perceived to be a secular movement. Its founder, Theodore Herzl argued:

I consider the Jewish question neither a social nor a religious one, even though it sometimes takes these and other forms. It is a national question, and to solve it we must first of all establish it as an international political problem to be discussed and settled by the civilized nations of the world in council (Sharansky, 2005).

While settling ‘Eretz-Israel’³ is central to all types of Zionism, these largely differ in their reasons as to why Jewish settlements should exist and how. For instance, Labour Zionism was a secular movement that expressed its socialist ideals by setting up *kibbutzim*⁴ across Palestine early in the twentieth century. Religious Zionism, on the other hand, perceives Israel as an unfolding messianic scenario. Therefore, when Israel took over the West Bank and Gaza Strip in 1967, religious Zionists saw this as an essential stage in the process in which the captured area

³ Hebrew for the “Land of Israel”

⁴ Hebrew for “Cooperative”

was understood to belong to the Jewish people by divine decree (The American-Jewish Cooperative Enterprise, Radical Messianic Zionism, 2013).

As mentioned earlier, this chapter does not delve into different types of Zionism, however, to provide a background to the main thesis, the following sections give an overview of the two main types of settlements: agricultural settlements (influenced by secular Zionism) and religious settlements (influenced by religious Zionism).

4.2.2 Agricultural settlements

In his paper, 'Agricultural Settlements in Palestine, 1882 – 1914', Yossi Katz (1998) explains that ten different types of Jewish agricultural settlements had been developed in Palestine by the end of World War 1. In relation to this, he states: "This proliferation of agricultural settlement forms was primarily the result of the nationalist drive to promote the Jewish settlements project in Palestine via every possible manner while simultaneously examining the optimal settlement modes for attaining this goal." However, only two of these methods survived after the war ended; the *kibbutz* and the *moshav*. Katz links these with settlements existing today when he states, "From the 1920s until this day, Jewish agricultural settlement in Palestine has rested on the *kibbutz* and the *Moshav*..." (Katz, 1998)

As Katz elaborates, in 1882, a number of organizations, made up of middle class and religious orthodox Jews, began establishing *moshavot* (plural of *moshava*) in various locations in Palestine. Different support groups contributed to the Jewish settlement project as a whole, each in its own way, and through this fostered the agricultural settlements. A main contributing group was Hovevei Zion (Lovers of Zion), which promoted immigration to Palestine, among other things, for the sake of agricultural settlement. This was supported by their umbrella organization, the Hibbat Zion movement (also known as the Odessa Committee), and Baron Edmund de Rothschild, who financed and facilitated the establishment of many early Jewish settlements (Katz, 1998).

After realizing that the agricultural settlements were not economically sustainable without his support, de Rothschild handed the management of the *moshavot* to the Jewish Colonization Association (JCA), which in turn took measures towards guaranteeing the profitability of agricultural settlements. The Zionist Organization itself became involved with the accelerating agricultural settlement movement when, in 1908, it established its own agency in Palestine, the Palestine Bureau, which established the Palestine Land Development Company (PLDC). As Katz explained,

[this organization] engaged in purchasing lands in Palestine, and in examining various settlement patterns in order to determine the optimal

form of settlement for basing future Zionist settlements. Additionally it established settlements for workers, while simultaneously seeking to attract private Zionist capital for settling the country, and assisting the establishment of special settlements suited for this private capital." (Katz, p. 67)

From Moshavah to Moshav

By 1914, forty-eight agricultural settlements existed, twenty-four of which were *moshavot*. The *moshavah* met the goals of both Hovevei Zion and Baron de Rothschild since it created the reality of the 'Jewish Farmer' in Palestine that worked the land to support himself. A *moshava* is a kind of colony whose members farmed their land independently. However, *moshavot* proved to be economically weak and could not accommodate the rate at which the Zionist movement wanted Eretz-Israel to receive Jewish immigrants (Katz, 1998).

On the other hand, as Katz explained, the *moshav* was a method or settlement pattern that evolved after experimenting over decades of different types of settlements. The *moshav* revolved around the notion that a farmer's family will earn its livelihood solely from their agricultural work. It allowed for individualism in order for everyone to have full and free use of his talent. However, purchasing and selling was made on a cooperative basis, and public institutions were also communally funded.

Troen and Ilan summarize the number of Jewish settlements built, as follows:

From the 1880s until Israel was granted statehood in 1948, about 250 villages of various types were established. With recruits drawn from the massive post-Independence immigration of the 1950s and the enlarged territory and financial resources generated with statehood, 400 more settlements were founded until the Six-Day War in 1967, when agricultural colonization largely ended. Thus, in less than a century, from 1882 to 1967, Zionist colonizers established more than 650 villages (Troen, 2003, p. 4).

4.2.3 Religious settlements

In his book, *Religious Zionism*, Dov Schwartz (2009) describes his subject as revolutionary for two main reasons:

- 1) It challenges Jewish thinking that redemption for the Jewish people should be anticipated to occur when God desires. Instead, it allows for the living to take God's place in paving the road to redemption. Religious Zionists believed that "God, as it were, was waiting for mortals to initiate the redemptive process and would intervene only then" (Schwartz D. , 2009, p. 3).
- 2) It created the notion of the 'redeemed person' who would respond to contemporary demands and requirements to "construct a modern political

entity, reshaping his or her religious faith in accordance with these”
(Schwartz D. , 2009, p. 1).

This indicates why religious Zionism conflicted first and foremost with Rabbinical Authority. Schwartz (2009, p. 5) explains that the “[r]evolt grew out of a given situation, in which most leaders of the Torah world were opposed to the Zionist movement and rejected it outright”.

The founding of an independent Mizrahi faction within the Zionist Organization marked the political institutionalization of religious Zionism. While the Zionist Organization and its various factions respected Rabbinical Authority, the Mizrahi faction knew from its very beginning that it would initially have to clash with its religious mentors. Indeed, many differences arose with the Rabbinical Authority on life-related and cultural issues. For instance, Maimon, a leader of the Mizrahi movement, when commenting on his support for women’s right to vote, put it bluntly when he said: “In matters of *issur ve-hetter* [purely religious matters] ... we consult the Rabbis, but in matters of life in the marketplace, they must ask us” (Freidman, 1977, p. 5).

Religious Zionists’ disrespect for the Rabbinical Authority undermined their own status within the entire Zionist Organization, and this was reflected in their building their own settlements, termed ‘religious settlements’. These were widely

challenged and opposed by the World Zionist Organization and its various departments. As Schwartz (2008, p. 63) argues,

Concrete attempts to establish religious-Zionist settlements came in the wake of the third *aliyah*⁵ (1919–1923), which brought idealistic religious youths, mostly from Hasidic families, seeking to settle on the land to build it through manual labor and hoping to lead a full religious life. They did not foresee the problems they would encounter on the way, but their ideological and political steadfastness finally resulted in the establishment of settlements ... Religious-Zionist settlements became a reality, as noted, only after a long struggle with the Zionist bureaucracy, which consistently obstructed religious-Zionist settlement.

The Mizrahi movement's attempts to build such religious settlements began in 1925, but were repeatedly rejected or thwarted by the Zionist Organization and the Jewish National Fund. Further unsuccessful attempts were made in 1927 and 1928, but in 1932 the movement's efforts finally bore fruit when the Jewish National Fund recognized the Sheikh Abrek settlement: the first religious settlement. By the end of the 1930's several other settlements had been built (Schwartz D. , 2008, p. 65).

⁵ The immigration of Jews in the diaspora to the land of Israel

Religious Zionist settlers versus ultra-Orthodox settlers

Above, I explained the clashing positions of the Rabbinical Authority and religious Zionism in the latter's struggle to establish religious-national settlements. Historically, ultra-Orthodox Jews rejected active Zionism since they saw the road to redemption being found through religious practice rather than through secular movements. In 1938, Neturei Karta was established in Jerusalem and became the most vocal anti-Zionist faction of the ultra-Orthodox Jews (International Neturei Karta). Yosseph Shilhav explains the Heredim (i.e., ultra-Orthodox Jews) as follows:

[A] society whose religious conception rests on fundamentalist bases. Together with other cultural and religious traits, this community displays a complex attitude towards the modern world. However, this rejection, evoked in defense of the community's cultural, values, and Weltanschauung, is by no means total. The Heredi community indiscriminately idealizes traditional patterns of organization and management only when cultural and religious patterns are involved. (Ben-Zadok, 1993 , p. 177)

Today, however, ultra-Orthodox settlements do exist on the West Bank despite their idealism. These have their own religious attributes that distinguish them from other secular or religious-nationalist settlements. Although this may seem to

be in contradiction to their opposition to Zionism and the 'modern state', Shilhav's explanation of the Heredi's non-total rejection of the modern world, which preserves their social, cultural, and religious traits, offers some justification for their settlement on the West Bank and elsewhere in Israel. The first ultra-Orthodox settlement was established on the West Bank in the early 1980's as part of the Likud Party's policy to widely establish and expand settlements.

Dror Etkis and Lara Friedman (2005) assert that the first Likud government of 1977 found an ideal target in the ultra-Orthodox movement despite their rejection of secular Zionism. As they explain,

[the Heredim] preferred to live in segregated, homogeneous communities, whose rapid birth rate was causing them to constantly outgrow their communities inside Israel, and who suffered from a chronic lack of resources. The ultra-Orthodox were a natural fit for the new settlements, which offered cheap housing, segregated communities, and easy access to Israel (with the new ultra-Orthodox settlements located close to the Green Line) (Etkis and Friedman, 2005).

From the above discussion, we can see that some of the religious differences in the early days of Zionism later manifested as a different type of settlement that maintained a distance from Zionism's secular nature. These Heredi settlements aimed to preserve Jewish life, tradition, and culture. Thus, they have their own

unique motivations that are not shared by other religious-nationalist, secular, or agricultural settlements.

4.3 Post-1967 Settlements

Immediately after the 1967 war and Israel's capture of the West Bank, settlers began placing pressure on the government to settle the newly captured land. Levi Eshkol, then Prime Minister, was himself head of the Settlement Department at the World Zionist Organization and the Jewish Agency from 1948 to 1963 (The American-Jewish Cooperative Enterprise, Levi Eshkol, 2013). However, the captured land was generally seen as something Israel could exchange for peace and normal relations with the Arabs, as Lein and Weizman (2002, p. 11) explain:

During the months immediately following the war, this government did not have any clear policy regarding Israeli settlement in the West Bank. The initial inclination of most of the members of the government was to hold the territory as a bargaining chip for future negotiations. Accordingly, they opposed plans to establish civilian settlements in this area. However, these inclinations were rapidly eroded, due both to the pressures exerted by various interest groups and as the result of initiatives from within the government.

An argument supporting the security advantage of having Israeli settlements in the West Bank, Golan Heights, and Sinai Peninsula also prevailed during this

period. This worked to the advantage of the first Israeli civilian settlement on the West Bank: Kfar Etzion (the village of Etzion). This was the first of 17 villages that today comprise the Gush Etzion settlement block, located to the south of Jerusalem (Gush Etzion (1), n.d.); although it was established in 1968, it was not officially recognized by the government until the mid-1970's (Feige, 2009). According to Gush Etzion's official website (and also recorded by various scholars), a number of attempts were made to settle this particular area after the 1920's, but all to no avail until 1967:

Four brave attempts were made in the last century to populate the area, until finally on the fourth, after the 1967 Six Day War, the Jewish people were successful in settling the area permanently. The first attempt was in 1927, but harsh physical conditions forced the settlers to abandon the settlement they had established, Migdal Eder. The second attempt was made by Shmuel Holtzman in 1935, who established the village of Kfar Etzion and after whom Gush Etzion is named. Repeated Arab attacks drove the pioneers away. The third attempt was in 1943, when different affiliated groups established four settlements, the rebirth of Kfar Etzion, Masuot Yitzchak, Ein Tzurim, and Revadim, for a total population of 450 adults. In 1948, all four settlements were totally destroyed. The Arabs murdered 240 men and women, with another 260 being taken into captivity (Gush Etzion (2), n.d.).

It was not difficult for Kfar Etzion settlers to convince the Eshkol government of the security advantage of their settlement. In this respect, former Prime Minister David Ben Gurion had stated after the 1948 Arab-Israeli war:

I can think of no battle in the annals of the Israel Defense Forces which was more magnificent, more tragic or more heroic than the struggle for Gush Etzion ...If there exists a Jewish Jerusalem, our foremost thanks go to the defenders of Gush Etzion (Jewish National Fund).

On succeeding Levi Eshkol, Golda Meir and her government were also placed under great pressure - both from the settlers and because of the security benefit they argued - to settle all of the biblical land of Israel. Her government succumbed to this and established a number of security oriented settlements in the Sinai Desert, along the Jordan Valley of the West Bank, and on the Golan Heights. This settlement plan had been circulated from the beginning of Meir's term (1969–1974) and was approved just before her term ended (Galchinsky, 2004).

The two main settlement movements (post 1967)

The movement that established Kfar Etzion was called "The Children of Etzion" and was part of the National Religious Party, which had taken the first steps to settle the newly captured land in the year after the 1967 war. This was initiated by the orphans who had lost their fathers in the previous unsuccessful attempts to settle Kfar Etzion. The National Religious Party saw Israel's victory in the 1967

war as an opportunity to bring the idea of “Greater Israel” into existence. Before this victory, anyone who spoke of “Greater Israel” was seen as detached from reality. However, after 1967, the Israelis renewed their contact with sacred Jewish sites on the West Bank that are mentioned in the Torah. This aroused messianic feelings among the National Religious Party and others, which formed a further motivating force for settlement.

In the early 1970s, the organisation, Alon Moreh Gari'in, was established to settle in the area of Shechem (Nablus). Consequently, Alon Moreh became the first settlement recognized by an Israeli government. In 1974, after the 1973 war, the Gush Emonim movement, (which translates as the 'Block of the Faithful'), was formally established in Kfar Etzion as part of the National Religious Party. It captured the hearts and minds of the Israelis disappointed by the outcome of the war by protesting any land concession to be made by the government. Even later, Gush Emunim broke loose from the National Religious Party to gain even more popularity. However, Gush Emunim and the Alon Moreh Gari'in maintained a strong relationship as they shared the same ideology and drive for settlement. Gush Emunim demonstrated against any peace treaties with the Arabs, mainly those in Egypt at that stage, and called for the continuous establishment of settlements. These demonstrations along with the Alon Moreh Gari'in's repeated attempts to settle shaped the initial formative years of the settlement movement.

In 1977, Menahim Begin, then prime minister of Israel, announced his desire to create many settlements like Alon Morehs. Meanwhile, Gush Emunim was successful in creating more settlements in the same year and began institutionalizing itself. The settlement agency, Amana, was established and the Yesha Council, which included representatives from all settlements, convened for the first time in 1980. However, Gush Emunim ceased to exist in 1985 when some of its members, and even some leaders, were found to be members of the Jewish Underground, an extremist group of settlers that had attempted to blow up the Temple Mount. The group was also responsible for the assassination of the mayor of Halhoul, and the unsuccessful attempt to assassinate the mayor of Nablus by blowing up his car, leaving him with severed legs. However, although Gush Emunim no longer existed, its settlement project continued to grow and gained more power and political influence (Feige, 2009).

4.4 Settlement plans

Four decisive settlement plans were prepared in the years after the Six Day War:

1) The *Yigal Alon* plan that started immediately after Israel captured the West Bank, Sinai, and Golan Heights; 2) the *Matitiyahu Droblless* plan, which represented the Likud Government of 1977; 3) the *Sharon* plan; and 4) the '*Master plan for the development of settlement in Judea and Samaria, 1979-1983*'.

1) The Alon plan

Prepared by Yigal Alon, who served as the head of the ministerial committee on settlements in late 1967, this plan suggested building settlements in such a way as to achieve the following objectives:

To redraw the borders of the State of Israel to include the Jordan Valley and the Judean Desert within the territory of the state, which the plan's proponents argued was necessary to ensure state security. ... Ensuring a "Jewish presence" and constituting a preliminary step leading to formal annexation (Lein and Weizman, 2002, p. 12).

While the Alon Plan initially recommended avoiding areas that were Arab populated, its final 1970 draft was effectively suggesting annexation of around 50% of the West Bank. In this, the 1970 draft went far beyond what the plan originally suggested. It was no longer confined to the Jordan Valley and a strip of the Judean Desert but now involved Gush Etzion, almost the entire Judean Desert, and areas south of Hebron. Moreover, it suggested that the remaining land would be where a future Palestinian-Jordanian state could be built. By 1977, when the Likud government came into power, around 4,500 settlers lived in almost 30 West Bank settlements, and around 50,000 had settled around East Jerusalem. While the plan was ignored by the Likud government, which focused on settling other areas of the West Bank, it became part of the subsequent national unity government's

official policy under the leadership of Shimon Peres and Yitzhak Shamir. Through this, government resources were allocated to settlements according to the Alon plan (Lein and Weizman, 2002, p. 12). Map 1, below, demonstrates this settlement plan.

Map 1: The Alon Plan

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Source: Arieli (1), n.d.

2) The Droblless plan

As mentioned above, the Likud government did not follow the Alon plan and instead focused on settling other areas. These were settled following a plan prepared by Matitياهو Droblless, and published in 1978. This sought to accelerate the construction of settlements by establishing new settlements around existing ones and connecting them to the infrastructure and utilities of the latter. The plan's aims can be understood from the following text:

The civilian presence of Jewish communities is vital for the security of the state ... There must not be the slightest doubt regarding our intention to hold the areas of Judea and Samaria for ever... The best and most effective way to remove any shred of doubt regarding our intention to hold Judea and Samaria forever is a rapid settlement drive in these areas (Droblless, 1980, p. 3).

Map 2 overleaf illustrates this and more details are given in Annex J: The Droblless Plan.

Map 2: The Drobless Plan

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Source: ISM (2005)

3) The Sharon Plan

Ariel Sharon prepared his own settlement plan while serving as Minister of Agriculture from 1977 to 1981. The plan that bore his name was not officially endorsed by the government; however, it significantly contributed to the settlements due to Sharon's position. The Ministry of Agriculture manages the Israeli Lands Administration that allocated the land for settlements, as well as the resources needed for their establishment. In fact, this ministry managed all state

land and the financing of the World Zionist Organization's settlement activity (Lein and Weizman, 2002, p. 14).

Through this plan, Ariel Sharon reflected his belief that "it was important to prevent the creation of a contiguous area populated by Arabs on either side of the Green Line, leading to the connection of the area west of Jenin and Nablus, and north of Ramallah, to the Palestinian communities within Israel adjacent to the Green Line, such as Umm el-Fahm and Kafr Qasem" (Aronson, 1987, p. 71). Map 3 below further illustrates this.

Map 3: The Sharon Plan

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Source: <http://www.shaularieli.com>

4) The 'Master plan for the development of settlements in Judea and Samaria, 1979-1983'

This was prepared by the Ministry of Agriculture and the World Zionist Organization in March 1979 as a compromise between the Sharon and Drobless plans. The plan envisaged settlement development until 2010, and included an operational plan for the period between 1983 and 1986. The plan over this period aimed at creating 46 new settlements over a five year period to house 16,000 settler families and to add another 11,000 families to the already existing settlements that were to be expanded according to this plan (Bar-Siman-Tov, 1994). Twenty of the 46 settlements were NAHAL, that is, military settlements. The plan was also known as the 'One Hundred Thousand' plan since it aimed at bringing the number of settlers on the West Bank up to 100,000. However, things did not go according to plan in terms of settler population, which only reached around half of that anticipated in 1986 (51,000 settlers) (Lein and Weizman, 2002, p. 15).

In his book, *Israel and the Peace Process 1977-1982*, Yacov Bar-Siman-Tov explains the different groups existing within Israel in the late 1980's in relation to the settlements and who represents each group:

One group, headed by Begin, Sharon, Chaim Landau, and Hammer, demanded massive settlement of Judea and Samaria to reinforce Israel's presence there and prevent a Palestinian state. An opposing group, which included Dayan, Weizmann, and Yadin, argued that although Israelis had

the right to settle anywhere in Eretz Israel, at some times and locations it might be better not to implement this right (Bar-Siman-Tov, 1994, p. 204).

Bar-Siman-Tov also explains that Ariel Sharon had profound tactical differences with Weizmann who preferred larger urban settlements. Sharon, on the other hand, favoured many small settlements distributed all over the West Bank, including areas close to large Arab populations. He argued that fragmenting the West Bank in such a way would prevent a Palestinian state from ever existing.

It can be seen that all four settlement plans share the desire to redraw the future Israeli borders in practical terms, prevent the territorial continuity of any future Palestinian state, and ensure everlasting Jewish presence on the West Bank. The security advantage of settlements is also argued in all plans. The Sharon Plan and the 'Master Plan' clearly stated an additional desire to prevent the creation of any future Palestinian - Jordanian entity on the West Bank.

The following section will demonstrate how and to what extent the different settlement plans achieved their goals, and indicate the challenge that settlements currently pose to the creation of a Palestinian state, as the Israeli – Palestinian Peace Process and the Oslo Peace Accords suggest. At the same time, the permanent Jewish presence that all plans aimed to ensure required the creation of

a system that sustained the settlements and made them economically viable for settlers.

Overview - From 1967

As a result of the above-mentioned plans, the settlements' populations grew at a fast pace once they were established. This is demonstrated by the growth in settler population in East Jerusalem shown in the two tables below. Table 1 below lists the settler population between 2005 and 2009 and Table 2 gives an overview of the period between 1972 and 2007.


Table 1: The Settler Population in East Jerusalem, 2005-2009

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Table 2: Overview of Israeli Settlement Population

Israeli settlement population					
Year	West Bank	Gaza Strip	East Jerusalem	Golan Heights	Total
1972	1,182	700	8,649	77	10,608
1983	22,800	900	76,095	6,800	106,595
1991	90,300	3,800	137,300	11,600	243,000
1995	133,200	5,300	157,300	13,400	309,200
2000	192,976	6,678	172,250	15,955	387,859
2005	258,988	0	184,057	17,793	460,838
2007	276,462	0	189,708	18,692	484,862

Strategic Trends 2010 (Center for Security Studies, ETH Zurich)
Source: Foundation for Middle East Peace



(Source: the Center for Security Studies: ETC Zurich)

Map 4 Settlement Distribution

According to the Palestinian Negotiation Support Unit (NSU), in 2014 there were 'over half a million settlers living on the West Bank, over 190,000 of which live in East Jerusalem (Negotiations Affairs Department, 2015).

Annex B, "The Humanitarian Impact of Israeli Settlement Policies", a report prepared in January 2012 by the United Nations Office for the Coordination of Humanitarian Affairs

(OCHA), supports the NSU's estimate of around

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Americans for Peace Now, 2011

500,000 settlers on the West Bank and East Jerusalem. The report further explains that the growth rate of the settler population over the previous decade had been 5.3%, a much higher rate than that of Israel, which stood at 1.8%. In terms of the number of established settlements between 1967 and 2012, the report explains that 150 settlements and 100 settler outposts were established during that period.

Previously, in June 2006, the Guardian had reported that the settler population of the West Bank (not including East Jerusalem) had exceeded 350,000, and explained that, over the previous 12 years, it had doubled in number. Similarly, in East Jerusalem, the number of settlers had exceeded 300,000. This brought the total number of settlers to over 650,000 (Sherwood, 2012). Different sources argued that there were 121 settlements in 2008 and an additional 100 that were referred to as “outposts”, which were not even recognized as legal by Israel itself. (Council for European Palestinian Relations, n.d.). Map 4, on the previous page, illustrates the settlement distribution over the West Bank in 2011.

Table 3, below, prepared by the Israeli Central Bureau of Statistics, illustrates the population, and the growth of settlements on the West Bank, excluding East Jerusalem, in relation to where the Israeli separation barrier lies.

Table 3: Settler Population Growth East and West of the Separation Wall, 2000 - 2009

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In its settlement report, September–October 2012, *The Journal of Palestine Studies* explains that settlements located to the east of the Israeli separation barrier have been growing at a faster pace than those on the west. Since this is the side of the wall that reaches furthest into the West Bank, it is worth noting here that this fact weakens any assumptions that Israel intended the barrier to be its future border with a possible Palestinian State. To illustrate this, the Journal compiled the following table (Table 4) sourcing its information from the Israeli Central Statistics Bureau (*Journal of Palestine Studies*, 2013):

Table 4: Fastest Growing West Bank Settlements

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4.5 Settlements and International law

This section gives an overview of international laws that indicate that Israeli settlements are illegal. These are mainly based on the Fourth Geneva Convention and have been supported by the International Court of Justice (ICJ), the Treaty of Rome and a commission of the United Nations Human Rights Council. According to international law, mainly based on the Fourth Geneva Convention, Israeli settlements are illegal. This has been reiterated through a number UN Security Council Resolutions and hundreds of General Assembly resolutions. Of the former the following are especially pertinent:

- Resolution 242 (November 22, 1967)
- Resolution 446 (March 22, 1979)
- Resolution 465 (March 1, 1980)
- Resolution 478 (August 20, 1980)
- Resolution 497 (December 17, 1981)
- Resolution 904 (March 18, 1994)

Article 49 of the Fourth Geneva Convention makes clear that forcible transfers of people are prohibited, stating that:

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. . . . The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies (International Committee of the Red Cross (ICRC), 1949).

Israel challenges this by asserting that the Fourth Geneva Convention does not apply to its settlements built on the West Bank as it does not consider the West Bank and Gaza Strip to be occupied land. However, in July 2004, the International Court of Justice (ICJ) issued an Advisory Opinion that found that:

The construction of the Wall in the West Bank, and its associated régime, are contrary to international law. In the analysis leading to this conclusion, the Court also reiterated the de jure application of the Fourth Geneva Convention, the status of the oPt as an occupied territory, and the illegality of Israeli settlements built therein. The Court stated that Israel established settlements in the OPT, including East Jerusalem, in breach of Article 49(6) of the Fourth Geneva Convention. It quoted the UN Security Council position on settlements, namely that such policy and practices “have no legal validity” and constitute a “flagrant violation” of the Fourth Geneva Convention (Diakonia, n.d.).

Furthermore, Article (8) of the Rome Statute of the International Criminal Court describes what it considers to be war crimes as follows:

The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory” (Rome Statute of the International Criminal Court, 1998).

In January 2013, a three member commission formed by the United Nations Human Rights Council to examine Israeli settlements made a clear link between Article (8) of the Rome Statute and Israeli settlements. The commission explained,

Israel's policy of settlement building is a war crime that could lead to future prosecution from the International Criminal Court (ICC). Christine Chanet, who chaired the panel, claimed that the offense of "moving one's own civilian population into occupied territory" falls under Article 8 of the ICC statute [Rome Statute] (Prosser, 2013).

4.6 The settlement economy

According to Robert Friedman, between 1967 and 1992, Israel invested \$15 billion in settlements. By 1992, there were more than 100,000 settlers living in 144 settlements, excluding East Jerusalem settlements (Friedman R. , 1992). Moreover, the Journal of Palestine Studies summarizes the investment made by the Israeli government in settlements from then until 2012, as follows:

During the Oslo era, successive Israeli governments have invested almost \$7 billion to encourage and expand settlement in the West Bank and, until 2005, in the Gaza Strip. After the signing of the Oslo accords in 1993, the government of Yitzhak Rabin inaugurated huge infra-structure projects favoring settlement in the West Bank, most notably the new system of bypass roads linking settlements to Israel. In 1993, governmental investment in the territories peaked at more than \$627 million, \$605 million of which was earmarked for construction, housing, and development. From 1994 to 1997,

investment averaged \$376 million annually, while in 2003, it reached about \$527 million. According to data compiled by Israel's Central Bureau of Statistics, from 1992 to 2011 the Israeli government invested more than \$6.77 billion (in 2011 dollars) in the territories (Journal of Palestine Studies, 2013).

According to these two sources, the total investment in settlements made by the Israeli government between 1967 and 2012 is around \$22 billion. It is worth noting that this does not include the cost of occupation in itself or the security needed to maintain those settlements. For instance, according to the Adva Center, Israel's separation barrier was doubled in length just to annex settlements that are located west of the barrier. Therefore, instead of the wall being 313km long, as it would have been if built along the green line, it is in fact 790km long, costing the Israeli government NIS13 billion (around \$3.6 billion). While the Adva Center explains that it is impossible to calculate exactly how much it costs the Israeli government to maintain its occupation of the Palestinian territories, the Center has compiled the following table (Table 5) that summarizes the likely cost of Israeli occupation between 1989 and 2010:

Table 5: Cost of Occupation

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(Source: Adva Center, 2012)

4.7 Industrial settlements

While financial and political incentives have drawn many non-ideological settlers to live on the West Bank, another type of settlements has been a growing attraction: industrial zones or industrial settlements. As Drobless stated, "The problem is finding jobs for Jews who live in the territories. I need factories, and investment capital from America" (Friedman, 1992, p. 3).

As discussed earlier, settlements have drastically evolved over the past decades since the 1967 war and the occupation of the West Bank and Gaza Strip. While this chapter started by explaining the ideological motivations to settle Eretz Israel for Jewish immigrants and settlers, since new “economic” type of settlements have evolved over the last two decades, it is pertinent to close by discussing these.

First, polls today show less spiritual or ideological motives among Israeli settlers.

The majority of settlers (85% it is reckoned) are so-called ‘economic settlers’, of no particular ideological stance, who reckon they can get a better life for the same money living in a settlement than in Israel proper. Settlements are heavily subsidized by the Israeli government: housing is cheaper, there are tax breaks for their children’s education - and the view from the hilltop is outstanding. A minority of settlers however are there for ideological reasons (Palestinian Primer).

In relation to this, Canadians for Justice and Peace in the Middle East (CJPME) define settlement industrial zones as

fortress-like hill-top factory complexes connected to nearby hill-top settlements. They are the economic engines of the illegal Israeli settlement blocs. In the best cases, they provide an industrial base for Israel’s illegal colonial development in the territories, exploiting cheap Palestinian labour. In the worst of cases, they offer a particular attraction to industries considered

toxic or otherwise undesirable in Israel proper due to the fact that stringent Israeli labour and industrial laws are not applied in the occupied territories (CJPME, 2005).

Thus, hundreds of Israeli companies, factories, workshops, and various businesses exist on the West Bank, and are referred to as settlement companies. Who Profits From Occupation is an Israeli left wing charity and one of the leading advocates against settlement companies and any financial involvement with them. This organization explains the situation as follows,

Israeli industrial zones within the occupied territories hold hundreds of companies, ranging from small businesses serving the local Israeli settlers to large factories which export their products worldwide. Several settlements, especially in the Jordan Valley and the Golan Heights, produce agricultural goods, such as fruits and flowers, and sell them in Israel and abroad. Settlement production benefits from low rents, special tax incentives, lax enforcement of environmental and labor protection laws and other governmental supports (Who Profits, n.d.).

The same organization offers detailed profiles of around 200 settlement companies, what products they produce, and where their products are marketed. Other Israeli organizations that have openly lobbied against settlements and their industries, as well as against trading with them, include B'tselem, Gush Shalom, and Peace Now.

Among others, these organizations provide information on settlement products and the companies producing them.

4.8 Conclusion

This chapter introduced the Israeli settlements, explaining their different types and what the motives behind their establishment were. There is a clear link between Zionism and the construction of settlements, as it is clear that they were the means to realising Zionism. Thus, the different types of Zionism also resulted in different types of settlements. The chapter explained how settlements evolved from a mere idea to the reality today where there are over 500,000 settlers living on the West Bank. The different conditions that enabled the establishment of settlement were also discussed. These conditions provided a fostering environment that saw the settlement project evolve and include strong support from different Jewish agencies, as well as legislation that eased the transfer of Arab land to Jews.

Four different plans were drawn up by Jewish and Israeli leaders to promote settlements. Those plans however were faced with challenges both from within the Zionist movement and from the Arabs inhabiting the area. Ultimately, the biggest challenge that still faces settlements today is their illegal status in international law.

Having given some insight into the settlements themselves, in the next chapter, I introduce the Palestinian nonviolent movement that challenges the settlements including its historical roots and its evolution to its present day forms, as well as Israel's response to its activities.

Chapter 5

An overview of Palestinian popular resistance

5.1 Introduction

This chapter takes a brief look at the history of Palestinian nonviolent resistance since the final decades of the nineteenth century. Towards the end of the Ottoman Empire, Palestinians used nonviolent means to express their objection to Ottoman policies that created easier conditions for the transfer of Palestinian land to Jewish immigrants. During the British Mandate, following the collapse of the Ottoman Empire, nonviolent resistance again became a clear choice for Palestinians protesting British policies that favoured Zionism, most notably through the Great Revolt of 1936. After discussing these events, the chapter summarizes the nature of popular resistance during the different eras since the creation of the State of Israel in 1948, mostly from the start of the first Intifada through to the more recent campaigns against Israel's Separation Wall and settlements on the West Bank. Before concluding, the final section considers how Israel's response to such nonviolent protest, brings the credibility of its claim to being a democracy into question.

5.2 Palestinian nonviolent resistance under the Ottoman and British Empires

Palestine was a province of the Ottoman Empire for almost 500 years; continuing as such up until the end of World War 1. Following this, the revival of European interest in Palestine manifested as the desire to instate a foreign body (that is, a sovereign Jewish state) in the middle of the Arab states of the Middle East to help prolong European colonization of the area. Coupled with the weakness of the Ottoman Empire and the influence of the Zionist movement, this made Palestine especially vulnerable to the Jewish settler movement.

5.2.1 Under the Ottoman Empire ...

In the nineteenth century, towards the end of the Ottoman era, Palestine was made up of 672 towns and villages and had a population of around 460,000, of which less than 3% were Jewish (Qumsieh, 2011, p. 37). The number of Jewish inhabitants at the time was around 15,000, most of whom lived in four areas that carried religious significance: Jerusalem, Hebron, Tiberius, and Safad. Their attachment to the land was religious rather than nationalistic (Beinin and Hajjar, 2014).

Previous to this, in 1849, the Ottoman Empire eased its restrictions on landownership, giving Jewish Europeans a chance to purchase land. This, along with laws introduced between 1858 and 1867 requiring Palestinian peasants to pay taxes on property and so making it more difficult to for them to retain their

land, had a significant impact on transferring land into Jewish ownership (Stein, 1984). As Qumsieh explains,

The land law of 1858 was followed by the registration law in 1861 (Tabu) and in 1867 a law that made foreign landownership easier. These changes and enforcement of taxation laws bankrupted many villagers and enabled the state to confiscate their lands and sell them in public auction (Qumsieh, 2011, p. 40).

Consequently, the Zionist program put Palestine under the threat of being turned into a Jewish state. This threat was borne out since, after the first wave of immigration to Palestine, in the 1880s, the Jewish population rose to 24,000, and by 1914 it had risen to 85,000 (Darweish and Rigby, 2015, p. 11).

Once this threat became clear to Palestinian society, its intellectuals (including Palestinian representatives to the Ottoman Parliament) and farmers united to face this and, in 1868, formed the Syrian Association or *Al-Jamiyah Al-Surriya*, with members from all over the Levant. Its slogan was '*Tanabahu Istaiqithu Ya Arab*' (Wake up and be alert ye Arabs) (Qumsieh, 2011, p. 38).

Through the work of this organisation and Palestinian popular resistance against Jewish settlements and the policies that eased land transfer to Jewish Europeans under Ottoman rule took three main shapes: protests, research and publications;

establishing political parties; and establishing civil society organizations. These were mainly directed towards preventing further concessions to Zionist aspirations in Palestine.

Examples of such actions include nonviolent street protests in 1886 held by the people of Al-Khadaira and Malbas against the expansion of the Petah Tikva settlement and Muslim and Christian petitions to the Grand Vizier, such as that dated 24, June 1891 (Qumsieh, 2011, p. 41). Most notably, in 1910, there was a call for an Arab boycott of Jewish businesses and goods.

The type of action depended on the class and profession of those taking part. The public figures and landowners formed political parties and organizations that were in direct contact with the Ottoman rulers, and therefore took on a diplomatic role. The educated middle class researched the issues, and wrote articles and petitions. However, the peasants, who were directly affected by Zionist immigrants and their settlements, adopted more offensive resistance methods (Darweish and Rigby, 2015, p. 12). The arrival of the British at the end of the First World War initially seemed to herald an improvement in the situation. However, as discussed in the next paragraph, circumstances proved more complex.

5.2.2 Under the British Empire 1920 - 1948...

In 1917, British soldiers made their way into Palestine under the leadership of General Allenby, commander-in-chief of the Egyptian expeditionary force. The Turkish sultan, Abd-Elhameed, decided to spare the city of Jerusalem by handing it over to the British without a fight. Moreover, Palestinian elites and religious leaders welcomed the British and received them openly, since in their view the troops had come to end the Turkish occupation of Palestine. Britain however had other plans, which supported its commitment to establishing a foreign body in the middle of Arab states.

In hindsight, it is clear that Britain honoured this commitment, as reflected by the fact that Jews had become a third of the entire population of Palestine by the time the British left in 1948. This was also the case in relation to land ownership since, by this time, Jews owned 7% of the total land, in comparison to around 2% when the British arrived (Middle East Web, n.d.). This drastic change was due to policies and regulations imposed by the British, favouring Zionist ambitions while marginalizing Palestinian needs.

Nevertheless, the Arabs remained hopeful of redeeming their alliance with Britain against Ottoman Empire under their own national governance and autonomy. And, even when news of the 1917 Balfour Declaration supporting the

establishment of a Jewish State in Palestine, reached them, they kept their faith in the promise the British had made to them. However, they became aware of the need to get organized and therefore the Muslim-Christian Association, with branches all around the country, was established to oppose Jewish aspirations (Darweish and Rigby, 2015, p. 13).

Yet it wasn't until 1920, when the British announced their desire to follow through with the Balfour Declaration, that the Arabs started organizing nationwide strikes and protests. These remained predominantly nonviolent, with examples of resistance activities in this era including the following (Qumsieh, 2011):

- The *Abd-Elhameed*, adopted the Arab national anthem and the Arab flag of revolt in May 1918, despite British opposition.
- Forming nationalist organizations such as *Al-Nadi Al-Arabi* and *Al-Montada Al-Arabi*, also in 1918.
- Local Muslim and Christian societies united and collaborated under the same by-laws in 1919, centralizing their efforts in protecting individual and national rights, calling for youth education and national development in different areas.
- When Palestinians were prevented from attending the Syrian Congress in 1919, they tried to sail there from the port of Jaffa in a symbolic act of resistance.

- Several publications appeared expressing the desire for Arab unity and independence. These included: *Surya Al-Janubiya* (Southern Syria); *Mir'at Al-Sharq* (the Mirror of the East); and *Bait Al-Maqdes* (Jerusalem).
- When the British expressed their plans for a mandate to the Palestinians in February 1920, a demonstration was held in Jerusalem. This sparked further demonstrations in all Palestinian cities on the 11th of March 1920, starting two years of unrest, protests, petitions, nationalist festivals and demonstrations.
- The appointment of the hard-line Jewish sympathizer, Herbert Samuel, in June 1920 as the face of the British Civil Administration sparked immediate protests, boycotts, strikes, petitions, and mass resignations from government posts.
- On 18, March, 1921, while Churchill was giving a speech that openly insulted the Palestinians, a day of general strike was called for in Palestine.
- In May 1921, angry demonstrations protesting Churchill's visit to Palestine prevailed in all cities. Around 20,000 Gazans flocked to meet Churchill's train.

At times, the British adopted a violent approach in dealing with Palestinian nonviolent resistance. In each of the active public protests in the examples above, the British responded by firing a hail of bullets over the protestors.

5.2.3 The great revolt of 1936...

By April 1936, the situation had become intolerable for the Palestinians. The deteriorated economic situation, along with the rapid growth of the Zionist movement and the British laws that led to the drastic increase of Jewish land ownership, paved the way for revolt.

The precise incident that actually instigated the revolt remains contested. While activists in Nablus issued a call for a general strike throughout the country on 13 November, 1935, it seems that it was a meeting of key Palestinian leaders on 20 April, 1936, that gave the call that actually initiated an open-ended general strike. This was inspired by the 45 day Syrian strike that led the French to cede to their demands in February, 1936. Various political factions supported this call to strike and agreed to a policy of non-cooperation and civil resistance. To facilitate this, the Arab Higher Committee was formed on 25 April, 1936,. This committee became the umbrella organisation for all the different political factions in Palestine.

Over the next few weeks, angry demonstrations broke out in different cities, some of them ended with Palestinians being shot, and others with Zionists being killed. These led to greater Palestinian organisation, as described by Qumsieh (2011, p. 80):

A conference of the national committees met in Jerusalem the following day and declared that, from May 15, onwards, people should stop paying taxes unless their demands were met. National committees were formed in many cities to promote the strike and develop other types of nonviolent resistance and service committees.

The nonviolent forms of resistance employed in this revolt included demonstrations, boycotts, economic sabotage, tax revolts and other acts of civil disobedience. The British authorities responded violently, killing, detaining, expelling and executing protesters, and demolishing hundreds of homes. However, the revolt was successful in making the British realize the resentment towards their policies, and that Palestinians were not willing to give in to their Zionist plans. At this point, the British had to bring reinforcements in from Cyprus, Egypt, to help deal with nearly ten disturbances every day for several months. Eventually, they asked their Arab friends in the Middle East to mediate the end of the revolt in return for vaguely promising to look into their demands. Consequently, the 1936 revolt ended under Arab influence and in response to the request of the Arab, King Faisal (Qumsieh, 2011, p. 87). While this study's focus is on the nonviolent nature of Palestinian resistance, it must be noted that the 1936 revolt was not entirely nonviolent. In fact, after the initial six months, resistance became increasingly violent over the following two years, degenerating to the

extent that its targets became those Arabs who were not loyal to 'the cause' (Rigby, 2010).

5.3 The First Palestinian Intifada (1987-1993)

Over the 20 years following Israel's occupation of the West Bank, Palestinian positions on how to deal with Israel varied. These variations resulted from the fact that Israel had become part of their reality; and had been so for decades. Also, for many reasons, Palestinian hope for anything more positive was diminishing. Among those reasons was their diminishing faith in the Arabs, and their misplaced expectations of the United Nations and international law. All of which undermined the myth they had relied on that liberation is to be waited on to come from outside. This led the Palestinians to turn to self-reliance within the West Bank and Gaza (Qumsieh, 2011, p. 134); and to a significant understanding of the mechanisms involved in maintaining colonial powers, as explained by Abu-Lughod (1990, p. 7):

The Intifada and its leadership understood the fundamental law applicable to the achievement of independence in colonial situations: a colonial system can be defended and maintained successfully as long as the benefits a colonial power derives from the colonized exceed the costs.

In her book, 'A Quiet Revolution: The First Palestinian Intifada and Nonviolent Resistance', Mary Elizabeth King explains the changes and differences in Palestinian perceptions and strategies that led to the first Intifada. She describes how the Unified National Leadership Command came to surface as the leadership of the Intifada on the ground (King, 2007, p. 205). The different positions and opinions were manifested in the strategies suggested by the many leaders of Palestinian society. The most visible division among the Palestinian leadership was that between the external leadership (the PLO) and the internal leadership (the Unified National Leadership Command) in the West Bank and Gaza Strip. King explains the emerging conflict between those in favour of an exclusively nonviolent uprising within the Command and with the PLO, with the latter favouring more violent forms of protest:

The combining of military and nonviolent methods of struggle, the theory advocated by Palestinian theorists as "all means of struggle", was the main area of conflict within the Command and the issue that eventually became the most conspicuous disagreement between Palestinians in the territories and the PLO in Tunis (Daoud Kuttab's private papers, cited in King, 2007, p. 211).

Leaflets were distributed by the Unified National Leadership Command on a bi-monthly basis to guide the masses as to the appropriate tactics and strategies. As

King explains, the conflicting positions on the adoption of a solely nonviolent struggle were reflected in these leaflets:

Paragraphs coexist in the same leaflet calling for knives or Molotov cocktails alongside others calling explicitly for nonviolent means. Such combinations reflect a compromise between those on the Command who wanted a reversion to violence and those who wanted adherence to nonviolent strategies (King, 2007, p. 210).

In what seems rather contradictory terms, even Abu-Lughod (1990, p. 10) refers to the Intifada as having “expressed itself in extremely militant but not violent means”.

According to King, a specific incident where four Palestinians were killed at an Israeli checkpoint on the 9th of December 1987 ignited the Intifada, although it had been in the making for generations (King, 2007, p. 1). However, like the Great Revolt of 1936, the particular incident that started this seemingly spontaneous and indigenous uprising remains contested. Qumsieh refers to an incident on the 8th of December 1987, where an Israeli truck ploughed through two cars carrying Palestinian workers killing four and wounding five, as another possible starting point for the intifada. However, what is not contested is that whatever incident it was, it was merely the spark; and it was, in fact, the political landscape of

previous years that led to the intifada (Qumsieh, 2011, p. 136). Abu-Lughod views that decisive landscape as far back as when British soldiers entered Palestine in 1917, when he states:

Whether the intifada was initiated on December 7, 8, or 9, 1987, may not be that significant; what is significant, at substantive and symbolic levels, is that the outbreak occurred exactly seventy years after Palestine was militarily occupied by the British forces (Abu-Lughod, 1990, p. 7).

Abu-Lughod (1990, p. 10) further explains that “[t]he Intifada is essentially about the right of the Palestinians in the West Bank and Gaza to determine their destiny. The exercise of that right would entail the termination of Israel’s occupation of the West Bank and Gaza”.

When discussing the Intifada’s aims, King refers to a list of demands that was released by Palestinian intellectuals that became the blueprint of the first Intifada:

A list of demands was released, grouped into fourteen clauses, and presented by Palestinians from the West Bank and Gaza. The document has come to be known as the Fourteen Points by Palestinian Personalities. ... The fourteen demands speak to issues of military occupation, such as the need to abide by world conventions on human rights, including those concerning deportations,

prisoners, imprisonment, actions by Israeli settlers and soldiers, and rights of political freedom (King, 2007, p. 193).

Many scholars mention and explore the nonviolent nature of the first intifada along with its tactics and methods. King also explores its relationship with Gene Sharp and how he influenced the first Intifada's strategists who in turn translated his theories into practice (King, 2007, p. 153). General strikes, demonstrations, media outreach through leaflets, graffiti, and popular committees were among the many nonviolent actions carried out and thoroughly discussed by scholars during the first intifada. The most violent aspects of the first intifada were throwing stones and Molotov cocktails at Israeli soldiers. However, to provide specific evidence of its nonviolent nature, Mary King reports that only 12 Israelis were killed over the five-year life of the first Intifada.

5.4 Post Oslo Peace Accords to the Second Intifada (1993-2000)

Popular struggle in this era was at its lowest. However, it is worth mentioning that this was the direct result of the first Intifada, which had set the negotiation of a peace settlement with Israel as its main strategy towards achieving Palestinian independence; and it was successful in doing so. Therefore, the grand strategy that Palestinians adopted during this period was nonviolent and popular resistance diminished while it lasted. Qumsieh explains that this was in fact a

condition that the new PNA was to abide by, stating that, in the PNA, “[t]he Oslo Accords created an authority expected to put down resistance and the national struggle became complicated” (Qumsieh, 2011, p. 165). Regardless of the results of the actual negotiations, one can argue that the nonviolent nature of the first Intifada was successful enough to have forced Israel into negotiating with the Palestinians, leveraging the occupied to sit at the table with the occupier as equal parties.

5.5 The Second Intifada (2000 – 2005)

On the other hand, the second Intifada was known to have involved much violence from both the Israeli and Palestinian sides. As Bröning explains,

during the first month of the second Intifada, the Israeli army fired approximately 1.3 million bullets in the West Bank and Gaza despite the fact that at this stage Palestinians had refrained from using firearms and suicide attacks. This policy reportedly had the explicit aim of ‘fanning the flames’ and of transforming the demonstrations into a confrontation that could be dealt with militarily rather than politically (Bröning, 2011, p. 135).

Like the Great Revolt of 1936 and the first Intifada, the second Intifada was preceded by years of resentment that lurked behind the specific incident that started it. However, in the case of the second Intifada’s, there is no ambiguity

about the incident that ignited it: Ariel Sharon's provocative visit to 'Al-Haram Al-Sharif', the holiest Muslim site in Jerusalem, on 28 September 2000 (Qumsieh, 2011, p. 169).

It is not this study's focus to explain why the second Intifada was violent. However, in the midst of its violence, much nonviolent action against occupation emerged. Eventually, violent resistance faded away, leaving the negotiating field almost entirely to popular struggle and alternative forms of resistance. More importantly, popular resistance once again became systematic; its own leadership emerged and it involved other nationalities besides Palestinians. This was the International Solidarity Movement (ISM).

Bröning explains the shift in Palestinian policy in the second half of the last decade, where nonviolent resistance became more institutionalized in all political parties' programs. He states that "it is not argued that the tactics of NVR [nonviolent resistance] per se have fundamentally changed; they have not. Rather, it is shown that the political adaptation of NVR has developed in terms of political inclusiveness" (Bröning, 2011, p. 132). In relation to the Palestinian government and nonviolent resistance, he states:

For Prime Minister Fayyad, the 13th Government Plan 'Palestine – Ending the Occupation, Establishing the State' in itself is an integral part of NVR.

Incorporating the concept of sumoud and traditional community-building elements of NVR implemented even before the first Intifada, preparing Palestinians for statehood is considered the constructive counterpart to rejecting occupation. Thus, on 25 April 2010 the Palestinian Cabinet stipulated that 'peaceful resistance and state-building efforts are parallel tracks' (Bröning, 2011, p. 144).

Furthermore, many activities during the second intifada resemble Palestinian nonviolent resistance today, as listed by Bröning (2011, p. 139), also, lists activities during the second intifada that resemble Palestinian nonviolent resistance today:

- 1) The Stop the Wall Campaign
- 1) Initiatives to break Israel's blockade on Gaza.
- 2) The Boycott, Divestment, Sanctions movement.
- 3) The PNA nonviolent resistance efforts.

Before discussing these four categories in depth, the ISM, which had become an integral partner and main actor in all these nonviolent campaigns, must be introduced more fully.

The International Solidarity Movement

According to their website, the ISM is: "a Palestinian-led movement of Palestinian and international activists working to raise awareness of the struggle for

Palestinian freedom and an end to occupation. We utilize nonviolent direct action methods of resistance to confront and challenge illegal Israeli occupation forces” (Sandercock, 2004 , p. 20).

The organisation was established in early 2001 in response to the collapse of the Oslo peace process to support the launch of the second Palestinian Intifada. By this point, it had become clear to Palestinians and their international supporters that official efforts made by the Palestinian leadership to involve the international community to intervene and stop Israel’s aggression were futile. Most notably, the PLO’s request to the United Nations to open an immediate investigation and protect Palestinian civilians from Israeli military attacks was met with Israeli and US opposition (Seitz, 2003).

However, the continued absence of international intervention made room for transnational civil society to step in by sending delegations of international volunteers (Dudouet, 2006). From the ISM’s perspective, it was clear that the Israelis would give more value to internationals’ human rights than they would to Palestinians’. Therefore, since Palestinians were unable to face Israeli injustices on their own, having international volunteers stand beside them would give weight to their protest and highlight their demands, while adding a major challenge to the Israeli army. The ISM maintains this approach in the present day, as stated on its website:

We recognize that as internationals working under Israeli apartheid our position is privileged. We have rights that are denied to Palestinians. When we are arrested we are taken to a police station and have the right to a lawyer. When Palestinians are arrested they are taken to military bases where they face indefinite detention without a lawyer or fair trial. ISM uses the privileges of internationals to support Palestinian popular resistance.” (International Solidarity Movement, 2015)

In explaining the origins of the ISM, Qumsieh traces its founding back to long before it was officially announced. He relates its beginnings to when the Centre for Rapprochement between People (PCR) involved internationals during the first Intifada in 1989. He further explains that

[the founders of ISM] were involved in neighborhood committees which mobilized to cope with life under siege and to engage directly in popular resistance through community organizing efforts under Israeli occupation... PCR took a leading role in peaceful resistance and set up a peace camp to protest against the construction of Har Homa settlement in the Abu-Ghneim area in 1994-97. One peace camp, which housed Palestinians and Internationals, remained on the hill for four months, 24 hours a day” (Qumsieh, 2011, p. 171).

Qumsieh describes how the ISM was born in 2001, through the efforts of Ghassan Andoni, Neta Golan, and Luisa Morgantini, when the PCR organized many demonstrations involving internationals that were inspired by the international involvement of 1989 (Qumsieh, 2011, p. 172).

Since 2002, the ISM has managed to maintain a continuous presence in a number of Palestinian villages, where it has stood in solidarity with the village inhabitants against the specific Israeli injustices they face; the most notable of these was, and is, the Israeli Separation Wall. In fact, it has become quite normal to find volunteers from the ISM next to Palestinians in any nonviolent action. For instance, even when President Arafat was besieged at his presidential compound in Ramallah, forty volunteers from the ISM remained with him throughout his confinement (Qumsieh, 2011, p. 174).

However, certain criticisms are sometimes aimed at the ISM. Of these, Koensler and Papa (cited in Parry, 2010) discuss the following two:

- 1) At times, participating in solidarity activities has become a goal in itself, eclipsing the actual Palestinian cause; even though, in some cases, the activity itself is not of use to the Palestinian residents, nor appreciated by them. For example, graffiti by one of the British street artists – Banksy – that decorates the Separation Wall near Qalandia illustrates an Israeli

soldier checking a donkey's ID card. Some Palestinians felt this was insulting and painted over the graffiti. Nevertheless, Banksy contributed to raising awareness about the wall, saying that 'Palestine is now the biggest open-air prison of the world', and referring to the barrier as 'the ultimate activity-holiday destination for graffiti artists'.

Another example of this shortcoming is the 'Peace March' in 2007, which sought to dig a well for Palestinian *Bedwins* residing in the Negev. The participants, who included Israeli and international activists but no Palestinians, ended up dancing and 'having a good time' before digging the well two km away from the *Bedwins'* homestead. Consequently, the *Bedwins* later found it easier to purchase water from a nearby Israeli settlement.

- 2) ISM members tend to represent the Palestinian people in international arenas based on limited involvement and understanding of the complex situation. To illustrate this, Koensler and Papa refer to an interview they conducted with an ISM member who spent two weeks in Hebron, having never heard of Hebron before her visit:

Thus we have a situation in which an activist is making claims in international new-media forums about social justice in the name of a whole population, despite having been familiar with the situation she

is discussing for only a couple of weeks.” (Koensler and Papa, quoted
in Parry, 2010, p. 14)

5.6 Response to the Separation Wall

As a response to Israel's Separation Wall, the 'Stop the Wall' campaign was launched by the Palestinian NGO Network (PNGO) in October 2002. This gave a great boost to the Palestinian struggle against the wall (Qumsieh, 2011, p. 177). Qumsieh gives many examples of the 'Stop the Wall' campaign's activities but singles out the systematic approach that first emerged in the village of Budrus as particularly significant. Budrus, with a population of 1400, launched what would become its weekly demonstrations on 9, November 2003. These demonstrations were carried out by the local villagers with the participation of the ISM. The PNA was almost entirely absent not only from the planning of the activity but even from participation in it, causing frustration for the villagers and emphasizing their need to take action on their own (Qumsieh, 2011, p. 178).

There was also international condemnation of the wall exemplified when, on 9, July 2004, the International Court of Justice (ICJ) issued an advisory opinion that deemed Israel's construction of the wall illegal. The decision states that

Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to

repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.” (International Court of Justice, 2004)

Not only did the ICJ’s decision deem the Israeli wall illegal, it went beyond that to label the Israeli settlements and their activity on the West Bank as illegal. This decision reflected the legal basis that inspired Palestinian (and ISM) campaigns. And it became a reference that remains central to their argument against both the wall and the occupation. The PNA however failed to capitalize on this decision, which again left it to the civil society to begin organizing campaigns involving boycotts, divestments and sanctions (Qumsieh, 2011, p. 181).

In respect to the origins of the Separation Wall, Palestinians argue that it was built not for security reasons as Israel claims, nor do they consider it contrary to Israel’s overall policy. Rather, they view it as another tactic within the same strategy that was set forward even before the establishment of the state of Israel in 1948: to grab and annex as much land as possible.

To understand this argument, it is important to realise that, while the wall is currently measured at 711km long and is built within the 1967 armistice line, it is in fact double this length since it swerves into the West Bank so as to annex around 47% of its agricultural land for the benefit of Israeli settlements. With this land, it also captures the water resources that local Palestinians depend on (PLO Negotiations Affairs Department, 2013).

Four conditions must be met for a colonial or settler immigrant society to survive (Usher, 2005):

- 1) They must obtain a measure of political, military, and economic independence from their metropolitan sponsors.
- 2) They must achieve military hegemony over, or at least normal relations with, their neighbouring states.
- 3) They must acquire international legitimacy.
- 4) They must solve their "Native Problem".

While Israel has been overwhelmingly successful in meeting the first three conditions, it has not solved its native problem involved in attempting to fulfil the Zionist dream of having an exclusively Jewish state. Although it had achieved this in 1948, it ironically let go of that condition when it took and maintained control of the West Bank and Gaza Strip in 1967. However, while the ethnic cleansing of Palestinians in 1948 was successful, Palestinians did not flee their homes in the West Bank. Ever since then, Israel has not decided on whether to settle on a demographic solution by letting go of land inhabited by the Palestinians (that is, the West Bank and Gaza), or to settle for territorial gain by upholding its occupation of the 1967 area. As a result, Israel has settled for something in between whereby it separates and isolates Palestinian inhabitants while

maintaining control over the West Bank and expanding its settlement project (Usher, 2005).

Popular Struggle against the wall...

It became customary for villages affected by the wall to hold weekly demonstrations after Friday prayers. In the case of Bili'n these weekly demonstrations have been held since 2005 till the present day (2015). Many scholars have been attracted to such systematic popular resistance, and have analysed their different characteristics.

Of these scholars, Maia Carter Hallward (2009, p. 541) is of particular interest for her paper, "Creative responses to separation: Israeli and Palestinian Joint activism in Bil'in". Here, Carter explains that the Bil'in struggle against the Separation Wall draws special interest due to the length of its sustained nonviolent approach. It is an example of joint Israeli-Palestinian activism against occupation at a time when the "no partner" narrative dominates the Palestinian and Israeli perceptions. Joint efforts at such times, especially after the outbreak of the second Intifada, have put people at risk of being labelled as traitors. Differences are clear in that, for Palestinians, there is a strong anti-normalization rhetoric, whereas for Israeli activists, government imposed physical and legal barriers are prominent.

Against this background and with the help of international and Israeli activists, the West Bank village of Bil'in was able to win an Israeli High Court ruling that

the route of the Separation Wall through Bil'in should be changed (The Associated Press, 2007, referenced in Carter Hallward, 2009).

Thus, despite its oppressive nature, the Separation Wall provides a focus for the Palestinian struggle. In a simple and concrete manner, it represents the complex Israeli system that enforces separation. As Carter Hallward (2009, p. 543) states, "[i]n the case of Israel/Palestine, identity classifications, checkpoints, and the separation barrier demonstrate the interaction between geographic, political, and social identities."

Palestinian, Israeli, and international demonstrators seek to counteract these territorial tendencies; for instance, Israelis and internationals bypass checkpoints specifically set up to keep them from reaching the Palestinian demonstrators. For their part, the Palestinians seek to humanize the struggle and move it away from its territorial tendency. Thus, the different cultural positions of the various demonstrators create different approaches, as Carter Hallward (2009, p. 547) explains: "Tactical and strategic differences in the use of nonviolence stem from different degrees of access to formal structures and institutions of power, sociocultural dynamics, and political objectives".

Moreover, both Palestinian and Israeli demonstrators are now concerned to shift the perception of the Palestinian resistance movement from a form of terrorism to a legitimate nonviolent struggle against injustice and occupation. This is being

done by carefully selecting slogans and demonstration themes that aim to ensure that their legitimacy is not only apparent to those directly involved in the conflict or concerned politicians, but also to the wider international audience that has wide variety of experiences and perceptions.

While Israeli and Palestinian activists differ on what the ultimate just resolution to the conflict is, they normally focus on the abuses of occupation over which there is no contention, such as the separation barrier's route, specific checkpoints, home demolitions etc..

To return to the example of Bil'in, between 2005 and 2009, the village witnessed acts of nonviolent struggle for 135 consecutive weeks. While many activities chosen by the activists are similar to those carried out throughout the West Bank, Bil'in activists were innovative in their nonviolent actions in a way that made clear the legitimacy of their cause not only to those following their media coverage, but also to the soldiers standing in front of them. Such actions were intended to highlight the root causes behind the demonstrations:

Activists seek to move beyond the impersonal and displacing tendencies of the official narrative to visually depict not just the confrontation that can sometimes occur between soldiers and protestors, but rather the reason for the protest." (Carter Hallward, 2009, p. 548)

By protesting together, Israelis and Palestinians continue to challenge the traditional 'us and them' boundaries. On a practical level, this is justified since soldiers admit that they are constrained in using force against activists when Israelis are present among them. At a more symbolic level, this cooperation shows that the type of partnership within which normal relations can occur do in fact exist. Moreover, joint struggle also undermines the moral authority of state actions and may alter soldiers' interpretation of orders, as well as attracting media coverage in Palestinian, Israeli, and international circles. This, in itself, challenges existing perceptions of the nature, reasons, and goals of the struggle and Palestinian resistance.

5.7 On Israel's response to Palestinian nonviolent popular struggle

This section looks briefly at the rationale behind Israel's response and its effectiveness in dealing with nonviolent resistance. One of the crucial factors is Israel's ability to maintain credibility despite its illegal occupation is its democratic status. Consequently, certain assumptions are made that constrain Israel when dealing with nonviolent action. As Dana (2011, p. 11) explains:

In a region of authoritarian dictatorships, the logic goes, Israel's maintenance of a liberal democracy gives it wiggle room in dealing with difficult security decisions, including its 44-year-old occupation of land secured in a pre-

emptive war. Nonviolence is cracking away at Israel's exceptional position by demonstrating the power that nonviolence has in situations of oppression".

As the quote above indicates, this situation gives nonviolent activists a clear target: to undermine Israel's image as a democracy. Their activities aimed at doing this include the following:

- 1) The July 2011 arrival of European activists at Ben Gurion Airport with the intention of traveling to the occupied West Bank. The activists wanted to challenge Israeli sovereignty over the West Bank by demonstrating their inability to openly travel there. Israel's reaction was to detain and deport the activists.
- 2) The march towards and the infiltration of Israeli borders surrounding the Golan Heights on 15, March 2011 to mark the Nakba's anniversary. In this case, Israel shot and killed 23 unarmed demonstrators and wounded hundreds.
- 3) A second attempt to bring a flotilla of ships to break the Gaza blockade that took place one year after the deadly Israeli interception of the Mavi Marmara and its accompanying ships in 2010. In this case, Israel successfully stifled the departure of all ships that were set to sail from

Greece. The only one to arrive was a French vessel called “La Dignité”, which carried 16 passengers. Israel sent ten warships with over 150 soldiers to detain and deport the activists. Following this, “[t]riumph filled the air in Tel Aviv and Jerusalem over avoidance of the violence such as last year’s flotilla met” (Dana, 2011, p. 10).

- 4) The activities of the BDS movement coupled with its ability to gain traction in highlighting the economic integration that the occupied Palestinian territories represent to Israel. As a result, the Knesset passed a bill criminalizing Israeli citizens who call for or participate in boycotts of Israeli or settlement products. Thus, in spite of the consequent bad publicity and damage to Israeli democracy, Israeli legislators’ panic and fear of such nonviolent action was so great it led them to pass such anti-free speech legislation.

These examples illustrate how, in Dana’s (2011, p. 10) words, “Israel’s recent reactions to Palestinian nonviolence, both locally and internationally, reflect its problem: maintaining an ethnic democratic state battling nonviolent resistance to its colonial management of the territories.”

In response, there was significant protest from within Israel and, in December, 2009, Jamal Jum’a, the Palestinian activist, was arrested following his article,

published by the Huffington Post on Oct 28th 2009, entitled: "It will take more than a wall to silence us". In this he calls for the release of Palestinian nonviolent activists who have been held in Israeli detention.

Despite this, in 2010, 40 anti-wall activists had been sitting in Israeli prisons over the course of the previous six months; and a further 34 Bil'in activists, and 94 Ni'lin activists had been detained over the previous 18-month period. These activists had been among those participating in the weekly nonviolent activities and protests against the Israeli wall. The detainees had not been sent to trial and so were serving 'administrative detention'. Jamal Jum'a was among these and was released on 13, January, 2010, as a result of international and diplomatic pressure that made it extremely uncomfortable for Israel to maintain his detention. This was not the case with the remaining detainees who were less known to policy makers, or to international and Israeli activists. Such targeted arrests however prove that the weekly protests and nonviolent activity against the wall and occupation were growing disturbingly effective.

Thus, it is clear that Israel has been trying to undermine, fragment, and destroy this kind of mass popular struggle. And arresting leaders can be added to Israel's already existing tactics that include the use of tear gas, sound bombs, rubber-coated and live bullets, night time raids, curfews, closures, mass arrests, and sewage spray on demonstrators (Parry, 2010).

5.8 Conclusion

Ever since the foundations of the state of Israel were first being laid, Palestinians adopted nonviolent strategies that ranged from vocalizing their concerns and demands to employing means of confrontational resistance. This chapter provided a brief overview of this, explaining how, during the Ottoman Empire's rule, when the constraints on the transfer of land ownership to Jewish immigrants were relaxed, Palestinians lobbied against these by forming political parties and institutions that documented their fears and represented their objection to Ottoman regulations. Later, during the British mandate, Palestinians adopted a more direct approach of strikes and boycotts that targeted its policies on immigration and its approach to the creation of a Jewish state in Palestine.

With the creation of the state of Israel in 1948, Palestinian nonviolence continued, varying in its intensity throughout the years and in response to political developments. However, the first nationwide organized nonviolent campaign did not start until 1987 with the outbreak of the first Intifada. This development was due to the Palestinian conviction that change can only happen from within Palestine rather than from Arab or international intervention. This Intifada concluded with the creation of the Palestinian National Authority that took limited control over parts of the West Bank as a step towards the creation of a Palestinian State along the 1967 borders. However, when this interim period

became a permanent state with diminishing hope for the creation of the Palestinian state, continued Israeli policies of occupation, and the continuation of Israeli settlement expansion, the second Palestinian Intifada broke out and brought an end to the Oslo Peace process. The subsequent construction of the Israeli Separation Wall, which started in 2001, provoked renewed organized nonviolent activity, which involved not only Palestinians but also international supporters through the ISM.

The ICJ's advisory opinion in 2005, which deemed the Israeli Separation Wall illegal, amplified nonviolent campaigns against Israeli occupation policies. It was then that systematic, synchronized, and frequent protests began to take place in Palestinian villages directly affected by the wall. Also, in 2005, the BDS call was made, rallying organizations, political groups, and unions as the main actors in the Palestinian struggle against Israeli occupation. The BDS call and its campaigns is the subject of the following chapter.

To sum up the present chapter, this brief overview has illustrated how the transformative powers of nonviolent resistance throughout recent years have become apparent. As summarised by Parry (2010, p. 16) this approach

delegitimizes Israel's use of brute force, creating cracks and dissent within Israeli society and generating international criticism of Israel, while spawning support for, and sympathy with, the Palestinian struggle. Conversely, the

popular struggle gains legitimization and gathers support locally and internationally.

Part III

Boycotts and Boycotters

There are generally two schools of thought regarding boycotting economic ties with Israel: one calling for a full boycott of economic ties with Israel; and the other that calls for a boycott limited to the Israeli settlements. The former is represented by the Boycott, Divestment and Sanctions movement while the latter, being more diverse, is mainly referred to simply as the boycott of Israeli settlements.

This part of the thesis presents an exploration of the two approaches to boycotts that have been adopted by Palestinians and international solidarity organizations. A significant number, although not the majority, of organizations and groups standing in solidarity with Palestine has adopted the BDS call. In doing so, these organizations have become affiliates or members of the BDS movement. Today, this movement includes all those organizations, activists, and solidarity groups calling for a full boycott of Israel. However, it must be noted that there is much overlap between the two, as will be demonstrated in the following chapters. For instance, groups or individuals who affiliate themselves with the limited boycott movement may selectively support one or more aspects of BDS. Moreover, as will become apparent in the following discussions, the absence of an international grassroots campaign for the limited boycott of Israeli settlements means that many who actually limit their support to this type can only find platforms affiliated with

the full boycott movement as a means to demonstrating their support for Palestine. Thus, their arguments become diminished by and confused with those of the BDS campaign.

However, for clarity's sake, in Chapter 6, I present the two camps as two distinct sides so as to explain the origins, rationale, and motives behind each type of boycott. I also explain the wider context that the subsequent chapters 7, 8, and 9 relate to. Thus, while Chapter 6 explains the theory behind the boycotts of Israel, and the rationale supporting each type, the chapters that follow focus on the boycotters themselves and how they form the movement. Hence, it is worth highlighting that, to support my discussion, chapters 7, 8 and 9 are based on the interviews conducted with leaders of the movements in Palestine, Israel, and Europe. Therefore, these chapters present the original research undertaken as part of this study.

Thus, following on from Chapter 6, Part 3 of the dissertation continues with Chapter 7 focusing on the actors behind the boycott campaign in Palestine and Israel. It is based on my interviews with leaders of the Palestinian popular resistance movement, and representatives of Israeli organizations calling for a limited boycott. The lack of a Palestinian national program and the conflicting positions and groups pose specific obstacles for instituting Israeli boycotts and these are explored using the interviewees' arguments according to the positions

they adopt in relation to boycotts. The chapter also gives an overview of the ways in which Israeli boycotters operate, and of how they are regarded and dealt with by Israel. Overall, the chapter explores what the success of the boycott movement means to our interviewees.

Chapter 8 looks at the issues explored in Chapter 7 through an international perspective. It focuses specifically on the dynamics of the boycott movement in Europe and how its different components interact, presenting examples of interviewees' personal involvement in various aspects of the boycott movement that range from European parliamentary discussions to Trading Away Peace reports.

Finally, Chapter 9 comprises a case study of the issues involved in the functioning of Al-Karamah National Empowerment Fund, which was set up for the sole purpose of promoting the boycott of settlement products, and of which I was director for two years. This chapter provides an in depth account and analysis of the efforts to implement a limited boycott, including the PNA's program to ban and combat settlement products. The observations, positions, challenges, and contradictions presented by interviewees in previous chapters are incorporated into this case study.

Chapter 6

Full versus Limited Boycott: an introduction

6.1 Introduction

As indicated above, this chapter constitutes a discussion and comparison of the two forms of boycott movement regarding Israel; the BDS movement and limited boycotts. After discussing the BDS movement itself, followed by an outline of the limited boycott movement, I review the stance and regulations of European countries in relation to boycotts, as well as outlining how EU law regards the targeted goods or economic ties in question. The chapter then provides a brief account of key positions taken by some of the various groups, organizations, and governments that have significant involvement in the evolving limited boycott movement.

6.1 Boycott, Divestment, and Sanctions

The formation of the BDS movement was heralded by the BDS Call that was signed by 170 Palestinian civil society organizations in 2005. The following extract from the Call explains the background, motives, suggested methods, and demands of the movement at the time (BDS, 2005):

“We, representatives of Palestinian civil society, call upon international civil society organizations and people of conscience all over the world to impose

broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era. We appeal to you to pressure your respective states to impose embargoes and sanctions against Israel. We also invite conscientious Israelis to support this Call, for the sake of justice and genuine peace.

These non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall;
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality;
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.

(See Annex C for the full text of the BDS Call)

While this call defined the intentions of what became known as the BDS campaign (Horowitz and Weiss, 2010), its origins are understood to date back to 2001 when a side event at the World Conference against Racism adopted the principles that came to underpin the Call through Article 424 that calls on the international community to

impose a policy of complete and total isolation of Israel as an apartheid state as in the case of South Africa which means the imposition of mandatory and comprehensive sanctions and embargoes, the full cessation of all links (diplomatic, economic, social, aid, military cooperation and training) between all states and Israel (Bröning, 2011, p. 143).

Other similar demands made at international gatherings were instrumental in the success of the BDS movement; such as the Fifth World Social Forum in Brazil in 2005 that asserted the need “to impose political and economic sanctions [on] Israel’ and called on ‘social movements to also mobilize for de-investments and boycotts’ in order to ‘pressure Israel to implement international resolutions’” (cited in Bröning, 2011, p. 143).

According to Omar Barghouti, co-founder of the BDS movement and drafter of its call, the BDS movement outlines three requirements that, if met, can ensure a just and lasting peace (Barghouti, 2011, p. 49).

As Barghouti explains, the reasons both the BDS Call and the BDS movement came to exist include - but are not limited to - the following:

- 1) The fertile ground for a nonviolent citizens' movement; which was a result of the shift in the US and European grassroots' position on Israeli policies in Palestine. This was most notable after the outbreak of the second Intifada which reflected the violent nature of Israel's approach (Barghouti, 2011, p. 4).
- 2) The failure of the UN and the international community to hold Israel accountable for its violence; on the contrary, it was seen as protecting it.
- 3) The failing peace process that had only delivered deteriorating living conditions for Palestinians, as well as poorer political conditions whereby occupation only strengthened Israel's grip over the West Bank and Gaza. Ironically, through this process, Israel simultaneously secured a better place among the international community, and more countries accepted having ties with it because the Palestinians were doing so (Barghouti, 2011, p. 56).
- 4) When the ICJ's decision (that is referred to in the BDS call) condemning the Israeli separation wall was issued in 2004, while it was almost entirely ignored by Israel and the international community, the PNA did not capitalize on the support decision gave to the BDS cause (Barghouti, 2011, p. 55).

5) Barghouti also gives credit to the previously launched Palestinian Academic and Cultural Boycott of Israel (PACBI) in 2004 for instigating the BDS call in July 2005. In fact, he states that the BDS version was modelled on the PACBI call (Barghouti, 2011, p. 76).

Under such circumstances, it is clear that Palestinian grassroots felt the need to exert pressure with whatever means were available to them to change the status quo. Indeed, nearly a decade had passed since the establishment of the PNA with very little to show for it in relation to boycotts; moreover, the Oslo peace process had not concluded with a situation that ended Israeli occupation, or its unjust policies regarding Palestinians. On the contrary, Israel seemed to have benefited economically in the aftermath of the Oslo accords. Consequently, this was the particular area identified by activists where Israeli gains could be undermined by a boycott campaign.

Opposition to the BDS movement:

The scope of this research does not include the dynamics and arguments against the BDS movement; however, it should be noted that these do exist, and for many different reasons. The main reasons that are commonly articulated, both in Israel and internationally, fall into two categories; ideological and practical, as discussed below:

- 1) Ideological: BDS is anti-Semitic, delegitimizes Israel and is a form of terrorism.

On many occasions, Israeli officials have labelled the BDS movement in this way and this has been translated into Israeli laws and procedures that criminalize and penalize those involved with boycotting Israel. I will explore this in more depth in the following chapter when I discuss Israel's law against boycotters. So, here, I will simply indicate some instances where the argument is made so as to illustrate the kind of objections made:

- Anat Berko, Israeli Knesset member, academic and author on terrorism described the Palestinian bid to exclude Israel from FIFA as

an extension of the massacre of the Israeli athletes at the Munich Olympics. It is diplomatic terrorism, but it is still terrorism in every sense of the word, since it undermines the most basic aspects of Israel's existence. It is another way of saying, "The Jews cannot exist here." As far as I am concerned, it is nothing less than a blood libel. If there was some remission in the disease known as anti-Semitism after World War II and the Holocaust, what we are seeing now is a new iteration of anti-Semitism (Berko, 2005).

- On 15, April 2015, Israel's High Court of Justice delivered its decision on

the attempt to eradicate the “boycotter’s law”. This was ultimately to uphold the law, and in its verdict it likened the BDS movement to terrorism and those who deny the holocaust. In fact, in the verdict, the word terrorism was used 11 times (Marom, 2015).

- Former Israeli finance minister, Yair Lapid, at a Jerusalem Post conference in New York described the BDS movement as anti-Semitic, and linked them with the Mufti of Jerusalem who collaborated with the Nazis. He stated that he thinks of the movement as one of Hamas’ tools, and explained: “This is not about policies, or about the settlements, or about the peace process, this is classic anti-Semitism in a modern disguise.” (Cited in Wiess, 2015)

It is worth noting that, prior to the Oslo peace accords, Israel was not officially recognized as a legitimate state by the PLO, the internationally recognized representative of the Palestinian people. For the PLO, that recognition came to be granted in return for what it understood to be the imminent end of Israeli occupation. However, even while that occupation did not end, the PLO continued to recognize the Israeli state. This is an example of the political gains that Israel reaped as a result of the Oslo peace accords. It is clear from the Israeli view of the boycott campaigns that Israel does not recognize that its

commitment to end occupation is a prerequisite for recognition of the Israeli state by Palestinians.

Also, it is significant that Israel's categorization of nonviolent boycott campaigns as terrorist activity or anti-Semitism equates the Palestinian nonviolent action to action of a violent nature. Moreover, by labelling boycotters as terrorists Israel prescribes the kind of action it chooses to take against them.

2) Practical: BDS is seen as an obstacle to peace:

Since all efforts for an Israeli-Palestinian peaceful resolution since the Oslo peace process have suggested a two state solution, it is essential that the two sides negotiate. However, this practical argument against BDS asks: How can this happen if one side is boycotting the other? Therefore, it is claimed that bridges need to be built between the two sides rather than broken and only through dialogue can a solution be found. In relation to this, Avishai (2010) describes the BDS movement's approach as "trying to fix a TV by smashing it on the floor" (Avishai, 2010).

The popular authors, Margaret Atwood and Amitav Ghosh, describe the BDS movement as an "all or nothing" group that is impractical and unreasonable. This is a common tag given to the movement, since the BDS call includes three demands all of which must be met, even though not all those involved may

agree to all of them. Many groups, for instance, would agree to a limited boycott of settlement products, but not to all Israeli products. This approach even includes Israeli groups. Also some agree to an economic boycott but not to an academic one while others support boycotts but not the Palestinian refugees' right to return (Horowitz and Weiss, 2010).

From the above examples, it is clear that the concepts of dialogue and boycott clash. However, arguments suggesting that such a clash implies that boycotts undermine the situation do not recognise the need to change the balance of power between the parties to enable effective dialogue and a fair outcome; therefore, some form of boycott remains critical to changing the current asymmetric relationship. In line with this thinking, a number of organisations consider limited boycotts to be a more appropriate solution, as discussed in the next section.

6.2 Limited boycotts of Israeli settlement products

Several groups, organizations, individuals, and even political parties have advocated for a limited boycott of Israeli products produced in the territories Israel has occupied since 1967 rather than all Israeli products. Even movements upholding the BDS Call have supporters who limit their activities to those directed solely at Israeli settlement products. In fact, a number of Israeli

organizations, such as WhoProfits⁶ and Gush Shalom,⁷ have pioneered this type of limited boycott since the late 1990s. These organizations have created lists of Israeli settlement products and called on Israelis, themselves, as well as internationals, to boycott them. Indeed, Gush Shalom first advertised a list of settlement products in the Israeli newspaper, Ha'aretz, on 26th September and 4, October 1997 (Qumsieh, 2011, p. 208).

However, the organization that became best known for leading this particular type of boycott is none other than the PNA itself, which launched “The National Program to Ban and Combat Settlement Products” in early 2010. The clearest difference between the PNA’s campaign and that of the BDS is that the former supported a limited boycott of settlement products, whereas the BDS calls for a total boycott of all Israeli products, making it subject to far more criticism both internationally and from Israel. In fact, the PNA is not only open to economic ties with Israel but encourages them (Bröning, 2011). It must be clarified though that, while the name of the PNA’s program only mentions settlement *products* in its demands for boycott, it in fact calls for cutting all ties with settlements. This includes investment in settlements and even ending Palestinian labour in their companies. While these issues are explored in detail in Chapter 8, in the present

⁶ See www.whoprofits.org

⁷ See www.gush-shalom.org

section, I aim simply to give an overview of the situation to indicate the context in which the later discussions are developed.

While their different stances on economic ties with Israel, itself, is perhaps the most obvious difference between the BDS movement and the PNA, the two have far more fundamental differences that stem from their divergent approaches: the former is predominantly focused on rights while the PNA is more concerned with achieving a state-based agreement. As Bröning explains:

While the BDS movement focuses on a comprehensive Israel boycott in its struggle for implementing a rights-based and not necessarily a solutions-based struggle, the PNA remains committed to achieving a two state solution and thus has a much greater need for (and greater prospects in) identifying Israeli partners than BDS activists (Bröning, 2011, p. 147).

Since, according to international law, the Israeli settlements are illegal, politicians and political groups around the world are more likely to favour a boycott limited to these. Moreover, it is perceived to be more in line with a two state solution since some see it less directed towards Israel and more towards occupation in particular. Thus, not only can some Israelis sympathise with this rationale, but some Palestinians also see it as the more feasible option since their basic living requirements - such as water, electricity and petrol - are currently provided through Israel.

Therefore, while the BDS call chooses to ignore Palestine's dependence on Israel's economy, the PNA's campaign encounters continual restraints that prevent it from escalating its scope to anything more than settlement products and enterprises. The BDS position on limited boycotts as the ultimate goal, is explained by Barghouti, as follows:

While the Palestinian BDS movement has consistently expressed its deep appreciation for every effort to treat Israel as apartheid South Africa was, it views the approach of focusing on banning only settlement products as the ultimate goal – rather than as a first, convenient step toward a general Israeli products boycott – as problematic, practically, politically, and morally (Barghouti, 2011, p. 186).

Meanwhile, the PNA's position was developed on a more institutional basis during 2010. Early in the year, Palestinian Prime Minister Fayyad set up Al-Karamah Fund (known in English as Dignity) as a joint PNA and private sector initiative, and declared that the boycott of settlement products from then on would be "a daily expression of rejecting the occupation" (Bröning, 2011, p. 145). Following this, the Palestinian president, Mahmoud Abbas, approved legislation in April 2010, which made it illegal to deal or trade in settlement products. From then on, Al-Karamah Fund became responsible for enforcing the presidential decree and engaged in comprehensive public awareness campaigns with the help

of several hundred volunteers. According to researcher, Khalil Shiqaqi, 72 percent of Palestinians supported these measures, even while it was being subject to severe Israeli criticism (Bröning, 2011, p. 146).

Similar to the BDS movement, Al-Karameh Fund issued the 'Pledge of Dignity'; yet, by comparing the two, it is easy to sense the grave differences that are rooted in their different goals. The Pledge of Dignity reads:

We the people of Palestine, of all religions, affiliations, professions, and ages, have all come together to affirm our desire and determination to rise up, and shiver off the effects of settlement contamination in our Palestinian cities, villages, and refugee camps, first and foremost, via replacing settlement products in our local markets with those that are proudly produced in Palestine, with Palestinian Hands! ... We hereby take upon ourselves the responsibility of leading this popular campaign, towards a dignified and prosperous national economy, upon which our beloved Palestinian state will be built on, thereby ensuring and sustaining the peace we long for. This is our pledge. From now on we are... ambassadors of Palestinian dignity (Bröning, 2011, p. 146).

The statement reflects a clear message from the PNA to boycott settlements and settlements products in working towards the establishment of a Palestinian state.

Thus, it demonstrates a clear distinction from the BDS objectives and strategy in restricting its assertion to settlement products.

A number of Israeli and Palestinian organizations have investigated what settlement products and services exist locally in Israel and within areas A and B of the West Bank, the areas under the Palestine Authority's security and/or administrative jurisdiction. For instance, the Israeli left wing charity, Who Profits From Occupation, is one of the leading advocates against trading with settlement companies and having any financial involvement with them. Below, they further explain the foundations of their argument:

Israeli industrial zones within the occupied territories hold hundreds of companies, ranging from small businesses serving the local Israeli settlers to large factories which export their products worldwide. Several settlements, especially in the Jordan Valley and the Golan Heights, produce agricultural goods, such as fruits and flowers, and sell them in Israel and abroad. Settlement production benefits from low rents, special tax incentives, lax enforcement of environmental and labor protection laws and other governmental supports (Who Profits, n.d.).

As indicated above, there are hundreds of Israeli companies, factories, workshops, and various businesses in the West Bank that are referred to as settlement companies. WhoProfits provides a detailed profile of around 200 of these

settlement companies, what products they produce, and where their products are marketed. Other Israeli organizations that have openly lobbied against settlements, and trade with them and their industries, include B'tselem, Gush Shalom, and Peace Now. Among others, these organizations provide Who Profits with further similar information on settlement products.

While the BDS call by Palestinian civil society organizations has existed since 2005, more recent calls to end economic ties with Israeli settlements in the OPT have emerged. Moreover, organizations based in countries all over the world have joined the call to end economic ties with settlements, and continue to lobby against settlement products where they find them being sold in their local markets. Many supermarket chains, trade unions, and even public institutes have refrained from having economic ties with Israeli settlements as a result of the continued lobbying efforts against ties with settlements as listed later in this chapter.

There are also many other campaigns that function internationally. Some are dedicated towards particular products and have developed detailed accounts of these, and of who facilitates their trade. There have also been two comprehensive reports that explain the settlements existing economic ties with European countries. These reports include: 1) "Unveiled", which was commissioned by ProsperPalestine, and "Trading Away Peace", which was prepared by a coalition of 22 international organizations. The next section provides a review of the

background to EU-Israeli relations and discusses the two reports on these two reports within this context.

6.3 European-Israeli Relations

There has been significant improvement in Europe-Israeli relations over recent decades, which is demonstrated by two particular agreements. The first is the EU-Israel Association Agreement that constitutes the legal framework regulating relations between the EU and Israel. This was signed in Brussels on 20, November 1995 after approval by 15 EU member states and came into force on the first of June 2000. The Agreement provides for significant liberalization in terms of trade and cooperation with Israel; the main features include the following:

[P]rovisions on regular political dialogue, on freedom of establishment and liberalization of services, the free movement of capital and competition rules, the strengthening of economic cooperation and cooperation on social matters. The agreement establishes Association Council to be supported by an Association Committee. It also reinforces the arrangements for free trade in industrial products, which had been in force since the late 1970s. The agreement also mentions many other areas of cooperation that are open to negotiation (Delegation of the European Union to Israel, n.d.).

The second agreement was concerned with agriculture and was signed on 4 November 2009 by the European Commission and Israel. This removed constraints on agricultural trade including processed agricultural products, fish, and fishery products.

According to both these agreements, Israeli products enjoy preferential treatment and are exempted from many taxes that would otherwise have applied to trade between Israel and the EU. It is within this context that the reports, 'Unveiled' and 'Trading Away Peace' were produced. Both reports refer to the limited boycott and focus on economic relations between European countries and Israeli settlements from different perspectives, the first being linked to the PNA and the second being a Christian based initiative.

1) Unveiled: European Trade & Investment Relationships with Companies in Israeli Settlements in the Occupied Palestinian Territories

As mentioned above, this report was prepared by ProsperPalestine, which calls for ending economic ties between European countries and Israeli settlements. The organization, itself, comprises part of this research's case study, and as such is discussed in full in a later chapter. However, here, it is worth noting that its 100 page report was released in April 2011, and considers the economic ties between Israel and 11 European countries: Belgium, Denmark, Germany, Italy, Luxemburg, Norway, Netherlands, Finland, France, Spain, Sweden, and the United Kingdom.

Tables 3a and 3b in Annex D provide ProsperPalestine's summary of the numerous business relationships Israeli companies maintain with these countries. Following the release of its report, ProsperPalestine distributed its research findings to politicians and stake holders across Europe in order to lobby for a complete ban on European economic ties with settlements. However, as discussed in Chapter 9, this distribution was relatively limited, and ProsperPalestine did not capitalize on the research it had commissioned.

2) Trading Away Peace

This report was commissioned by a coalition of the twenty two Christian faith-based organizations in Europe.⁸ The document highlights the impact of the Israeli settlements and their economy on Palestinian life, reaffirms their illegality according to international law, and summarizes the types of economic ties between Europe and settlements. It also provides a list of recommendations for actions that European countries can follow to support a more equitable situation (Crisis Action Group, 2012):

- 1) Ensuring correct consumer labelling of all settlement products.
- 2) Discouraging companies from trading with and investing in settlements.

⁸ These comprise: 1. Aprovev; 2. Broederlijk delen (Belgium); 3. Caabu (UK); 4. CCFD- Terre Solidaire (France); 5. Christian Aid (UK and Ireland); 6. Church of Sweden; 7. Cordaid (Netherlands); 8. DanChurchAid (Denmark); 9. Diakonia (Sweden); 10. FinnChurchAid (Finland); 11. ICCO (Netherlands); 12. IKV Pax Christi (Netherlands); 13. International Federation for Human rights (FidH); 14. Medical Aid for Palestinians (UK); 15. Medico international (Germany); 16. Medico international (Switzerland); 17. The Methodist Church in Britain; 18. Norwegian people's Aid; 19. Norwegian Church Aid; 20. Quaker Council for European Affairs; 21. Quaker peace and Social Witness (UK); and 22. Trocaire (Ireland).

- 3) Banning imports of settlement products.
- 4) Ensuring settlement products do not benefit from preferential market access.
- 5) Excluding settlements from bilateral agreements and cooperation instruments.
- 6) Excluding settlement products and companies from public procurement.
- 7) Closing down mechanisms by which organizations can fund settlements through tax deduction schemes.
- 8) Preventing financial transactions that support settlements and related activities.
- 9) Discouraging citizens from buying property in settlements.
- 10) Issuing guidelines for European tour operators.
- 11) Drawing up a list of companies mis-stating the origin of settlement goods.
- 12) Insisting that Israel disaggregates data for the OECD.

These two reports, which are further discussed in Chapter 8, illustrate the main kinds of European support for the limited boycott while the next section overviews the various political approaches that are currently active.

6.4 Key political decisions and divestments discouraging settlement trade

There is a growing international solidarity movement with Palestine and increasing voices for boycott of settlement goods, to the extent that it is difficult to gather all the varied political decisions and activities that discourage trade with settlements into one chapter. All around the world there are activists, student groups, charities, unions, and even political parties that have issued statements and actively promote ending economic ties with Israeli settlements. There are even many pro-Israeli organizations and religious Jewish groups that have called for ending such ties and that are instrumental in the struggle against them.

Here, I would like to highlight a few examples of such decisions or actions relating to economic ties with settlements including one at an EU legislative level and one at a UK government level, as well as a Trade Union Congress statement and a Presbyterian General Assembly motion and a supermarket chain boycotting settlement products.

i. *Exemption from preferential treatment:*

On the 25th of February 2010, a German court made a decision confirming that Israeli settlement products are not to be considered Israeli and, therefore, settlement products should not enjoy the same preferential treatment that the EU-Israel Association Agreement secures. The court was considering a specific settlement product, Brita filters, when the decision was made; consequently, the case became known as the Brita case. The

Brita Company is located in the Barkan industrial zone near the settlement of Ariel (Kownacki, 2010).

ii. *The UK's labelling guidance:*

On the 10, December 2009, the UK Department for Environment, Food and Rural Affairs (DEFRA) issued a non-binding voluntary advice for retailers to label settlement products as such, and not as Israeli.

DEFRA explains that its document was a result of receiving requests from consumer groups, retailers and NGOs on how the origin of settlement products should be listed as. Most importantly, points 4 and 5 state the following:

4. For produce from the West Bank, labeling currently states country of origin as 'Produce of the West Bank'. Traders and retailers may wish to indicate whether the product originated from an Israeli settlement or from Palestinian producers. This could take the form, for example, of 'Produce of the West Bank (Israeli settlement produce)' or 'Produce of the West Bank (Palestinian produce)', as appropriate.

5. Separately, the Government considers that traders would be misleading consumers, and would therefore almost be certainly

committing an offence, if they were to declare produce from the OPT (including from the West Bank) as 'Produce of Israel'. This would apply irrespective of whether the produce was from a Palestinian producer or from an Israeli settlement in the OPT. This is because the area does not fall within the internationally recognized borders of the state of Israel.

See Annex E: DEFRA Voluntary Advice for DEFRA's full document.

iii. Trade Union Congress:

On the 8th of April 2010, the Palestinian Solidarity campaign (PSC) and the British Trade Union Congress (TUC) issued a statement that called upon consumers to boycott settlement products. The issued statement included the following excerpt:

This is not a call for a general boycott of Israeli goods and services which would hit ordinary Palestinian and Israeli workers. Nor should workers in Britain put their own jobs at risk by refusing to deal with goods from the settlement goods. Instead, we're calling for targeted, consumer-led sanctions to send a clear message against the settlements... we're also calling on the UK Government to make sure that the EU bans the sale of these goods (Jews for Justice for Palestine, 2010).

iv.

v. The Presbyterian Church:

On 6, July 2012, the Presbyterian General Assembly voted in favour of boycotting settlement products. Another motion to divest from settlement companies was narrowly voted down (Mozgovaya, 2012). The following day, the Church issued the following statement (Barrows-Friedman, 2012):

The plenary has voted in favor of a separate resolution to boycott products made in Israeli settlements in the occupied territories, including Ahava Dead Sea beauty products and dates grown by Israeli cooperative Hadiklaim.... The razor thin margin of last night's vote on divestment, which was defeated by just two votes, demonstrates that the General Assembly remains divided on both divestment and investment.

vi. The Cooperative supermarket chain:

In April 2012, the UK's fifth biggest supermarket chain decided to end economic ties with settlements. The settlement companies that were affected were Agrexco, Arava Export Growers, Mehadrin, and Adafresh. These four companies previously provided the supermarket chain with agricultural produce (McVeigh and Sherwood, 2012). This decision was made after the supermarket's board voted on the matter. A statement was released under the title: The Co-operative and the

illegal Israeli settlements, 27th April 2012. In the statement, the board explained:

[W]e have audited our supply chain and identified a small number of businesses that we can no longer source from, as there is evidence that they source from the settlements. This position is not a boycott of Israeli businesses, and we continue to have supply agreements with some twenty Israeli suppliers that do not source from the settlements.

The above list of examples is by no means exhaustive but it does indicate the wide range of institutions that have made political decisions to express their support for the Palestinian cause. Although, these are all for a boycott limited to the settlements, it is worth noting that they involve diverse forms of action many of which go beyond simply boycotting products.

6.5 Conclusion

Although the two campaigns have different approaches, implicitly both argue for and support the end of the Israeli occupation and there is a certain amount of complementarity between the two camps. Ordinary citizens in Europe tend not to distinguish between them, with supporters and solidarity activists choosing from a variety of actions that range from not buying settlements products to boycotting any Israeli product and investments. For example, at the time of writing, Jeremy

Corbyn, MP for Islington North and one of the candidates for leading the Labour party at the time of writing, expressed his view on boycotting Israel. He made clear that he is in favour of boycotting Israeli settlements not only by not buying products but also by divesting from settlement businesses, introducing an arms embargo on Israel, and boycotting Israeli universities that are located on the West Bank or conducting research that advances Israel's arms industry (Donaghy, 2015). It is therefore difficult to place Corbyn's stance in one camp or the other; full boycott of Israel represented by BDS, or limited boycott of settlements, mainly represented by the PNA.

However, the most widespread call among international solidarity groups and activists remains the BDS call and there is almost no grassroots presence for the limited call for boycotting settlements. On the other hand, among the political echelons, the latter is widely accepted and has gained traction. When the PNA launched its program to ban and combat settlement products in 2010, it assumed that the leaders of the BDS movement would consider the PNA's limited boycott as a common goal that the two shared. However, as it will be demonstrated in the rest of Part 3, the PNA's program was seen as a threat to the full boycott rather than simply contributing to it. This view was popular among BDS leaders since they thought a limited boycott would confuse the message, as they felt introducing any other category of boycott would do. Thus, their approach is unambiguously an all or nothing approach. The PNA, on the other hand, has been

cautious not to be associated with the BDS movement, and in fact, in all of its literature and information, it makes sure to emphasize that it was not in favour of boycotting Israel.

The discussion in this chapter indicates that each camp has had some success, and, to some extent, did indeed deliver results. The BDS has been able to recruit supporters and lead action on the ground while the PNA has encouraged new international legislation that prohibits economic links with settlements. However, many questions remain: Would the two groups have been more successful through a combined approach whereby they unite under the same message? On the other hand, does each camp believe the other should join them, or does the current arrangement indirectly support both camps? These will be explored in the next two chapters in which the activists themselves, in Palestine, Israel, and Europe, will answer these questions.

Chapter 7

Boycotts and Popular Struggle in Palestine

7.1 Introduction:

This chapter takes a closer look at the various groups and individuals in Palestine and Israel who are carrying out boycott campaigns. These include the leaders of the Palestinian popular struggle whose activities are not limited to boycotts but also involve protest campaigns, media outreach, and other nonviolent action; as such, their activities form a platform from which to carry out the boycott campaigns. Consequently, a closer look at the committees, groups and political factions that participate in popular struggle is important for understanding the dynamics and effectiveness of the boycott movement.

The chapter opens by outlining the formation and structure of the popular committees and their interactions. The different positions adopted by these groups as regards the limited or full boycott of Israel, and the reasons that motivate them to adopt their positions, as well as the main challenges they face, whether from internal conditions or Israeli responses, are then explored using interviews with leading members of the groups involved. In particular, the lack of an overarching national program for popular struggle and the implications of its absence is explored. Finally, after discussing the Israeli response to the boycott movement, I

assess the effectiveness of their activity from their point of view and compare this with practical gains their programs have achieved.

7.2 Structure of popular resistance networks/committees

Although, a number of national organisations aimed at combatting the Israeli occupation were formed after the Separation Wall was built, originally popular struggle took the form of independent local activities. Consequently, numerous committees formed to support these activities and these played a significant role in the spread of nonviolent resistance, spearheading nonviolent activities against Israeli settlements and occupation. The groups developed locally and inspired other villages to organise in a similar manner; thus, their structure has evolved over time. This evolution has involved a number of attempts to keep them representative of the popular struggle around the West Bank, nevertheless, due to the lack of a comprehensive national popular resistance program, tensions between the different groups have arisen.

In an interview with the author, the head of the Popular Struggle Coordination Committee (PSCC) formed in 2008, Mohammad Al-Khatib, described the formation of these committees and explained that each was the result of a local initiative at each particular location, and this local initiative was the result of the personal efforts made by individuals within that local community. However, since

the reason these committees were formed was to nonviolently oppose Israeli occupation, they all have a common goal, although with different ways of going about it. When the Israeli Separation Wall was built, this triggered the establishment of more committees because of the need to campaign against it. Thus, in each location, the committee was formed from representatives of the local organizations, activists, political parties and concerned individuals. While the initiatives were the result of activities and discussions within local groups of activists with no external request for committees to be formed, when they began to be established, they quickly inspired other communities to form their own. As Al Khatib stated in an interview with the author regarding such inspirational examples: "That is the external influence we had. So, for instance, in our case in Bil'in, we followed what had been done in Budrus, Qatanna, and Biddu"⁹

At the time that the wall was being built, the core of what later became the National Campaign Against the Wall was being formed. This was a combination of left wing NGOs, including Medical Relief, Agricultural Relief, and the Union of Agricultural Work Committees. Meanwhile, parallel to this, there were organizations and activists that were affiliated with Fatah and, as a group, these were called the National Committee. Eventually, this committee took a more official nature and role when it was transformed into the State Ministry for the

⁹ Interview with Mohammad Khatib on 22/8/2013 in Ramallah

Wall and Settlement affairs in the PNA government. Thus, the National Committee, which began as a popular initiative of the Fatah affiliated groups dissolved into an official entity that is now part of the PNA.

The popular committees, on the other hand, remained engaged with the issues of concern for their local people. Although they received the support and help they needed from the National Committee, they remained separate as legally independent and popular groups and, as such, are not officially registered with the Ministry of Interior.

The nature of the national organisations that were formed depended on the affiliations of their initiators. They were either affiliated with left-wing NGOs, or Fatah or the PNA, or they were simply independent activists. However, in most committees, the entire organisation would be affiliated with only one of these groups; although exceptions do exist such as the National Committee that originated in Bil'in as described by the activist, Al-Khatib, in an interview with the author:

At one of the Bil'in conferences, we decided to create a committee that would represent and coordinate among all the popular committees, a committee that would be democratically elected where all local committees would participate. We called it the National Committee for Popular Resistance. So

the name changed from the National Committee Against the Wall and Settlements to the National Committee for Popular Resistance, which is broader and more inclusive. However this committee lasted only a year, from 2007 to 2008. It did not work out, since it conflicted with private interests of the local groups.¹⁰

The Popular Struggle Coordination Committee (PSCC) for Popular Resistance was created at the Bil'in conference later in 2008, following the demise of the National Committee for Popular Resistance. This included one representative from each local committee in order to coordinate among them. The significant difference between this current coordinating committee and the previous attempts is that it does not provide any leadership to the local groups, it only facilitates coordination between them and does not take any specific role. Thus, it supports and empowers the local committees, yet it does not lead. Through this, it can enable groups to make use of resources that have been made available to NGOs, the National Coordination committee for Popular Resistance was officially registered at the Ministry of Interior. The coordination committee used its resources and connections to help the local committees build their strategies so that they were all able to contribute towards the overall strategy of the committees as a whole. This attempt to create a form of national coordination finally failed due to lack of trust

¹⁰ Interview with Mohammad Khatib on 22/8/2013 in Ramallah

between the committees and the PNA. This was also hindered by negative political ideological competition and rivalries between the groups.

Thus, there are still two levels of resistance in Palestine: at the local level, this mostly involves activists and communities that work together collaboratively. However, at the national level, the organisations reflect the political divisions and fragmentation in national politics. This involves a complicated mixture of political alignments as discussed in the next section.

7.3 Internal Palestinian Relations

The structure of the popular committees as described above reflects a complex system of internal relations not only among the committees themselves, but within the PNA, and between the PNA and the various groups. Some, such as the National Committee which was supported by Fatah, were so aligned with the PNA that they later directly came to belong to a government ministry and were organised under its jurisdiction. Others, as one of the BDS leaders and coordinator of the 'Stop the Wall' coalition, Jamal Juma', explained in an interview with the author, not only lacked a positive relationship with the PNA, but felt that they were being persecuted by it.

To a large extent, the BDS movement reflects the position of the radical left and as such is not supported by the PNA. This political wing includes groups such as the Popular Front for the Liberation of Palestine (PFLP), the Communist Party, the Democratic Front for the Liberation of Palestine (DFLP) and Al Mubadara (the Initiative Party); these, along with several other NGOs, constitute the Stop the Wall Coalition. While lack of political will was cited by all interviewees as the reason for the PNA's lack of support for the movement, the BDS movement that Barghouti and Juma' represent is supported by one significant political group: namely, Fatah – and, in particular, the Fatah Youth Movement. What makes this relationship interesting is that, not only is Fatah a strong supporter of the National Committee, but it is also the main political party of the PNA. It is the backbone both of the PNA and of its security forces, yet there is clearly a big difference in how the two have constructed their relationship with the BDS movement.

In interviews with the author, both Omar Barghouti and Mahmoud El-Aloul, President Abbas' close confidant and a member of Fatah's governing committee, confirmed the strength of the relationship between Fatah and BDS. For instance, El-Aloul explained that

[t]here has always been a relationship between the BDS and Fatah, we even have Fatah representatives that are part of the BDS. More recently this

relationship has been strengthened and our youth are even more involved with the BDS' activities and campaigns.¹¹

Barghouti went further, asserting that BDS' relationship with Fatah actually protects them from the PNA:

The tension between the PNA and BDS is very high. But the PNA has not attacked us since BDS has a strong presence from Fatah. In fact, Fatah has become much more involved over the past year. So they would not go on record attacking the BDS movement.¹²

The common ground between the BDS movement and Fatah that primarily consists of the commitment to adopting nonviolent resistance and popular struggle was confirmed during Fatah's sixth conference, which was held in Bethlehem in 2009. In an interview during the field research, Hasan Faraj, president of the Fatah Youth Movement, explained that the Fatah youth chose popular resistance as its strategic option in resisting occupation. This was borne out by the fact that popular struggle had been adopted as one of Fatah's main means of resisting occupation at the sixth conference. Although Faraj explained

¹¹ Interview conducted by researcher with Mahmoud El-Aloul in Ramallah 28/8/2013

¹² Interview conducted by researcher with Omar Barghouti in Ramallah 27/8/2013

that alternatives - such as armed resistance - were still an option, he summarized some of the nonviolent action that Fatah youth have been involved in, as follows:

Fatah has worked over the past years - and especially so during this past year - with the other popular resistance groups by having the Fatah youth participate and lead their activities. For instance, in erecting tent villages on land that is designated by the Israelis for the creation or expansion of settlements, such as Bab Shams, Ahfad Younes, Al-Karameh village, and Al-Manateer.¹³

Fatah Youth also organised the National Youth Week which included many activities such as blocking settler roads, a mass occupation entry and demonstration in the Rami Levi supermarket which is a settlement supermarket, a motor cycle flotilla that crossed areas where Palestinians are normally not allowed to enter for settlement security reasons.

Faraj explained that Fatah constantly promote boycotts of both Israeli and settlement products and Fatah youth encourage international youth partners to adopt a boycott of settlement products. Most recently at the Global Socialist Youth Union in Dortmund, they convinced the union to adopt a call to label settlement

¹³ Interview by researcher with Hassan Faraj in Ramallah on 28/8/2013

products as such so as to make it clear to consumers where their products are coming from. “We consider ourselves one of the main global players that call on boycotting settlement and Israeli products.”¹⁴

Thus, while Fatah supports both the National Committee and the BDS, the PNA is at odds with BDS and includes the National Committee under its jurisdiction.

These complex relationships indicate the ambivalent nature of the PNA’s approach to boycotts, as discussed in the next section.

7.4 The Position of the PNA regarding Boycotts

Since its inception, the PNA has been criticized for maintaining economic ties with Israel; indeed, it was slated for signing the Paris Protocol, which dictates the nature of those ties. Perhaps, mostly, BDS supporters have condemned it for retaining the Protocol and abiding by it even after it had proved ineffectual, and for not allowing its economic relations with Israel to reflect the turbulent political circumstances of the past decades.

The Paris Protocol was signed in April 1994 and provides the framework for an interim economic agreement established as part of the Oslo Peace Process. It sets out the financial relationship between Israel and the PNA, and is based on a

¹⁴ Interview by researcher with Hassan Faraj in Ramallah on 28/8/2013

'customs union' model between the two. Under this arrangement, Israel was to collect taxes on behalf of the PNA for goods that are intended to be sold in the areas the PNA controls. A telling ramification of this arrangement was that the PNA would remain dependent on the Israeli economy. Moreover, although it was supposed to be an interim arrangement that was to expire with the Oslo peace initiative's five-year interim period, this arrangement has continued until 2009. On Israel's part, the thinking behind this agreement that keeps the Palestinian economy dependent on Israel was that allowing the Palestinians an independent economy would be a sign of sovereignty, which it was not willing to grant (B'Tselem, 2012).

In September 2009, the PNA took measures targeting these economic ties with the Israeli settlements, aiming to end them by criminalizing them as part of a national program to ban and combat settlement products. Those who had been sceptical of the PNA's conciliatory stance saw this as a positive change in its economic behaviour, although often stating that it as 'better late than never'. Barghouti described it as "an oasis in a desert, because apart from this the PNA was undermining, not only the BDS, but every form of Palestinian resistance to Israel's occupation and apartheid."¹⁵

¹⁵ Interview conducted by researcher with Omar Barghouti in Ramallah 27/8/2013

Yet the fact that the PNA's program was limited to boycotting settlement products meant that people who were in favour of a full boycott of Israel, such as Barghouti and others, remained sceptical of the authority's commitment to cutting its economic relationship with Israel. Even Fatah, the dominant political party in the PNA, went beyond boycotting settlement products and called for a total boycott of Israel. In an interview with the author, El-Aloul, who is responsible for the support for popular struggle within Fatah, explained the organisation's approach:

We, in Fatah, talk about boycotting all of Israel's products and not just settlement ones. From our experience, we now know that what affects this occupation most is hitting it economically. We saw how important the economic factor is to occupation. Therefore, as long as occupation exists, Fatah's stance is that we must boycott its products.¹⁶

However, on a more practical level, since the PNA is responsible for the livelihood of Palestinians on the West Bank, its understanding of the situation is very different. As El Aloul continued, the other side of the story was that "at times [Fatah's] hands were tied since the PNA had to ensure that basic commodities, such as food, were available for the people." Though, where possible, as he

¹⁶ Interview conducted by researcher with Mahmoud El Aloul in Ramallah 28/8/2013

explained, the calls to boycott Israeli products continued selectively, based on how necessary they were:

There are always products that we need to keep flowing into our markets, such as medicine and so on; however, it is evident that there are products that are in excess of what we need or that we have alternatives for that we should favour over Israeli products.¹⁷

While the PNA is mainly led by Fatah leaders, there is a tension between those supporting the call for a full boycott and its international and national responsibilities to govern. It is worth noting that all political parties belonging to the PLO adopt similar positions to that of Fatah: they all call for a full boycott of Israel. However, at the same time, it should be understood that they are not tasked with governing peoples' lives and ensuring that the people's requirements are met.

This contradiction is seen differently by activists within the West Bank. For instance, Juma' perceives this internal disparity as "the biggest and most dangerous threat to popular resistance and the boycott campaign."¹⁸ On the other

¹⁷ Interview conducted by researcher with Mahmoud El Aloul in Ramallah August 2013

¹⁸ Interview by researcher with Jamal Juma' in Ramallah, August 2013

hand, when asked by the author if the apparent contradiction indicated a breach between the PNA and other parties, El-Aloul commented as follows:

Not at all, even people working within the PA's official bodies have the same position as Fatah's. However, the PA is much more tied when it comes to boycotts because of the economic agreements it has. There is however no clash between the two whatsoever. In fact, our groups within Fatah contribute towards the PA's program to boycott settlement products by participating in its campaigns; the difference is that our position goes beyond the PA's as regards boycotting all Israeli products.¹⁹

Thus, within Palestinian society, the PNA is the only organisation that does not call for a full boycott of Israel. At the same time, it is the only one tasked with governing Palestinians, and the only one that is bound by treaties with Israel. Clearly, this lack of national cohesion has detrimental effects on Palestine's ability to challenge the Israeli occupation effectively and this is explored below. The challenge for Palestinian actors is to transform these differences into a source of power based on a positive perspective rather than seeing them as disadvantage and contradiction. However, to enhance such a perspective, it is critical to improve communication and trust.

¹⁹ Interview conducted by researcher with Mahmoud El Aloul in Ramallah 28/8/2013

7.5 The lack of a national strategy

As indicated above, although President Abbas, as well as all other Palestinian leaders, has endorsed nonviolent popular struggle against Israeli occupation and has highlighted the importance of this, there is still no national popular resistance strategy or action plan. In all my interviews, there was unanimous agreement as to the need for such a plan in order to organize popular resistance and overcome the challenges and drawbacks it faces. For instance, in one interview, Al-Khatib described the situation as “chaotic because there isn’t an overall national strategy for popular resistance that can organize the local committees.”²⁰

The reason for the lack of such a strategy, as explained by all my interviewees, is lack of political will. Nonviolent action carried out so far is seen as a result of initiatives taken by individuals in key positions who support the popular struggle. As Faraj stated, “political will for [boycott of settlement products] is very important yet it exists on an individual level and not within the leadership institution as a whole.”²¹

²⁰ Interview by researcher with Mohammad Al-Khatib in Ramallah, August 2013

²¹ Interview by researcher with Hassan Faraj in Ramalla 28/8/2013

Al-Khatib went further by dismissing all political parties when he stated:

The political parties do not have the capacity or ability to carry out and lead the popular struggle although they always talk about it. There is no political resolve among them in the first place to lead such a struggle.

Juma' also asserted that the lack of political will is what prevents a national plan from being established. However, according to him, the lack of will is due to corruption within the PNA and the same businessmen that are affiliated with the PNA are the wholesalers and distributors of settlement products, and therefore have the most to lose from a boycott. He went on to state that, "[t]hese people will do anything to undermine any implementation of the boycott; they will eventually control the police and customs and prevent them from banning settlement products."²²

Moreover, Juma' questions the genuineness of some members of the PNA's stated desire to protect and ensure the well-being of its people in a more general sense, and he asserts that corruption is not limited to thwarting popular struggle.

²² Interview by researcher with Jamal Juma' in Ramallah, August 2013

Perhaps 70% of the PNA are well intentioned and are not happy with the status quo, but the remaining 30 percent are the decision makers. And the discontented good people don't have the means to change things. We are not talking about a political movement; we are talking about a bureaucratic authority that places its interests above all else.²³

Al-Khatib described how different Palestinian governments have taken different positions on popular resistance and have therefore varied in the support they have given. He explained that this illustrated that such support depends on individuals rather than a cohesive policy.

We feel a difference as government members change. The support that popular resistance gets is from individuals in influential positions and not because of having a political or official strategy. This is something I am 100% convinced of. For instance, when Salam Fayyad was Prime Minister, he personally believed in popular struggle and so he supported it wholeheartedly. We haven't seen anything from this government."²⁴

When asked if they had approached the PNA to put a national popular struggle plan together, Al-Khatib explained that they have done so but to no avail. The

²³ Interview by researcher with Jamal Juma' in Ramallah, August 2013

²⁴ Interview by the author with Mohammad Al-Khatib in Ramallah, August 2013

reason that he thought was behind this reluctance was that the government was seeking to avoid having to bear with the consequences of making such a decision. Moreover, he felt it should be up to the PLO to lead the struggle for popular resistance and it was their lack of initiative in doing so that underpins the current problems:

Anyone who decides to lead the popular struggle will have to deal with its consequences such as detention and various forms of pressure by Israel. The popular committees therefore took the role that the PLO should have taken.²⁵

However, the lack of a national plan stems from a deeper cultural problem; this is the entrenched approach that does not appreciate teamwork and the inclusion of others. Political activities are usually individualized, meaning credit is given to individuals who seek it for themselves, and do not want to share it with others. However, when an issue or policy is liable to affect everyone - as the boycotts do – several people representing the populace should be involved in the planning and execution, and not just one individual. Faraj, as a Fatah representative, understands the importance of such a plan but sees there would still be a need for a competent coordinating body. He states:

²⁵ Interview by the author with Mohammad Al-Khatib in Ramallah, August 2013

If there was an official political will on a level that includes the PLO, all political and Islamic parties, NGOs and civil society at large, we would have much better results. This would need relevant experienced groups to spearhead the coordination among all parties and to come up with a national plan that resembles official political will for popular struggle and boycotts.²⁶

Thus, developing a coherent approach to boycotts is continually undermined by corruption and lack of political will, by the fragmented way the resistance originally developed, and by internal disagreements. This undermines the ability of the movement to function in a variety of ways as discussed below.

7.6 Repercussions of the lack of a national strategy for popular resistance:

As is clear from the discussion above, there are a variety of views regarding the lack of a unified position on boycotts and a national popular struggle program in terms of its consequences. Since the effectiveness of policies depends on individuals, the more successful these individuals and their committees are, the more they are attacked by other committees and individuals that have not been as successful. This increases the problems for those with the political drive to challenge the occupation. As Al Khatib stated:

²⁶ Interview by researcher with Hassan Faraj in Ramalla on 28/8/2013

In addition to the most basic challenges imposed by the Israeli occupation, and the effort they exert to fragment the popular resistance movement, we have to deal with enemies from within the movement, and with those who fall for the rumours that the occupation spreads about.”²⁷

Therefore, those in opposition to the PNA, such as Juma’ and Barghouti, consider the attitude of that organisation to be the main reason for the boycott campaign’s problems. Indeed, Barghouti considered it to have such a detrimental effect on his work that he stated that the best way popular resistance could get help from the PNA would be for them to “just leave us alone and not interfere”. Similarly, Juma’ explained that the PNA’s approach goes beyond just being unhelpful; instead, he asserts, it actually persecutes them and stands in their way in much the same way the Israelis do. He emphasized that this allows no space or freedom for popular resistance to operate in.

Whenever we work on something that the PNA or even Israel doesn’t want, Israel pressures the PNA into stopping our work. It interferes with it. And as a movement, we always feel that we are under the microscope, we are always being closely watched. The more the popular struggle grows and the more achievements it has, the more it is pressured, and the more the activists

²⁷ Interview by researcher with Mohammad Al-Khatib in Ramallah, August 2013

are summoned by the security forces - and the more they try to fragment the movement. This isn't apparent to the world, but to us it's very clear.²⁸

In relation to this, Al-Khatib mentioned an incident when their nonviolent activity was obstructed by the PNA and explained why he thinks it did so, as follows:

In Bitin, for instance, when we went to erect a tent village similar to that in Bab Al-Shams, everyone was against us: the Governor, the head of the municipality, the Palestinian security forces - they were all against us. And why? Because there were Israeli threats to withdraw some of the preferential treatment they get, such as permits...etc.²⁹

The village of Bab Al-Shams (The Sun's Gate) that Mohammad refers to is actually the result of positive support by the PNA in regards to resistance. Indeed, it was an initiative taken by the PNA in collaboration the different national committees and the international solidarity movement in response to activists announced desire to construct a village on land in an area in Jerusalem District threatened to be confiscated by the Israelis. Furthermore, it was partially funded by the PNA. The project was a successful nonviolent activity that attracted international

²⁸ Interview by researcher with Jamal Juma' in Ramallah, August 2013

²⁹ Interview by researcher with Mohammad in Ramallah, August 2013

attention to the matter (Darweish and Rigby, 2015, p. 94). However, in the Bitin case, the same support was not forthcoming.

BDS members, also, argue that the PNA is obstructing boycott campaigns that are being carried out internationally. For instance, the Palestinian ambassador to India actively worked against the BDS movement and led to the failure of the initiative to end trade agreements between India and Israel. Juma' explained the situation:

We were outvoted in Parliament due to the opinion expressed by the Palestinian representative. He was invited to express his opinion when the vote came to be held. He said we need India's help in building bridges for peace with Israel and not destroying them. This was a very big slap in the face for our supporters and the internationals working in solidarity with us.³⁰

The same pattern of Palestinian official positions regarding boycotts and international relations that were disappointing to the BDS movement has become visible in other areas of the world. When Latin American countries were considering ending their arms deals with Israel as a result of BDS campaigns, the Palestinian representatives there explained that they had no problem with economic ties with Israel as long as they excluded settlement products. As Latin

³⁰ Interview by researcher with Jamal Juma' in Ramallah, August 2013

American countries know little about settlements and are unlikely to be concerned about buying their products, this was an empty gesture that did nothing to support Palestine's stand against Israel.

Nevertheless, there have been various attempts and efforts to develop a common understanding between the BDS and official Palestinian representatives. Juma' describes one of these and its reception as follows:

We tried to agree with the PNA through the Karameh Fund and the Ministry of Foreign Affairs on a common position paper. It was sent to all Palestinian embassies so that we would all be united, and so we don't contradict each other. We agreed on the paper and even on a Q&A sheet, but it was not taken seriously by the embassies.³¹

Thus, these efforts were undermined by the approach of the PNA and its political elite which were more concerned to normalize relations with Israel than challenge them.

The BDS movement in OPT claims that there were similar incidents involving the PNA's detrimental effects on the movement, to the extent that they considered the

³¹ Interview by researcher with Jamal Juma' in Ramallah, August 2013

embassies to have been 'missing in action'. They assert that this does not just apply to promoting BDS, and that some ambassadors were directly involved in undermining BDS. In interview, Barghouti mentioned previous ambassadors to South Africa, Australia, Washington, Brazil, as examples of this. In addition, in the case of South Africa, the former ambassador undermined an official civil society boycott against an Israeli foreign ministry delegation that was sent to counter BDS on South African campuses. Although many people and groups boycotted the delegation – and many campuses refused to receive it - the Palestinian ambassador in Johannesburg did so. This was secretly videotaped by one of the Israeli participants and was put on YouTube. Afterwards BDS representatives approached Fatah's leadership to ask their opinion on this event. Barghouti explained the response they received:

[T]he particular leader we approached took a very strong position and attacked that ambassador by sending him a very strong-worded letter. Besides very few exceptions, we have not seen ambassadors do anything positive to promote Palestinian rights and effective accountability measures against Israel. So even ambassadors officially speaking for Palestinian rights do not counter Israeli diplomacy. There is no confrontation anywhere in the world, our ambassadors are largely missing in action.³²

³² Interview conducted by researcher with Omar Barghouti in Ramallah 27/8/2013

El-Aloul also confirmed the existing problems with Palestinian embassies and their lack of support for the BDS movement and commented on the fact that, not only were the embassies not supportive but that, in return, many international organisations were not keen to have good relations with them:

I think that there may be some setbacks when it comes to the relationship between the two, yes - though it is not one sided. Some of these international groups do not seek to have a strong relationship with our embassies, and the opposite is true.³³

Thus, the dichotomy between the official Palestinian position and that of the BDS movement has far reaching effects on the ability of the boycott movement to organise, both locally, nationally and internationally. At the same time, the Israeli's response, while attempting to restrict activities supporting boycotts of any kind, also confirmed the power of the activists accomplishments by its draconian reaction.

³³ Interview conducted by researcher with Mahmoud El Aloul in Ramallah 28/8/2013

7.7 The Israeli response

Over the years, the Israeli authorities have responded with harsh measures to counter BDS activists and their organisations. For instance, in July 2011, the Israeli Knesset passed the Prohibition on Instituting a Boycott Bill. This law criminalized participation in campaigns that called for the boycott of Israel, even if those calls were limited to boycotting settlement products only. These stated that any Israeli citizen or resident initiating or assisting in a boycott would be subject to the following:

- a. Punitive damages of up to 30,000 NIS to an injured party subject to the proof of any damage;
- b. Additional compensatory damages according to the damage rate and subject to its proof.

(See Annex I: Translation of Boycotter's law)

While anyone from outside Israel would be penalised according to the following:

- a. His right of entry to Israel will be canceled for a period of at least ten years;
- b. Until the end of the period of cancelation of the right of entry to Israel, he or anyone acting on his behalf will be prohibited from making any

transaction in an Israeli bank account, in traded shares in Israel, in real property, or in any other asset that requires registry for its transfer.

(See Annex I: Translation of Boycotter's law)

The Israeli activist and member of the Coalition of Women for Peace, Rona Moran, explains that this law was part of a series of anti-democratic laws passed by the Knesset. Moreover, she described it as being one among several methods that are used by right wing politicians, including the government, to make activists think twice before they speak out about the occupation or about any commercial involvement of companies that support the occupation. In an interview with the author, she made clear that "[t]hese laws show how afraid of such activities the Israeli government is".³⁴

Despite this, the law was very effective and resulted in the cessation of many of the activities of Israeli activists and organisations sympathetic to the Palestinian cause. Moran explained why this was so successful, as follows:

Every activist, whether an individual or an organization who calls for boycott publically will be exposed to legal procedures, they won't be sent to prison, but they will have to pay hundreds of thousands of shekels to

³⁴ Interview conducted by researcher with Rona Moran in Tel Aviv on 27, August, 2013

different settlers. Our legal advisor calls it a 'chilling affect' since although the legal procedures haven't happened, the effect is there - if you open your mouth or speak about it you are in trouble.

The effects of this are apparent in the response of newspapers and magazines. For instance, the '972 magazine', which now refuses to publish articles or even op-eds on the issue because they are afraid of attracting trouble since the newspaper would be considered to be promoting boycotts if it publishes anything relating to the boycotts. As Moran states: "The 'chilling effect' is extremely efficient in limiting our ability to complain about this. So, basically, I cannot tell you what I think about the boycott."³⁵

The law is currently being legally challenged at the Israeli High Court of Justice with an appeal made by several peace and human rights organisations in Israel, including Coalition of Women for Peace, Gush Shalom, Adalah (Justice) Palestinian human rights organization in Israel, and the Association of Civil Rights in Israel (ACRI). There are debates amongst Israeli peace and rights organisations about the strategy towards boycotts, some arguing for full BDS and others for a boycott limited to settlements. When asked whether the Israeli public might receive it better if the latter approach was taken, Yara Saidi explained:

³⁵ Interview conducted by researcher with Rona Moran in Tel Aviv on 27/8/2013

There are a number of Israeli organizations that are limiting in their call for boycott and yet are still not well received by the Israeli public. Also, during the course of our work at WhoProfits, we found out how difficult it is to draw a clear line between settlement products and Israeli ones. We were also introduced to a complicated system of agreements, such as the Paris protocol, the way the banks function, and other issues that make it difficult to draw a clear line between the two. WhoProfits is basically a research organization, and our research has shown that all major Israeli companies are tied to the settlement economy in some kind of way.³⁶

This resistance on the part of the Israeli public reflects their sense that even limited boycotts betray them. As Moran explained in interview, unless pressure was put on Israeli society to change, public opinion would persist in believing that no good can come out of the boycotts. She asserted that even if all that remains of the Israeli left wing were to galvanise themselves and organise together to support the cause, Israeli public's perception would remain unchanged.

Barghouti, who holds Israeli citizenship, confirmed this, explaining that since the law targets any Israeli that is involved in any form of boycott, not just BDS, the effect would be the same whichever form was argued for:

³⁶ Interview conducted by researcher with Yara Saidi in Tel Aviv on 27, August, 2013

If an Israeli calls for boycotting tomatoes coming from settlements, he will be held accountable as anyone calling for a full boycott would. They would have to pay huge fines, and of course if they don't pay the fines they will go to prison.³⁷

After the law was passed, several Israeli human rights organizations, as well as Palestinian ones, appealed to the Supreme Court against the law arguing that it is unconstitutional, and that it violates the basic freedom of speech and the right of expression. Since the law is being appealed against it has not yet been enacted.

To Barghouti, the most significant aspect about this law is that it puts to rest the claim by the Israeli government and the Israeli lobby that BDS is ineffective, and that the support of Israeli activists for BDS is insignificant. As he stated in interview,

[i]f Israeli support for BDS is that marginal, why do they have to pass such a repressive, draconian law that exposes Israel's face as an anti-democratic state? Clearly, this law was passed, and they knew the price for passing such a law.³⁸

³⁷ Interview conducted by researcher with Omar Barghouti in Ramallah on 27, August, 2013

³⁸ Interview conducted by researcher with Omar Barghouti in Ramallah on 27, August, 2013

While Israel's law against boycotters was introduced to put an end to boycotts, it seems to have had a boomerang impact. In general, the law targets leaders or leading activists of the boycott movement and those activists dedicate their action to convincing the public of the importance and impact of consumer behaviour. The need for the law reflects the fact that the boycott movement has tangible political implications. Indeed, for those leaders and activists, nothing could have proven their point better than the introduction of this law. Moreover, as Barghouti noted, since the law was passed, they have seen support for BDS within Israel grow. He went on to explain how much BDS appreciate the support from within Israel:

We always credit them - the information from the Coalition of Women for Peace and WhoProfits was and remains crucial for the success of groups around the world. So our Israeli partners are playing a very important role, that's undeniable, and the Israeli government realizes that.³⁹

It is worth noting that all of our interviewees saw Israel's response and efforts to counter the boycott movements as an indicator of their own success and the tangible impact that their work has had. According to Juma', an indicator of the BDS movement's success is the reaction it got from Israel at the highest levels of its political echelon. Israel has created structures and committees to counter it, and

³⁹ Interview conducted by researcher with Omar Barghouti in Ramallah 27, August, 2013

it has invested much time and money in this. To illustrate this, Juma' stated: "For instance, in the US alone, the Israeli foreign department allocated six million USD to counter the BDS' work there."⁴⁰

Likewise, El-Aloul referred to Israel's unbalanced and "desperate" reaction to boycotts as an indicator to its impact. This was borne out by the extent to which Israel went during the second Intifada in making it extremely difficult for Palestinian products to reach local Palestinian markets, while it made it easy for Israeli products to reach them.

Israel used different tactics to undermine and discredit Palestinian activists. In particular, Al-Khatib went on to describe some of the tactics used to make it difficult for Palestinian activists to carry out their nonviolent work against occupation by spreading rumours about them:

They start by spreading rumours about the internationals that participate in our activities of being Israeli spies. Other rumours included that internationals been paid to participate in the nonviolence activities. Israel

⁴⁰ Interview by researcher with Jamal Juma' in Ramallah, August 2013

also spread rumours that internationals been sexually abused by Palestinian activists.⁴¹

Al-Khatib explains that the price that is paid for being part of the popular struggle is high. Consequently, they must always weigh up the dangers they face, which include being killed, wounded, or arrested. However, all the efforts that Israel makes to undermine the boycott movement, whether limited or full, actually makes the activists more determined. As Al-Khatib stated: "What keeps us committed is that all of the previous efforts have been invested by Israel to stop us because we are effective - therefore, we must continue."⁴²

7.8 Achievements of boycott campaigns

There are a number of different levels at which the success or failure of boycott campaigns can be evaluated. If we compare what they call for with what they have achieved, none of them can be said to have been entirely successful in realizing all their goals. The goal of boycott campaigns is quite straightforward: ending economic ties, as long as injustices - or in this case occupation - exists.

⁴¹ Interview by researcher with Mohammad Al-Khatib in Ramallah, August 2013

⁴² Interview by researcher with Mohammad Al-Khatib in Ramallah, August 2013

Since by its nature, the boycott movement largely aims to have an effect at an international level, the majority of BDS movement's achievements are presented in Chapter 8 where I discuss the role of international support in more detail. However, local achievements are also very important in terms of morale and providing inspiring models.

State and institutional level

Besides the Arab League, which has officially confirmed its boycott of Israel politically and economically since its creation in 1948, no country so far has adopted an official policy of boycotting Israeli products or divesting from companies complicit with it as the BDS campaign aims. Nevertheless, there are many individual cases of groups, institutions, or political parties taking stances supporting BDS; in some cases investment has been withdrawn, or products have been boycotted due to campaigns carried out by groups affiliated with the BDS call.

A good example of an institution that supported the BDS call is the Norwegian State Pension Fund, which divested its holdings in Elbit, the most important Israeli based international military equipment producers. Juma' explained that they approached the pension fund by challenging its code of ethics, which prevents it from investing in companies that have products used in breach of human rights. Since Elbit produced the surveillance equipment used along the

Separation Wall, and the boycotters could refer to the international court decision against the wall's legitimacy in 2005, they were able to persuade the pension fund that it should divest from Elbit. Nonetheless, to Juma', it was a partial victory since, in their communication with the fund, they had listed 35 Israeli companies they claimed should be divested from; among these was the Israeli electric company that provides electricity to settlements. In responding my question as to why he thought the fund did not consider other divestments besides from Elbit, Juma' said:

It's because there is a court ruling on the wall, an international decision about it. But its ok, we think of the Elbit divestment as a great achievement. It's big because it laid the ground for a military embargo against Israel, and has triggered campaigns for the embargo ever since. Today we have a big campaign in Brazil, which follows India by being the second biggest importer of Israeli military equipment.⁴³

Although boycott campaigns have not achieved all the long term, aspirational goals they have set forward so far, there have been a number of achievements along the way according to our interviewees. Among the most important ones is

⁴³ Interview by researcher with Jamal Juma' in Ramallah, August 2013

that their campaign has been instrumental in creating Palestinian International solidarity groups as we know them today.

The BDS movement established the basis for real and effective international solidarity and, as such, it was well received. It was hard for anyone to argue against it because it is based on international law and human rights. It is nonviolent and follows highly regarded resistance movements elsewhere around the globe; such as India's struggle for independence, the American civil rights movement, and South Africa's struggle with apartheid. Barghouti described his understanding of BDS in the international arena:

No one can tell you that you are a terrorist or that you are exercising something that is not rightful. It therefore created the basis for the international solidarity movement, something for them to work around, and it provided a Palestinian reference to all they are doing. It is an international movement but it is led here in Palestine. Whenever international groups want to do anything, they write to us, they coordinate with us here. So this organized and united the international solidarity movement.⁴⁴

⁴⁴ Interview conducted by researcher with Omar Barghouti in Ramallah 27/8/2013

In Barghouti's opinion, the BDS call did not create the solidarity movement, since it already existed, but it serves to provide a focus by organizing it. Barghouti asserts that the legitimacy and credibility that the movement enjoys among international solidarity movements is due to the fact that the 2005 call was signed by an overwhelming majority of Palestinian society, including all trade unions, political parties, women's unions, and all grassroots movements. Subsequently, traditional solidarity groups started shifting their focus from demonstrations, writing letters, and protests against occupation to boycotts. This proved to be a much more effective way of taking action against companies and institutions that are complicit in maintaining the occupation. It was also applied to other forms of Israeli violations of Israeli law; in particular, the system of inequality within the Israeli society itself and their denial of refugee rights.

Thus, the BDS call provided a very effective platform that empowers people in solidarity with it. As Barghouti explained, it gave them a focused way of working to put more direct pressure on companies that supported Israel through economic ties:

Instead of shouting and burning Israeli flags, people can actually affect institutions and companies that are involved in the violation of human

rights. I think that by now, BDS has become the most important form of solidarity with Palestine.⁴⁵

Jamal Juma' compared the success that they have had so far with the efforts to boycott apartheid in South Africa:

If we compare what we have achieved in seven years, it's a lot. We are very young compared to the boycott movement against apartheid in South Africa, for instance. There have been achievements beyond what we expected, even on official political levels in such short time.⁴⁶

Over the past years, since the 2005 BDS call was made, many organizations, parties, and political groups have joined and lobbied for the realization of the call's demands.

There have also been many companies that severed their ties with Israeli companies in respect of the call made by the Palestinian civil society. There are quite a number of BDS events over the past decade that are considered successful. Annex H gives our interviewees' perspective on what they consider the most important achievements.

⁴⁵ Interview conducted by researcher with Omar Barghouti in Ramallah 27/8/2013

⁴⁶ Interview by researcher with Jamal Juma' in Ramallah, August 2013

7.9 Conclusion:

A main foundation of the analytical framework, introduced in Chapter 3 and based on the literature reviewed, is the basic assumption informing nonviolent civil resistance in pursuit of social and political change that all forms of domination and oppression are dependent on various sources of support; internal and external, willing or forced. To raise the economic price for the Israeli policies regarding the OPT, Palestinians need to take a more strategic approach aimed at being less dependent on the Israeli economy and more specifically on the settlement economy. Thus, there is a need to undermine these sources of income for settlers, and therefore Israel, through the divestment boycott of goods. The legal sanctions introduced by Israel must surely expose the undemocratic and discriminatory nature of such laws aimed at Israeli peace and human rights organizations as well as internationals active in solidarity with the Palestinians. To build on this, the approach used by the resistance movement needs to hold Israel responsible and accountable for its policies of discrimination and violation of international law and international humanitarian law in the OPT. In line with this, it is important to develop a strategy that “shames the power” of Israel, internationally and appeals to liberal voices in the world including those of European and American liberal Jews.

It is clear that different popular struggle groups do not agree on the approach adopted by others and there are many drawbacks that need be addressed in order to organize their action and improve its productivity. However, the main indicator of their impact and effectiveness lies in the response adopted by those who they target; in particular, that Israel has introduced legislation that criminalizes those involved with boycott campaigns. While this persecutes and penalizes the individuals, organizations, and even countries that adopt measures against economic ties with Israel, whether limited or full boycotts, it also indicates Israel's fear of the ability of boycott movement to affect their economy.

In terms of the internal differences, there are clear parameters that explain the PNA's position on boycotts: It is bound both by economic agreements with Israel and the responsibility of providing its people with the commodities and services that are key for their wellbeing. Groups other than the PNA do not share these constraints and would prefer that the PNA would widen its boycott activity to include all Israeli products. Whether this is viable or not, it is important that each school of thought can and should see the other as integral to its activity. Through this, the PNA can capitalize on the pressure exerted by its popular committees and consider it instrumental in pressuring Israel for diplomatic gains. As for the popular struggle groups, while better understanding between them and the PNA would mean they enjoyed more freedom and support in what they call for. As it is, they could benefit from utilizing the PNA's limited boycott and by cooperating

with it they are likely to achieve more effective, durable, and attainable gains. It is also possible to positively use the difference between civil society organisations and the PNA to increase the leverage on Israel rather than to fuel an approach of condemning and undermining each other.

Moreover, the boycott movement is not limited to the PNA's jurisdiction and the BDS call, which initially involved 170 Palestinian organisations and political groups, went on to attract a far greater number of international supporters than the activities of the PNA. Those supporters in turn worked to pressure their respective countries and companies to boycott both Israel and Israeli settlements, and divest from them and this has become a major part of the boycott movement. The next chapter therefore explores the relationships those international groups have with Palestinian popular struggle committees, their different positions, and activity they have conducted over the past year in combatting economic ties with Israel.

Chapter 8

The role of the international solidarity movement:

International activists' views, activities, and interactions

8.1 Introduction

The purpose of this chapter is to take a closer look at the role played by international supporters and their involvement in the boycott movement. The chapter will be dedicated to the information drawn from interviews that I conducted with key leading international activists in 2013 as part of the field research for this study. A list of these interviewees is given in Annex A.

As discussed in previous chapters, there are two main approaches adopted by groups boycotting Israel. The first champions a full boycott of Israel and is represented by groups that have signed the BDS Call produced by Palestinian civil society in 2005; while the second group favours a boycott limited to settlement products and ending economic ties with settlement businesses. To complement the arguments for and against these two approaches, as presented in Chapter 7 from the point of view of those campaigning from within Palestine and Israel, the first section of this chapter explores these from an international perspective.

The second section of the chapter then examines the specific objectives and overall goals of the different international groups supporting boycotts. This is important to give a background context through which to evaluate the impact of their campaigns, and assess whether the objectives of individuals leading the campaigns are coherent with their organization's stated goals. This section also discusses the links between the boycotters' stated objectives and their more general understanding of how their activities contribute to the resolution of the Palestinian Israeli conflict. After looking specifically at the stance of the PNA in relation to international boycotts, this chapter then discusses the specific European initiatives that were introduced in the previous chapter and closes with an evaluation of the success of the various approaches.

8.2 Boycott of settlement products versus full boycott of Israel in the international context

When the PNA launched its program to ban settlement products in the global markets, it was looking to change the business practices of countries around the world solely in terms of economic ties with settlements. However, the Palestinian BDS National Council (BNC) was very wary of the PNA's campaigning on an international level because they were concerned that this would hinder the efforts invested by the BNC. To pre-empt this occurring, the BNC held meetings with the NEF to discuss the issues involved.

The most specific and central concern was that those who had already signed the BDS call would retract from this and turn their attention to activities limited to settlement products, so as to be in line with the PNA's limited approach. Furthermore, at a more general level, the BNC was afraid that having two different calls made by the Palestinians would confuse international supporters, and possibly fragment the boycott movement.⁴⁷ Supporting this argument, Sarah Colborne, director of the Palestine Solidarity Campaign (PSC), explained in an interview with the author that:

The danger arising from making (limited) calls for boycott is that it may lead movements that take a stronger position to withdraw from this a bit. So, for instance with the TUC, we were afraid that they would go back to limiting their boycott to just settlement products rather than all companies complicit with occupation.⁴⁸

Nevertheless, the PNA's program did in fact raise the issue of a boycott limited to settlements for discussion; indeed, it took these discussions to the level of questioning the effectiveness of the BDS movement as opposed to that of a limited

⁴⁷ This was expressed by both Omar Barghouti and Jamal Juma' during a meeting with the author at the NEF headquarters in July 2010.

⁴⁸ Interview by researcher with Sarah Colbourne in London on 19/2/2013

boycott. Perhaps Sarah Colborne's and the BNC's fears were borne out in the change of position of the political officer for the Council for Advancement of Arab-British Understanding (CAABU) and director of ProsperPalestine's UK office, Joseph Brown. Although he had been active in supporting BDS as a university student, after getting more involved politically, he felt that the BDS position was difficult to promote due to lack of political arguments in its favour. He explained his change in thinking in an interview with the author:

I did change after getting involved in politics in a more practical way. You need to be able to explain the goals and how they are going to help people. Today, I don't think you can do that through an academic boycott or through a full boycott of Israel - simply because the political discussion is not there. So we need to be able to frame things and prove to people that it makes sense. Although a full boycott is not unprecedented since it worked in South Africa, in Israel's case I think we will lose the argument very quickly.⁴⁹

This argument is in line with the approach of those who favoured a call for a limited boycott of settlement products made the following reasoning. A boycott solely of the settlements could win over some sections of Israeli society. In relation to this, some interviewees argued that it is important to support and strengthen

⁴⁹ Interview with Joseph Brown in London on 21/2/2013

the voices in Israeli society that support the Palestinians' struggle to end the Israeli occupation of the 1967 area. A limited boycott is something that Israeli pro peace activists can support; however, they are unlikely to be part of a campaign that calls on them to boycott themselves as Israelis.

Luisa Morgantini, former Vice President of the European Parliament, and a public figure that has herself committed to the BDS call, takes a slightly different stance on this. She explained in an interview that her work and campaign focus on ties with settlements and specific Israeli products. While supporting the BDS call, she exempts herself from fully committing to its conditions on the grounds that not all Israelis were anti-Palestinian and so she feels a cultural boycott would be counter-productive:

I do personally support the BDS call, however, not all of it. For instance, I am against an academic and cultural boycott. I think that some Israelis have a good position on Palestine and their activity is not carried out for the sake of normalization with occupation.

It is for this reason that Israeli pro-Palestinian organizations, such as 'Who Profits from Occupation', Gush Shalom, and 'the Coalition of Women in Black', exist and are able to continue operating. By simply opposing occupation of the 1967 area,

while maintaining their support for Israel proper, they are able to support the anti-occupation movement without being closed down.

Thus, the limited boycott movement takes a pragmatic approach, arguing that it is more politically viable to introduce a ban on trade with settlements rather than a ban on trade with Israel. This becomes especially true when one considers that according to international law the settlements are illegal, as discussed in the previous chapter. Therefore, a ban on settlement products would allow activists and supporters to capitalize on the existing official position of states around the world by suggesting selective boycotts of critical markets such as the arms trade. For instance, as Morgantini explains:

I would like the European Commission to go beyond just boycotting settlement products to selective boycotts of Israel, such as the arms trade. And if you look at the BDS campaign in general, where they succeeded is only when they called to boycott settlement products ... I do think that they [the BDS movement] should focus their campaign more clearly.⁵⁰

Moreover, states around the world, including the EU states, have repeatedly confirmed their objection to full boycotts of Israel. In fact, as illustrated in Chapter

⁵⁰ Interview with Luisa Morgantini in Jerusalem on 29/12/2013

6, Israeli products actually receive preferential treatment when entering the European markets; while such treatment is denied to settlement products.

On a more practical level, there are particular significant difficulties involved in boycotting Israeli technology because it is included in such a wide range of products. Indeed, Israel has recently been dubbed “the start-up nation” due to the large number of successful companies that have been set up in the country that have delivered globally renowned products and services. Israeli products are in fact found in most consumer items that are now considered essential, such as cell-phones, mobile applications, and computers. The global smartphone industry, for instance, is divided between Google’s Android operating system and Apple’s IOS, both of which have research and development facilities in Israel. To illustrate this further, Google’s very own co-founder, Eric Schmidt, dedicated a letter published by Calcalist magazine to praising Google’s partnership with Israel and calling the nation a “tech miracle” (Jewish Business News, 2014). Indeed, the Israeli Advanced Technology Industries’ first quarter 2014 report shows that over 80 Fortune 500 companies have research and development bases in Israel. These include the following companies, among others: “Intel’s largest development Center that counts for 70% of its revenue, IBM’s largest research lab out of US; Microsoft’s 2 development centers; HP’s 2nd largest development center; an Apple’s 1st R&D Center outside USA” (Israeli Advanced Technologies, 2014).

These considerations make clear the challenge involved in boycotting such big international companies given their widespread influence and their far reaching infiltration into daily life – including that in Palestine itself through the technology that we all use and which supports our infrastructures. This point was confirmed by Morgantini: “I cannot boycott Intel for instance, or other Israeli products, since they are so widespread and we depend on them.”⁵¹ Thus, at an international level, limited forms boycott are clearly more popular than the full version advocated by BDS. However, whether this is more effective in achieving the goals described in the next section will be discussed later in this chapter.

8.3 The overall goal of the boycott movement

Over the past two decades, the PLO and Israel have been trying to reach a two state solution, in which a Palestinian state would live peacefully in the areas occupied by Israel in 1967, next to Israel. Regardless of how the two sides have gone about trying to achieve this vision, it has at least been the official position of both. Nevertheless, for the past two decades, the two state solution has had supporters and objectors within each side’s civil society, organizations, and political groups.

⁵¹ Interview with Luisa Morgantini in Jerusalem on 29/12/2013

The vast majority of Palestinian (and pro-Palestinian) supporters of the two state solution understand the borders between the two states as lying more or less along the 1967 borders. This is a major reason why they object to any Israeli civilian presence on the Palestinian side of the 1967 borders since this constitutes part of the land where they hope to see their future state. Supporters of the two state solution are therefore, understandably, at least in favour of a boycott of settlement enterprises. Although their ultimate goal is a two state solution, which in effect recognizes Israel, some go beyond supporting a limited boycott of settlements to calling for a full boycott of Israel. Their argument is that settlements and their economy are the work of the state of Israel and its government; therefore, it should be targeted as a whole. This position was supported by Steve Hucklesby, policy officer at the Methodist Church, in an interview with the author - when referring to his personal position rather than that of the Methodist Church. He stated that "when it comes to a boycott of Israel, I can see the validity of that [full] call."⁵²

Palestinians who object to the two state solution do so on the grounds that they are seeking to establish a one state solution; this may be either a Palestinian state, or an Israeli one in which Palestinians take part in its political system and aim to become a majority in the future. Therefore, those in favour of the latter possibility

⁵² Interview with Steve Hucklesby in London on 3/4/2013

may, actually, ultimately desire a Palestinian one state solution because they see the two state solution as either too much of a compromise or too unrealistic. In assessing the effectiveness of campaigns and linking them with their overall goal, it is useful to consider whether there is any correlation between a particular strategy and how its proponents foresee the resolution to the Israeli Palestinian conflict.

Colborne does not seem to find any contradiction between support for limited versions of the boycott campaign and the PSC's desired resolution to the conflict, since, as she explained in an interview with the author, the organization has not taken a position on whether it favours a two state or one state solution; and although officially it supports a full boycott, it has no problem if members do not do so as it does not consider this to undermine its aims:⁵³

Basically, people join PSC if they are in agreement with our aims and objectives. We never really had an issue with members saying "I'm sorry - I'm only in favour of a boycott of settlement products." In fact, I think the desire for a full boycott is stronger now. The important thing in our movement is the sense that everyone can be included.⁵⁴

⁵³ Interview with Sarah Colborne in London on 19/2/2013

⁵⁴ Interview with Sarah Colborne in London on 19/2/2013

Thus, the PSC sees this as an individual choice that members can make on their own, a choice that does not affect the organization or its behaviour in any significant way. Indeed, Colborne suggested that an international organization such as the PSC that favoured one form of resolution over the other would be involved in “a form of colonialism” since it is something that the Palestinians should be able to decide on; while non-Palestinian supporters should support them in whatever choice they make. She elaborated on this as follows:

As non-Palestinians, we should support their democratic right to determine their own future, and it is up to us to crack open the opportunities for Palestine to be debated at an international level and to amplify the Palestinian voices. It’s not up to us to speak on behalf of the Palestinians, but it is up to us to ensure that the media here carries the Palestinian story.⁵⁵

Similarly, the Methodist Church does not favour one resolution over the other; however, rather than seeing it as solely an issue for Palestinians to decide, Hucklesby emphasized that it should be open to debate among those directly involved. As he explained: “We believe that any solution should be a result of negotiations between Israelis and Palestinians”.⁵⁶ A clear distinction therefore exists between what the PSC seeks to amplify - that is, the “Palestinian voice”

⁵⁵ Interview with Sarah Colborne in London on 19/2/2013

⁵⁶ Interview with Steve Hucklesby in London on 3/4/2013

regardless of Israeli input - and the approach of the Methodist Church in supporting the result of negotiations between Israelis and Palestinians. These differences are likely to have evolved into the respective types of boycott called for by each of the two organizations.

Adri Nieuwhof, one of the founders of the BDS movement, and supports a full boycott as she stated in an interview: "Like in the case of apartheid, its Israel that is violating international law by maintaining occupation. Therefore there is enough reason to boycott any activity of Israel." However, she recognized that some of their goals had been achieved through the limited boycott. For instance, when asked about a recent EU decision that discourages official EU economic ties with settlements (discussed in more detail below), she explained that:

I think [the EU decision is] very important. And the BDS movement has some lessons to learn from it. Because by focusing on settlement activities we have achieved this step. It's not the end for me and I think the EU should sanction Israel for its violation of international law but that will not happen in the near future. It's a great step but it's not the end for me. I think we, the people, are the governments of our countries and so we, the people, must make a stand.⁵⁷

⁵⁷ Interview with Adri Nieuwhof in Switzerland using Skype on 11/12/2013

Clearly, this quotation explicitly states that the achievement in terms of the EU policy was a result of “focusing on settlement activities”. However, while there may seem to be a contradiction in this, the financial loss is not the issue. As Nieuwhof explained, what is important is to have activities that can really tell the story of the Israeli occupation of Palestine. This, she made clear, is the aim of the BDS movement. Thus, when Israeli settlement enterprises lose contracts it does help the Palestinian cause but what really hurts Israel is the tainting of their image.

Luisa Morgantini, on the other hand, does see a link between the type of boycott and the sought resolution and explained her position in her interview:

I think it's extremely important to focus on settlement products because that is where Israel is totally illegal. I think that it is important that this comes first from Palestinians, and that's why I thought it was great when the Palestinian government – you – decided to boycott settlement products. It tells the world that Palestinians are acting in accordance with international law; the state of Israel does exist, however, they do not recognize the illegality of settlements where the future Palestinian state should be.⁵⁸

⁵⁸ Interview with Luisa Morgantini in Jerusalem on 29/12/2013

It must be noted, however, that Morgantini is a veteran politician that has been influenced by political circles and international legal realities. The PSC and BDS National Council on the other hand represent civil society and, as such, are not bound to adhere to international politics and state decisions on Palestine.

8.4 The international boycott movement and the PNA

Although the campaigning work of the PNA is examined in detail in the next chapter, here, it is useful to clarify its relations with the international movement to provide more understanding of international activists' viewpoints. As mentioned earlier, the PNA through the NEF seeks to build constructive relationships with global organizations that have signed on to the BDS call made by Palestinian civil society organizations and political parties in 2005. Although the PNA's call for boycott was limited to settlements, it officially had no desire to undermine the work carried out by the international boycott movement over the years since the call was made.

Previous to the existence of any official body such as the NEF, which served as a focal point for matters relating to boycott, had led to a bumpy and inconsistent relations between the PNA and international organizations that had adopted the BDS approach. However, despite the role played by the NEF, there is still tension and sometimes a negative relationship between the PNA, the PLO embassies

around the world, and the BDS movement. This view was clearly expressed in my interviews conducted with leading members of the BNC such as Jamal Juma' and Omar Barghouti.

Since the launch of its program to ban and combat settlement products, the PNA had every intention to have its local efforts in Palestine replicated in other countries. However, there were a number of constraints that formed barriers to its making its campaign global.

To overcome those issues the PNA followed the following two strategies: 1) It established an international organization that both hides its link with the PLO and provides a new focal point for international affairs on boycotting settlement products.⁵⁹ This newly established organization was ProsperPalestine, which was launched in April 2011 at an event in the British Houses of Commons. (See Annex D: ProsperPalestine report). 2) It carried out its activities in partnership with the global BDS movement.

ProsperPalestine was created to serve as a link between the NEF's local work in Palestine, the BNC, international organizations carrying out its campaigns, and Palestinian Embassies. ProsperPalestine was the international arm of AL-Karamah

⁵⁹ Based on researcher's involvement in establishing ProsperPalestine

campaign. It was to have branches in several countries around the world and was designed to capitalize on the NEF's activity in Palestine and through this to encourage support in the EU. It aimed to refine the discussion about settlements and to expose and clarify how they disrupt the Palestinian economy and thereby any prospects for peace. Joseph Brown, (the director of ProsperPalestine's branch in the UK) explained their approach as follows:

We were trying to present a new understanding and a new network of understanding around settlements. So for the first time we were pushing forward with a single-issue, watertight set of arguments, and taking that to a number of organizations as a forum.⁶⁰

However, the first step taken by ProsperPalestine was to ameliorate the relationship between the PNA and the BNC, and improve its channels of communication with Palestinian Embassies; and, to support this, the BNC was consulted during the early stages of creating ProsperPalestine. In a letter to the Palestinian embassies through the Palestinian Ministry of Foreign Affairs,⁶¹ the newly created organization explained the details of its objectives. In summary, these were as follows (see Annex C for the full letter):

⁶⁰ Interview with Joseph Brown in London on 21/2/2013

⁶¹ Based on researcher's involvement in establishing ProsperPalestine

- 1) To remove the obstacles standing in the way of the PNA directly campaigning in other countries for a ban on settlement products.
- 2) To create a constructive relationship with the BDS movement.
- 3) To make clear the official Palestinian position on questions relating to the BDS movement based on advice from the Palestinian government media centre. Through this, to ensure that Palestinian officials do not go beyond the legal and political constraints that limit the PNA's position, while at the same time not undermining the BDS movement.

The relationship between the PNA and ProsperPalestine was kept highly confidential. Regular reports of its activity were shared only with a few Palestinian stakeholders. However, ProsperPalestine initiative was not followed through and it lasted for less than a year. It was officially launched only in the UK, Spain, and Italy, mainly due to financial constraints that occurred because funds were never officially allocated to it by the PNA. This was perhaps the price that was paid for operating under the radar, with no direct link to the PNA; it meant that rather than having its own budget, it shared a limited amount of the budget allocated to run the NEF. Moreover, the funds that were transferred to ProsperPalestine were made through individuals so that they would not be easily traced back to the PNA. Joseph Brown explained:

We weren't able to finish it because of funding constraints, but had we been able to finish it I think we would be talking about something very different today in terms of British policy. What I mean by that is this current government would have at its heels a coalition of organizations from above and below together talking about the economic ramification of settlements - and how they stand in the way of building a Palestinian state. On top of that, the complicity of the European Union through their trade with settlements [undermined us].

It is perhaps because he was one of the few people who knew who was behind ProsperPalestine that Omar Barghouti described the PNA's program to ban and combat settlement products as an "oasis" in relation to its approach to the BDS movement. ProsperPalestine's efforts and aims to develop a constructive relationship with the movement were in his view a very positive step. As for others in the BDS movement, they remained sceptical and wary of the PNA's program, given the mistrust that had accrued from their previous dealings with the PNA. When commenting on the NEF and its programs, Adri Nieuwhof explained her misgivings as follows:

I felt it to be a bit tricky for a government to be actively involved in a boycott campaign when you already have a civil society boycott movement. It

seemed as if they wanted to compete with it or adopt it. You might have noticed that in our first contacts.⁶²

Some argue that the BDS movement represented a political and ideological view that is fundamentally in conflict with the PNA, and see this as not reflecting well on the movement. Morgantini summarized her disappointment with the BDS movement's non-cooperation with the PNA and the NEF as follows:

The people who called for BDS are against the PLO, they are anti-institution and anti-establishment. I remember when an incredible and great campaign was carried out by the Palestinian government against settlement products, instead of them saying 'Great!' and seeing their goals as shared, they understood it as the Palestinian Authority's way to undermine the BDS movement. So I think ideology delivers a negative role sometimes. Instead of working together and seeing the common ground they criticize.⁶³

At the same time, Morgantini did note the absence of Palestinian embassies when it came to the boycott movement. However, she did not perceive this as an obstacle as some BNC members expressed in interviews referred to above; rather she explained that "not every country is the same, its different from place to place.

⁶² Interview with Adri Nieuwhof over Skype on 11/12/2013

⁶³ Interview with Luisa Morgantini in Jerusalem on 29/12/2012

I don't think that [the embassies] were actively against our campaigns but they were generally not present. That in itself can be seen as a negative role."⁶⁴

Others argue that there was no need for the PNA to launch such a campaign in the first place. For instance, Adri Nieuwhof explained her viewpoint that although the NEF's support had been useful at times, its support would have been much more effective if it had actually joined the BDS movement:

I liked the photos of the president setting fire to the Ahava products, but you didn't need a campaign, you could have done that anyhow. And, for instance, in the court case against Veolia, the Negotiation Support Unit was extremely helpful. So there are many ways that the PLO could have helped without the need to launch a campaign had it joined the BDS movement.

The photos of the president burning settlement products that Nieuwhof praised were interestingly later perceived as a mistake by the NEF which accordingly tried to hide them as they were considered to jeopardize the positive state building image that it wanted its program to reflect. In Chapter 9, I go on to discuss the message that the PNA actually wanted to reflect through its program concerning settlement products, in detail.

⁶⁴ Interview with Luisa Morgantini in Jerusalem on 29/12/2012

Others argue that the main problem was that the PNA had limited effect and exposure internationally although the program did consolidate the international call to boycott since under the PNA's program Palestinians started by ridding their local markets of settlement products. Colborne from PSC explained this in an interview as follows:

I don't think that the PA's campaign had a massive international reach. I think it was helpful when it did happen locally. It was something we publicized at the time. Such calls always help but what we were saying to partners is that these calls don't mean that they shouldn't boycott companies complicit with occupation.

Thus, attitudes towards the PNA's international campaign vary greatly even within the BDS movement; ranging from relief on the part of Barghouti to misgivings on the part of Nieuwhof. Moreover, while the creation of ProsperPalestine may have been well intentioned it was undermined both by its lack of funding and the European complicity with settlement businesses.

8.5 European initiatives for discussion about settlement products

On 19, July 2013, the European Union issued 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.

Section A.1 of the guidelines states that

These guidelines set out the conditions under which the Commission will implement key requirements for the award of EU support to Israeli entities or to their activities in the territories occupied by Israel since June 1967. Their aim is to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel's sovereignty over the territories occupied by Israel since June 1967.

See Annex K for the full text of these guidelines.

While this is the most recent decision made by the European Commission at the time of this study, the issue has since been discussed by individual EU states, as well as on the European Parliament level. There have also been a number of precedent cases such as the Brita case where the European Court of Justice (ECJ) ruled that settlement products are not to enjoy the same preferential treatment as Israeli ones do under the agreements as discussed in Chapter 6. The reason for this

difference is that the settlements are not recognized by the EU as being under Israeli sovereignty.

The EU's position on settlement products and how it has developed, is discussed in detail in 'Feasting on Occupation', a report published by Al-Haq (a Palestinian human rights organization). The publication argues in favour of a full EU ban of settlement products and explains how this could be achieved in accordance with EU and international law.

During my interview with Morgantini, she explained the discussion that had taken place at the European Parliament on settlement products while she was in office. Discussions focused primarily on labelling settlement products to make their origins clear, but also considered the need to stop buying settlement products altogether. On the issue of labelling, the response was positive and the introduction of such a measure was widely supported even by right wing members. However, the parliament took years to provide this response, and it took even longer for it to take a decision regarding cooperation with settlements. This was in part due to disinformation that resulted from resistance on the part of some members. As Morgantini elaborates:

I remember one of the first discussions was when the Commissioner for Foreign Relations was Chris Patten. He argued that there were no settlement

products being sold in European markets. So I smuggled some settlement products into the parliament chamber with me, and when I stood to speak, I pulled out those products and explained that I bought them from local supermarkets. It was Charles Shamma who gathered the products for me from European markets.

The incident sparked heated discussion in the parliament, as Morgantini explained, but in the end they were unsuccessful since the EU members argued that it was up to individual national governments to decide on how they treat settlement products. She explained that consequent guidelines issued by the European Parliament at the time were non-binding: "I think they could have issued something binding and my opinion is that they should have, but you need stronger lobbying both on the national level and on the European parliament level".⁶⁵

Morgantini also described an example that had arisen as a result of a campaign she is involved with against economic ties with settlements. This was about an Italian company called Pizzaroti which contracted with the Israeli government to construct part of the railway project that connects Tel Aviv with Jerusalem and passes through settlements.

⁶⁵ Interview with Luisa Morgantini in Jerusalem on 29/12/2013

Pizzaroti specializes in drilling and digging tunnels for such projects. When we approached the company to explain their violation of international law by constructing in settlements, they told us that they already have a contract and have made big investments that they cannot retract from. We started a local Italian campaign against the project and Pizzaroti admitted that they didn't know that the project would involve settlements, or they didn't know what they were in the first place.

This explains that there was some ignorance regarding the issue of settlements on the Pizzaroti's side. Yet since they had already signed the contract, it would be extremely costly for them if they withdrew and had to pay compensation for this. Morgantini states, "What we are now doing is asking the Italian government to compensate for any financial loss that a company such as Pizzaroti will encounter for abiding by the European Commission guidelines on non-cooperation with settlements."

Other initiatives were set in motion when Nieuwhof got involved with Palestine in 2003 following her visit with a group of Palestinian activists to share her experience in relation to the liberation of South Africa and the strategies she used.

It was my first visit to the occupied territories, and I remember feeling so angry, and it reminded me of my experience with fighting apartheid in the Netherlands where we worked to boycott companies involved with apartheid such as the Shell oil company. From my experience I knew that you do not need masses of people to make a difference.⁶⁶

Since 2003 Nieuwhof has been working with Palestinian organizations and individuals and strategizing with them to overcome the fact that at that time they had not been successful in highlighting their problems. Indeed, it was her influence that led them to the BDS call one year after the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI) call. She also introduced strategies based on her South African experience to deal with other European companies that were involved building rail links in the occupied territories. In relation to this, she cited a Dutch bank that had divested from Veolia, one of two French multinational companies helping to build and operate the Jerusalem Light Rail linking the illegal settlements with Israel. She also explained that there were some Scandinavian pension funds that were discussing divestment from Veolia and Alstom, another company with similar rail construction activity in settlements. Thus, their work is clearly educating audiences about the injustices

⁶⁶ Interview with Adri Nieuwhof using Skype on 11/12/2013

the Palestinian people are facing. She explained her strategies regarding these in an interview, as follows:

I used my lessons and implemented what I had learned during my work against Shell for the Palestinian case. It was then that I heard about Veolia, which was involved in the Israeli light rail project. I did my research on the company and found that they are involved with many countries. For BDS campaigns that's what you need, a clear target towards which people can direct their energy and have clear goals. And Veolia seemed like an excellent target since it was constructing part of the railway in East Jerusalem for the sake of settlers therefore strengthening Israel's hold of the city, so I thought Bingo!

As Nieuwhof explained, the protest work against Veolia set an example, which she hopes inspired people on how to get involved with the BDS movement.

From a different perspective, the Methodist Church Congress in 2009 set up another initiative after establishing a working group to prepare a report on Israel and Palestine, entitled 'Justice for Palestine and Israel'. This was presented at the 2010 conference. Steve Hucklesby was assigned to lead that working group. Following this, the Congress has debated Palestine several times over the last few

years, and has in fact debated it more than any other single international issue, with resolutions passed each year.

The 2010 report was a comprehensive document that started by looking at the different historical narratives around the conflict and then focused on occupation, the various political positions on occupation, and its impact on the Palestinians. It also referred to Cairo's document concerning the Hamas – Fatah reconciliation efforts, which was produced while the report was being prepared; as well as the Goldstone Report, which was published around the same time. The report then made recommendations that were put to the vote at the 2010 Congress; these were all passed and so became congress resolutions, as Hucklesby explains:

All of them passed. And there was an overwhelming majority; in fact the vote was taken by a show of hands because of that overwhelming majority supporting the resolutions. The only resolution where we saw a substantial divide was the boycott resolution. But even then, it was less than 25% that voted against.

Most significantly, section 7.4.1 of the report states the following:

In listening to Church Leaders and our fellow-Christians in Israel Palestine as well as leaders of Palestinian civil society we hear an increasing consensus

calling for the imposition of boycott, divestment, and sanctions as a major strategy of non-violent resistance to the Occupation. The Conference notes the call of the WCC in 2009 for an international boycott of settlement produce and services and calls on the Methodist people to support and engage with this boycott of Israeli goods emanating from illegal settlements (some Methodists would advocate a total boycott of Israeli goods until the Occupation ends) (Hucklesby, 2010).

And the particular resolution (14/9) that was passed concerning the boycott of settlement products:

The Methodist Conference noted the call of the World Council of Churches in 2009 for an international boycott of settlement produce and services and the support given for such a boycott by Christian leaders in Palestine in the “Karios” document, Palestinian civil society and a growing number of Jewish organizations both inside Israel and worldwide and called on Methodist people to support and engage with this boycott of Israeli goods emanating from illegal settlements (Hucklesby, 2010).

As well as having less support from the Congress members, this resolution provoked angry reactions from pro-Israeli groups and Jewish leaders in the UK. The Board of Deputies of British Jews and the Jewish Leadership Council were

outraged and reacted by stating:

This is a very sad day, both for Jewish-Methodist relations and for everyone who wants to see positive engagement with the complex issues of Israeli-Palestinian relations. The Methodist Conference has swallowed hook, line and sinker a report full of basic historical inaccuracies, deliberate misrepresentations and distortions of Jewish theology and Israeli policy...The deeply flawed report is symptomatic of a biased process: The working group which wrote the report had already formed its conclusions at the outset. External readers were brought in to give the process a veneer of impartiality, but their criticisms were rejected. The report's authors have abused the trust of ordinary members of the Methodist Church, who assumed that they were reading and voting on an impartial and comprehensive paper, and they have abused the goodwill of the Jewish community, which tried to engage with this issue, only to find that our efforts were treated as an unwelcome distraction (Paul, 2010).

The Methodist Church was not the first church to take a stance on settlement products. There have been many resolutions and calls made by individual churches and church umbrella organizations; most notably, the World Council of Churches. In particular, the response of the Presbyterian Church is discussed in more detail in Chapter 6.

Other solidarity and activists groups led the boycott campaign in Europe, for example the TUC as discussed in Chapter 6. Sara Colborne, the director of the PSC, explained that the PSC was started in 2001 in the UK with the aim of targeting Israeli goods. This was primarily based on existent parallels between the Palestinian struggle and the anti-apartheid movement in South Africa. Colborne perceived the boycott campaign against apartheid as being very strong and effective and was clear that it was something that any individual could do.

It's something that we can mobilize all our branches to be involved with. And then in 2005 there was the Palestinian call for boycott, which was fantastic because it took the boycott of individuals from being a call by the PSC to become on a global level. So we started working through other organizations, particularly the trade unions to amplify the call for BDS.

Chronologically, the war on Gaza in 2008/2009 was a turning point for the boycott movement. Colborne referred to a poll that was conducted by the Jewish Chronicle during that war and was published in February 2009. It asked the readers the following question: "Do you think it's a good idea to boycott Israeli goods?" As Colborne explained, the survey indicated that many of its readers supported the boycott:

The result showed over 30% supported boycott. Given that it's the JC that conducted that poll, that is a result highly in favour of the boycott. I think the number has increased since then although I haven't seen any similar polls except unofficially through our branches. We have over 40 branches nationwide and they normally organize campaigns around stores that sell Israeli products and it has increasingly become common to hear people say: well we already boycott Israeli products.

The PSC has a strong position of boycotting Israeli goods. Although it is agreeable to working with organizations that only boycott settlement products, the reservation that it has regarding limited boycotts stem from the following issues:

- 1) Mislabelling; so how do you know what is really from Israel and what is really from a settlement.
- 2) Labeling; something might be produced in settlements but packaged in Israel or produced under an Israeli company.
- 3) The issue of the actual companies profiting from the goods.⁶⁷

⁶⁷ Interview with Sara Colborne in London on 19/2/2013

Referring to the TUC support of the PSC's work on boycott, Colborne explained how their support developed and its importance in influencing the government's stance:

[T]he policy to boycott settlement products passed in September 2009 at the Trade Union Congress, which is the body that represents 6.5 million workers. In 2010 that policy was taken further to include a boycott of companies complicit with occupation and the Wall. In 2011, that policy was taken another step further through boycotting organizations that are complicit with occupation such as the Histadrut and universities. In my view, it was the pressure exerted by the consumers and through the trade unions that led the government to issue the voluntary guidance on settlement product labelling.⁶⁸

Following this she went on to explain the support from supermarkets, in particular, that of the Co-operative supermarket chain:

All of the supermarkets agreed to adopt the voluntary labelling, but it became difficult for them to sell settlement goods. Then, the Co-op took an ethical step further to ban the sale of settlement products all together, which

⁶⁸ Interview by researcher with Sarah Colborne in London on 19/2/2013

is important because 1) we knew that settlement products were still sneaking in as Israeli products, such as dates, and 2) we were concerned that settlement products were being diverted to other EU markets.

Boycotting companies complicit with occupation or settlements made the situation easier for the PSC since it removed the need to trace back to where a particular product came from. To them, the fact that a company deals with settlements is enough justification to boycott it altogether.

Trading Away Peace, the report prepared by 22 European organizations that was introduced in Chapter 6, carries the same message as that of ProsperPalestine. What it however adds is a comparison between the settlement economy and the Palestinian one. Crisis Action is an international organization with offices in Brussels, Johannesburg, London, Nairobi, New York, Paris and Washington DC. It aims to serve as a catalyst and coordinator of joint action on the part of civil society organisations around the world to protect civilians from armed conflict. As such, it has been in a position to provide a great deal of expertise to support the Palestinian cause, which as Brown explains is evident in the Trading Away Peace report:

They will suggest a project and setup a network of people who will contribute to it. And they will compile and do the leg work and make sure that everyone is on the same page. They also make sure that its written and published using the expertise of all of the other groups. When you look at the Trading away peace, you will see ProsperPalestine's research in it. Not word-by-word, but in terms of messaging. What I was keen to do during my discussion with Crisis action was get the ProsperPalestine argument across. Trading away peace I think is a culmination of what we tried to do with ProsperPalestine, except its three years later, and with a broader coalition.

Today, the twelve points of action suggested by the Trading Away Peace report - and presented in Chapter 6 - are the talking points of any discussion on settlements in Europe. As Brown explains, they provide a variety of ways that a government or organisation can support Palestine: "EU governments are given choices. If you don't want to ban settlement products, then you have 12 options. At a minimum, one of the points asks governments to at least disseminate data of trade volumes with Israel."

Thus, while initiatives in Europe for supporting boycotts are more restrained than the BDS movement would wish, they are widespread and originate from a wide range of organizations representing all level of society. In the next section, I consider how effective these are.

8.6 The effectiveness of the boycott campaigns

When trying to measure effectiveness, one must first ask: What exactly it is that the activist / boycotter is trying to achieve? Do these campaigns aim to hurt Israel economically? Or are they merely political manoeuvres? Morgantini explained: “Perhaps it is more politically effective to call for a full boycott, but if practical results are anticipated then a focused boycott on settlement products and cooperation with BDS is better.”⁶⁹

As demonstrated in Chapter 6 and 7, there are two basic positions that have a bearing on whether a group supports limited or full boycotts: On the one hand, a pragmatic one and, on the other, a principled one. The principled approach sees the BDS as a way to expose Israel’s violations of the Palestinians’ rights, including their right for statehood and return of the refugees; and the other, more pragmatist approach focuses on settlement boycotts while also supporting statehood.

In relation to this, Nieuwhof thinks the boycott movement should “tell the story of Israel’s violation of the rights of the Palestinian people.” Unlike Morgantini, she questions the effectiveness of a boycott limited to settlements: “It has been ten years since the EU has been discussing the issue of labelling settlement products.

⁶⁹ Interview with Luisa Morgantini in Jerusalem on 29/12/2012

This is a complex story, and the question we must ask is: How does it educate people? What is the story that it shares?"⁷⁰

Nevertheless, it is difficult to communicate to the European and American public the rationale of the full boycott campaign and to show the impact of such a strategy. It is more concrete and tangible to focus on a list of products from settlements so the public will know how to take action. Hucklesby explained the reasons for the Methodist Church's position that favours a limited boycott of settlement products on both practical and principled grounds:

- 1) A call for full boycott should come from people under oppression and not by the people in the purchasing community.
- 2) The boycott must communicate clearly through the nature of what it is that is being boycotting. "This works very well for settlement products, not as good for boycotting Israel".⁷¹
- 3) There must be some parallel and tangible political call going alongside the boycott.
- 4) There must be a constructive way forward "so you are not just against something but suggest what you are in favour of as well".⁷²

⁷⁰ Interview with Adri Nieuwhof over Skype on 11/12/2013

⁷¹ Interview with Steve Hucklesbey in London on 3/4/2013

⁷² Interview with Steve Hucklesbey in London on 3/4/2013

Moreover, from an ideological point of view, the research highlighted that there is a danger in the connection that people make between Israel and Jews that leads them to question whether, if they are boycotting Jews, it is actually a form of anti-Semitism. For religious organizations, such as the Methodist Church, these are particularly sensitive considerations. Hucklesby explained the Methodist Church's position in relation to this, as follows: "As churches, we are very cautious about interfaith relations, very aware of the history of anti-Semitism and the potential for it in our society. We have to be cautious in the action that we take that we don't fuel anti-Semitism." On the other hand, there is diversity within the Israeli population on this issue and Hucklesby understands the justification behind the argument for a full boycott:

The argument for boycotting all Israeli products is: Israel is a democracy (of sorts) and there is a very clear policy that is around occupation and maintaining occupation if not even expanding occupation. So that's I think the clearest justification of boycotting Israel. What you are boycotting is Israeli government policy.

However, while recognizing this on the one hand, Hucklesby maintains that a boycott is a very public tool and communicating it may get out of hand.

Another issue the research brought to light refers to the practical position regarding whether a European ban on settlement products would have been secured had they directed their efforts only towards boycotting settlement products. When I challenged Colborne as to whether, in her position as head of PSC, she thought this was the case, she explained that she did not think it was so and went on to explain that any movement has to have a strong and clear message. In her opinion, the issue of labelling and tracing which companies are complicit with occupation would weaken such a straightforward message. In relation to this, she pointed out that groups calling for a limited settlement boycott had had enough space to have achieved their goals if these were a possibility. She also asserted that the intention of the BDS call was not to provide a rigid format that supporters must hold to throughout but one that allowed a variety of actions. As she explained:

What was important about the movement is to tell people to do what they could where they could - so not to have a restrictive framework whereby everyone had to sign up to a campaign to boycott settlement goods but to accept that everyone is at different stages in the BDS campaign.⁷³

⁷³ Interview by researcher with Sarah Colborne in London on 19/2/2013

Adri Nieuwhof also thinks that one would be deluded to think the EU would have responded by banning settlement products had their boycott campaigns been limited to these. She compares the situation with the EU's position during apartheid, where no official measures were taken on its part.

In EU countries in general - and in the UK in particular - the Palestinian Israeli conflict gets exceptional attention, and often leads to polarized and heated debates on university campuses. Students, often represented by student groups, such as the Palestinian Society or the Islamic Society, have led campaigns that oppose Israel and specifically call for boycotting Israel as a whole. As I discussed in Chapter 5, the BDS call is considered to have provided direction and organization to the global Palestinian solidarity movement by providing it with a unifying and clear plan of action. Moreover, in the same way that one may consider the practical effectiveness of the BDS movement in terms of economic impact, so too one can weigh up the practical effectiveness of the nonviolent student activities on campuses.

A good example of a prominent student activist supporting Palestine is Joseph Brown, who as well as his position in CAABU and ProsperPalestine was a student at the LSE. One of Brown's protests took the form of performing in a theatrical representation of the occupation at the LSE in response to Israel's Cast Lead Operation, otherwise known as the Gaza War, in 2008/9. In an interview with the

author, he reflected on that action and expressed his doubts as to the effectiveness of the various strategies they had adopted at the time. Comparing their practical and ideological demands, he explained the difference in terms of impact as follows:

We had six demands, some of them I think were ludicrous such as getting the director to condemn Israel, I mean, Why? But we did have other practical demands among them. The problem I think we had at LSE is that we spent much time getting our voices heard, condemning Israel and making speeches, which is all very well, but the question is how many Palestinians are practically benefiting from that?⁷⁴

Thus, an evaluation of the success of the boycott movement depends on what the movement seeks to achieve. Particular campaigns have been successful while others have not. In many cases, it comes down to a vote that is either passed or not by a governing body, such as the Methodist Conference, a student body, congress, or general assembly. The dynamics of each case must be expected to be different, and some groups calling for boycotts may have more skills than others. Also, the timing of when a vote on boycotting Israeli or settlement products is undertaken

⁷⁴ Interview with Joseph Brown in London on 21/2/2013

is key. As Sarah Colborne explained, the 2008/2009 war on Gaza served as a turning point for the boycott campaign. Another incident that triggered an increase in calls for boycotting companies complicit with occupation was that of the Mavi Marmara Gaza Flotilla in 2010.

However, looking at the overall picture, our interviewees had different opinions on whether the boycott movement has been successful or not. Most notably, Luisa Morgantini, one of the three founders of the ISM expressed her disappointment in what has been achieved. “Regarding the ISM, I am not happy with where we are since we failed in sanctioning Israel or clearly ending ties with settlements.” However, she noted that the BDS movement did grow, is more legitimate, and enjoys more presence and support. And as a result, Israel’s violation of international law its crimes are better known. She highlights that there is more civil society support in the European Union now for Palestinians. But she gives more credit to Salam Fayyad’s government in leading the European parliament, and individual governments to take stronger stances on settlement products.

Joseph Brown explained that the UK government understands the obstacle that settlements pose to achieving peace in the area. However, in terms of acting upon that understanding by taking further action, he felt the government responds by saying: “we are already further ahead of other governments with our labelling

procedures, or that the issue is too complicated to further tackle.”⁷⁵ He explains that there is no political pushback on the part of the government to put pressure on Israel, nor is there any organizations try to push them towards this. However, even pro-Israeli groups did not attack them on the ‘Trading Away Peace’ report because the principles it is based on are unassailable. He states, “They don’t necessarily agree with us, but they didn’t attack us, because there isn’t an argument against it. So now it’s a matter of trying to facilitate the policy.”

While Adri Nieuwhof explains her understanding of the goal of the BDS campaign as being to tell the story of Palestinians under occupation, the Italian journalist, Angelo Bucato, explained that the media debate is normally limited and promoted by well-known Palestinian supporters, including those belonging to the Palestine solidarity movement. “In Italy, it is much less visible than what you see in the UK media. The public there views boycotters as extremists, and they don’t see it as constructive action that can influence positive change.”⁷⁶

As noted during my interview with Sarah Colborne, the growth of the BDS movement may have more priority over the practical economic achievements it may have. For the PSC, according to Colborne, as long as people agree with PSC’s main aims and objectives, and pay their annual fee, they can join.

⁷⁵ Interview with Joseph Brown in London on 21/2/2013

⁷⁶ Interview with Angelo Bucato in London on 23/4/2013

To close this section, it is worth considering how Israel envisions the impact of a successful boycott campaign. The Israeli Minister of Economy, Naftali Bennett, acknowledges that boycotts are among the implications of the failed peace negotiations and explains how the likely effects of a full European boycott would affect the economy at a range of levels from the cost of living rising to significant budget cuts. He described the situation resulting from entering the reality of a European boycott, even a partial one, as follows:

[T]he Israeli economy will retreat; every Israeli citizen will be hit directly in his pocket; the cost of living will rise; budgets for education, health, welfare, and security will be cut; and many international markets will be closed to us (Case Bryant, 2014, p.4).

Furthermore, the Israeli news agency, Ynet, reported that Israeli foreign office officials are concerned about the growing support for the boycott especially in the light of the continuing building of settlements in the West Bank. They have been quoted in Ynet as saying:

As long as Israel continues to build, this phenomenon will persist and it will be difficult to prevent it without handling this political issue. There is no

way to explain to the Europeans why the settlements are good, and why they should buy products produced beyond the Green Line (Somfalvi, 2014).

Thus, the research findings in the above demonstrate significant but limited achievement by the boycott campaigns in Europe; moreover, it is clear that it had an effect on Israel's politicians and decision makers as they have become aware of the possible impact of a successful boycott campaign.

8.7 Conclusion

The analytical framework presented in the methodology of this thesis assumes that nonviolent civil resistance in pursuit of social and political change is dependent on various sources of support. In the light of this, the current chapter highlighted the critical role of the external actors to exert pressure on their governments and policy makers to take action against Israel policies in the OPT. Since European countries provide substantial economic support to Israel through trade agreements and access to funds in the EU, undermining and possibly even stopping such economic support will have a direct effect on the Israel economy and the welfare of the Israeli society. In the end, this might force Israel to reconsider its policies regarding Palestine because the cost of maintain the occupation would become prohibitive.

If Israel wishes to be part of Western democracy and uphold its values and so presents itself to the world as the only democracy in the “backward primitive” Middle East, then Israel must be held accountable to these values and ideas. Continuation of the occupation and the concomitant system of oppression against the Palestinians is attracting more criticism than ever in Europe. There is a growing international solidarity with the Palestinians with many ordinary citizens in Europe asking their political representatives at national and local level to exert pressure on Israel to stop the occupation and acknowledge the Palestinians’ right to statehood. This telling the story of the occupation, both by activists who have visited and witnessed the daily oppression of the occupation and by Palestinian speakers touring Europe, is vital source of information to enable ordinary people to inform their MP or local councillors and demand action against Israeli settlements.

Just as there are divisions regarding policies and approaches to boycotting Israel within Palestine, the same can be said regarding international supporters. The decision on whether a full or limited boycott is made seems to depend on the group or organization’s ideology more than reasoning. By some, it is not results that are sought, but a growing pool of members and affiliates. This was reflected by the head of the PSC, where no matter what your stance on a resolution to the Israeli Palestinian conflict, or what type of boycott you favour, you can join the organization. This of course leads to a larger number of members. The vaguer

boundaries are, the greater is the area of common ground that gathers its member. But the more you try to get members to agree on details, the more that common ground will shrink. Hence, delivering results other than a large vocal membership base may be difficult. But perhaps a large vocal group of supporters is a good enough goal. Surely this could provide the necessary supportive pressure that could benefit the more result-oriented organizations? Therefore, should the two cooperate? Indeed, do they cooperate?

In relation to this, Joseph Brown explained that cooperation amongst organizations that are overtly pro-Palestinian is different to that between those that are more generally promoting human rights and justice: “You will find that the latter have better cooperation than the more specific pro-Palestinian organizations.”⁷⁷ My interviews with other organization representatives confirmed this. Both Sarah Colborne and Adri Nieuwhof thought the PNA should not have launched a boycott program in the first place. Adri Nieuwhof explains that what is essential to BDS is that any group they cooperate with must support its three basic demands - ending Israeli occupation, recognizing the fundamental rights of the Arab-Palestinian citizens, and respecting, protecting and promoting the rights of Palestinian refugees. In her own words: “I do not have a problem

⁷⁷ Interview with Joseph Brown in London on 21/2/2013.

with any group as long as they adopt the three demands of the BDS movement.”⁷⁸

Her condition for adherence to the demands of the BDS movement may signal that the large pool of membership the movement enjoys is actually solely for the benefit of the movement. This would belie any theory asserting that the BDS movement could cooperate by acting as recruiters for the benefit of more result-oriented organizations. For her part, Luisa Morgantini described the BDS movement as being made up of “the anarchists and anti-establishments”⁷⁹. Moreover, she expressed her sadness that she felt because the BDS movement seemed to view the PNA’s program as competition rather than a source for cooperation.

Perhaps this split characterizes the scattered nature of the campaigns and, to explore this further, the next chapter discusses the PNA’s program by presenting it as a case study; it details the efforts that the two organizations made to work together, and the results of that cooperation.

⁷⁸ Interview with Adri Nieuwhof on 11/12/2013 in Switzerland, by Skype.

⁷⁹ Interview with Luisa Morgantini on 29/12/2013 in Jerusalem

Chapter 9

A case study of Al-Karameh National Empowerment Fund

9.1 Introduction:

In Chapters 4 and 6, this research demonstrated the large scale and great diversity of the settlements' economy, as well as their strong links with EU countries and beyond. These chapters also highlighted the dependency of the Palestinian economy on the Israeli economy and more specifically on the settlements. This chapter is dedicated to the selected case study; Al-Karameh National Empowerment Fund. This organisation was established by the PNA in 2010 with the aim of leading the campaign for boycotting settlements. It was named Al-Karameh, which means Dignity, with the intention that it would enable Palestinians to be proud and have the dignity to refuse to cooperate with the occupying power by boycotting settlements - to have the dignity to have shops and homes that are "clean" from settlements products.

The NEF was selected as a case study, from an academic point of view, because it was an original example of an organization promoting nonviolent action against the Israeli settlements through their economy. In fact, it is the only Palestinian - or even international organization - that has been established for that express purpose, and all its activities remained focussed on that purpose and, during the

two years it existed, its work did not go beyond this. What makes it especially interesting is that it was a government initiative; this is relatively rare phenomenon since nonviolent actions normally tend to be led by grassroots movements against governments. The aim of this chapter is to study the formation of this organization and evaluate the impact it had on the settlements boycott. The chapter will analyse the challenges that faced the organization, its successes and shortcomings, and its relationship with other popular resistance organizations.

A more pragmatic reason for choosing the NEF for the case study is that, as its director, I have a great deal of background knowledge regarding its methods and challenges and access to documents and correspondence. Consequently, the documentation that this study can provide regarding this initiative will be able to contribute significantly to existing literature on nonviolence. While the NEF and its activities have received a great deal of coverage by the media, there remains much information that was at my disposal as its director that has not been mentioned anywhere else. Moreover, I was able to use informal contacts as well as documents available to me as director to present a more rounded and comprehensive case study than an outsider studying the organisation would be able to do. The fact that many such efforts have gone undocumented is the reason that has resulted in the unfortunate circumstance whereby literature on nonviolent resistance is scarce in comparison to that on war studies.

The Palestinian Minister of National Economy, Dr Hasan Abu-Libdeh, appointed me as head the NEF and I was officially assigned the responsibility of running the organisation on 8, February 2010. My first task was to recruit the Fund's employees and set up its structure. When the process of recruiting staff was underway, we focussed on drawing up the executive plans. At the top of our list of tasks was to draft the law that would ban and combat settlement products, and to develop a program to implement this.

Normally, when the programme to ban and combat settlement products is described, power struggles and hidden drawbacks are not mentioned. However, these are very pertinent to an understanding of the effectiveness of the NEF and my interview with Dr. Hasan Abu-Libdeh gives much insight into this particular issue of power struggles within the PNA over the Fund. Given its nature and the national interest in the aims it wished to achieve, such drawbacks tell stories of inconsistency and contradiction within the Palestinian political echelons, as well as within the Palestinian public in general.

9.2 The formation of Al-Karameh National Empowerment Fund:

On the 12th of January 2010, the NEF was launched by the Palestinian Prime Minister of the time, Salam Fayyad. Representatives of all sectors of Palestinian society attended the launch - government officials, political party leaders,

representatives of the private sector, and leaders of Palestinian civil society. The Fund's overall goal, as its name indicates was to empower the Palestinian economy so that it could have the means to function independently from international support. During the launch, funds were raised by means of pledges to support the NEF in carrying out this mission to end the presence of settlement products in Palestinian markets. Pledges for donations of almost USD 2 million in cash and in kind were made during the launch.

The NEF was presented as a crucial pillar for the establishment of the future Palestinian state since it sought to create a bigger space for domestic products in local Palestinian markets. During my interview with Prime Minister Salam Fayyad, he explained its importance in terms of an overall strategy to prepare the country for statehood:

The program came as part of my government's two year plan to build the state institutions in preparation for statehood. We were working to build a viable Palestinian economy that could uphold the state, and this consists of two things, building the economy's pillars, and getting rid of what is standing in the way of its construction. The most obvious obstacle to our

economy was the settlements. So we had to get rid of their effect on our economy.⁸⁰

Dr. Hasan Abu Libdeh, who was Chairman of the NEF as well as the Minister of National Economy, explained the rationale behind the NEF's creation:

It's very simple; to create a sustainable source to fund all activities needed to rebuild the Palestinian economy so that, on one hand, it would become an independent national economy that can meet the domestic market's requirements, and, on the other hand, cut any economic link with Israeli settlements.⁸¹

The original idea behind the NEF was that of Abu-Libdeh and, remarkably, there was only a matter of days between his conceiving the initiative and its materialization as the NEF. Moreover, since other government officials and the private sector appreciated the concept, they also contributed significantly towards its establishment. Pledges for donations on the day of the launch included USD 250,000 from the Palestinian president's office, and a further USD 250,000 from the government, and the remaining USD 900,000 were made up from pledges made by the Palestinian private sector. However, according to the NEF's financial report

⁸⁰ Interview held with Dr. Salam Fayyad in his office in Ramallah on the 31st of December 2013.

⁸¹ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014.

for 2010, less than half of these private sector pledges were honoured. Even before this, Fayyad's hopes for private investment were not met by the amount of pledges made; he had anticipated more enthusiasm to make donations since he thought they would be perceived as investments by that sector since they were to be the first to reap the benefits of the program because the aim of the NEF was to get rid of a main competitor to their own products; that is, settlement products.⁸²

In relation to this, Abu-Libdeh said in an interview with the author that he felt that the donations did in fact reflect the support that the private sector was able to give. He explained that, in practical terms, since companies operated under humble circumstances, and considering the short notice of the establishment of the NEF along with the abundance of initiatives that they are asked to support, the contributions were generous. He further explained:

I think the actual USD 900,000 donation was an excellent amount. Especially since we didn't even have to convince the private sector to donate, they heard the idea and they were immediately convinced. The NEF was to become an icon that represented self-determination and productive struggle for independence and ending occupation.⁸³

⁸² Interview held with Dr. Salam Fayyad in his office in Ramallah on the 31st of December 2013.

⁸³ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014.

Regarding the contribution from the government, Abu-Libdeh explained that while the government itself gave nothing in terms of a direct financial contribution, it considered its in-kind contributions sufficient. This took the shape of providing office space, and allowing its employees - including the Minister of National Economy - to dedicate a significant part of their time to running the NEF.

At the time of the NEF's launch, only 15% of the average Palestinian consumer basket was made up of domestic produce and, according to Fayyad, settlement products had a similar percentage of that same consumer basket, which would have been valued at around USD 500 million. The remaining 60% came from the international market, including Israel. By the end of the NEF's first year, the consumption of domestic produce rose to around 19%.⁸⁴

Some reflections on the establishment of the NEF:

In this section, I would like to highlight two points as concluding remarks regarding the establishment of NEF, based on my experience as director of the Fund and the insights this provided about the organization during my two year role. The first relates to the political environment in which the organisation was formed and the second to the part played by the private sector.

⁸⁴ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014.

The context in which the NEF was established / reasons for establishment

The officially stated reason for the establishment of the NEF was to support the Palestinian economy by ridding it of one of its main obstacles; settlements and their economy. The NEF conveyed a strong political statement against settlements, first by exposing the existence of their economy, and second by calling on all countries to end its economic ties with Israeli settlements. However, before this call could be taken seriously, the NEF first had to reduce the amount that Palestinians themselves were trading with settlements, as much as practically possible.

If we consider the political situation at the time when the NEF was established, the reason for its formation becomes clear. On 16, September 2010, Haaretz reported the following:

Palestinian sources said Thursday that during their meeting in Jerusalem on Wednesday, Netanyahu told Abbas that Israel would resume construction in the settlements at the end of the month. Abbas reportedly replied that in that case, the Palestinians will have to withdraw from peace negotiations (Issacharoff, 2015).

The resumption of settlement construction that Netanyahu was referring to followed a ten month construction freeze that had been agreed with Israel, which

had officially started on 26, November 2009. The construction freeze was the Palestinian condition for entering direct negotiations with Israel in the first place. However, the Palestinians were not convinced that Israel would respect the freeze and also claimed that Israel was continuing its settlement policy as before. Confirming these doubts, three months after the freeze was announced by Israel - about the same time the NEF was established - the Huffington post reported:

Construction continues in violation of the freeze, with no apparent consequences thus far. Settler violations of the moratorium have been constant and blatant, with the government of Israel admitting they are taking place in at least a quarter of the settlements. Peace Now has documented evidence of settlers laying fake foundations, and documented evidence of settlers carrying out new (unauthorized) infrastructure work (Ofran, 2010).

Therefore, the establishment of the NEF in January 2010 marked the first Palestinian National Authority nonviolent unilateral effort against settlements. It was a decision made as a direct result of the Israelis not halting their construction work during the peace negotiations. It also reflected the PNA's response to the awareness that never before had there been an Israeli government that was so blatant about its settlement policy. This left no room for the PNA to justify any belief that the negotiation process could halt settlement activity in open view of the Palestinian people.

The Palestinian private sector and the NEF:

As previously mentioned, the NEF was launched at a fundraising event that was intended to attract representatives and contributions from the private sector. During the event, the NEF secured pledges of around USD 1.8 million. However, following the event, it turned out that only about USD 900,000 of the pledges (both in cash and kind) were actually honoured. The reasons for this can be attributed to two main causes:

- 1) Many of the in-kind donations were irrelevant to the nature of the NEF's tasks and so it was not possible to utilize it and therefore consider it as donations. For instance, a dairy company had donated dairy products, and a paint producing company donated barrels of paint. In other cases, the contributors had not specified what form their in-kind donation would be.

- 2) A number of contributors who had made cash donations later retracted for the fear of the political controversies associated with such involvement. Namely, they were not interested in any dispute with Israel for fear that their pledges would falsely associate them with terrorism, in response, Israel would take measures against them, such as not issuing permits for them to travel to Israel or internationally.

These fears were by no means unfounded since involvement of the private sector in political action had become even more of an issue after the 9/11 attacks. In response to this, the US, Israel, and some EU countries had put rigid procedures in place that reflected their suspicions of any financial contributions made to political causes, in fear that they might be supporting terrorism. Since then, private donors have preferred not to get involved in funding such political campaigns, even when nonviolent, if there is the slightest chance of being accused of funding extremism. Palestinian banks, for instance, had been investigated and indicted for channelling funds to Hamas in the Gaza Strip after the latter was labelled as a terrorist organization. Even after Hamas became legitimate by winning the elections and forming its own government in 2006, this concern remained influential to the extent that some banks still preferred not to have dealings with any of the Hamas government bodies.

Consequently, one of the organizations that had failed to honour their pledges, was the Palestinian Banking Society, which had originally promised USD 250,000. The NEF suggested a number of alternative ways through which the donation could be made to the Palestinian government, which would then allocate it to the NEF. However, none of the suggestions captured the consent of the Banking Society and their donation went un-honoured, although other banks did find indirect routes by which to contribute. As Dr. Abu-Libdeh explained:

The Palestinian banking sector pledged USD 250,000 but did not pay a dime, because of their fear of being punished by Israel for doing so. There are two individual banks that appreciated the NEF and made their donations through other indirect routes, but not through the official body representing them that made the pledge. I don't know if the Palestinian Monetary Authority had anything to do with this.⁸⁵

In considering this drawback, a fundamental flaw obstructing the work of the NEF becomes clear: the Palestinian private sector was unwilling to challenge Israel's settlement policy *in practice*. While it was wholeheartedly against the settlement enterprise *in principle*, when it came to practically translating that objection into reality, leaders of the private sector were extremely wary and cautious. No matter how hard the NEF tried to secure the pledged contributions, organizations were not willing to follow through with their donations. The private sector was therefore willing to be part of the nonviolent effort as long as they had no price to pay in return - and as long as no sacrifice was made.

In relation to the establishment of the NEF at the political level, Dr Abu-Libdeh described the Palestinian approach to its identity as a state as being schizophrenic in some ways, arguing that a state does not only exist because it has a flag or

⁸⁵ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014

membership of the UN. While he recognises that these are important, he asserts that it also requires more practical issues:

To have a state you must feel that you have a state in every way; you need to have a state in reality. This of course involves also having an independent economy that reflects the state's national identity. One must feel that this identity is expressed through the smallest economic activity. We must feel that everything within this economy contributes towards building the state that represents us, our identity, and everything we long for.⁸⁶

Thus, the work of the NEF and its effects on the economy can be understood to be essential to forming a state that functions at all relevant levels.

9.3 Structure

The NEF was governed by the Palestinian Consumer Protection Council which was headed by Abu-Libdeh and used office space provided by the Ministry of National Economy with which it worked closely. Partnerships were built between the NEF and law enforcement institutions such as Palestinian customs and the security forces, in addition to relevant ministries and public institutions.

⁸⁶ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014

The organisation was relatively sophisticated with eight departments listed below. Each had a different area of focus and a specific role, all of which are reflected in the campaigns conducted during the NEF's existence.

- PR and media department
- Recruitment and volunteer mobilization department
- Training department
- Israeli outreach department
- International outreach department
- Design and production department
- Civil society affairs and networking department
- Law enforcement department

9.4 Strategy

On the establishment of the NEF, Abu-Libdeh devised its plan of action aimed primarily at the West Bank and proceeded to establish the NEF's presence there. The immediate task at hand was quite straightforward: to end the existence of settlement products in Palestinian markets by the end of the year 2010. To this end, a rather sophisticated strategy was developed with the ambitious intention of implementing it within a year. This strategy was a mix of devising and enforcing legislation that made it illegal to deal with settlement products or services

combined with public awareness campaigns to rally Palestinians to abandon settlement products through self-motivation. However, while the NEF's rationale was easily understood by Palestinians, the program also had to focus on how it would be perceived by the international community and Israel; especially so, since this was an official program that represented the PNA which had to abide by economic agreements that it had signed with Israel. To be specific, the PNA had to in agreement with the Paris Protocol, which set out the nature of economic cooperation between the PNA and Israel.

As a party to the Oslo accords, the PNA was not allowed to take part in campaigns that delegitimized and undermined Israel's standing within the international community. Therefore, among the first steps the NEF undertook was to clearly explain the program's approach and how it justified that approach in political terms. Talking points, media lines, and other documents that explained this were prepared and distributed to all Palestinian officials to guarantee all explanations and responses regarding the program were in sync and delivered with the utmost sensitivity. The following points outline the main messages that the NEF decided to communicate to the media and public, and illustrate the arguments the NEF adopted to support its work (NEF, 2010):

- The campaign is an important step in the direction of building a viable Palestinian state that has an economy able to respond to the needs of all Palestinian sectors while preserving our national interests. The aim is to rid Palestinian markets from all products that are weakening our economy, including settlement products, while on the other hand it seeks to expand on and develop all that strengthens it.
- It is any nation's right to organize its internal markets in a way that best supports its economy. This is a campaign to self-empower Palestinian consumers and provide them with the information about products that they have the right to know. This is especially important since settlement companies normally camouflage their products as anything but of settlement origin. Having provided this information, we consider it is then up to the consumer to decide for him or herself.
- We welcome Israeli products into our markets and encourage economic cooperation. This campaign is not in breach of any agreements; in fact, it advocates for and protects international law and takes a practical step to stop those in breach of this.
- Due to the land and water scarcity, as well as obstacles to movement imposed by occupation for the protection of the settlement economy,

Palestinian manufacturers and producers are unable to compete with settlement products. Moreover, settlement products do not go through quality assurance measures as Palestinian, Israeli, or foreign products do. Consequently, their industry is also a hazard to the environment. Indeed, factory settlements around the Tul Karem area are known to be called the “Death Factories” due to their poisonous emissions that affect Palestinians.

- Settlements are no longer residential communities that attract civilians for ideological reasons. They now have integral business entities that utilize Palestinian land. Over the last 10 years, the growth rate in the settlement population has been three times that of Israel’s. In the Jordan valley alone, the settler population of approximately 9600 settlers consumes a quarter of the water consumed by all Palestinian West Bank residents (2.5 million). Settlement businesses profit from the exploitation of Palestinian resources and promote the settlement expansion; these depend on and encourage development of basic infrastructure such as roads, water, electricity, telecommunications, and sewage that are not accessible to Palestinians. Thus, the infrastructure created by Israel came to serve the Jewish settlements, which highlights the colonial nature of the occupation and the subordination of the Palestinian community.

- It is a further violation of the Palestinians' rights that settlement jurisdiction covers 40% of the West Bank while the built up area takes up only 3% of the region. Furthermore, in 2009, there were 698 incidents of settler violence against Palestinian civilians, their lands, homes, and property. From January 2010 to May 2010 there were 326 reported incidents of settler violence.

Thus, to tackle these issues, the overall strategy adopted was to develop a specific law combined with a series of campaigns that covered a range of ways of approaching the public, including an advertising campaign making clear the NEF's aims, and various forms of outreach work to raise awareness; all of which are described below.

i. **Creating the message: The 'Your Conscience, your Choice' campaign:**

The very first of the NEF's campaigns was the 'Your conscience, your choice' campaign that characterised and explained the NEF's approach for the following year. While a law to ban settlement products was being prepared, the NEF decided that the best way to end economic trade with settlements was to ensure that people understood and were convinced as to why they should avoid such trade.

This campaign involved around USD 130,000's worth of outreach material promulgated through all available means, including television and radio spots, newspaper advertisements, billboard campaigns, social media and internet adverts, and even a radio soap opera. Through these outlets, the NEF's work was advertised in all Palestinian cities, major villages, and along the roads connecting them. All of the messages were meant to be self-empowering and aimed to enable Palestinian consumers make relevant decisions themselves regarding the settlement economy. Following is a translation of some of the statements these messages included:

- "Buying settlement products brings the settlements into your home."
- "As the children of Palestine, we can choose not to contribute to the settlements."
- "A settlement's lifeline depends on your consumption of their products."
- "You can choose not to help to destroy refugee camps and build settlements instead."⁸⁷

⁸⁷ This last statement was heavily criticized by the Palestinian public since it implied that we wanted to maintain refugee camps when, in fact, Palestinians would like to abandon the camps to return to their original homes as part of a comprehensive political settlement of the Palestinian right of return.

All of these statements became associated with the program's brand logo, which had a finger pointing towards the reader saying: "Your conscience, your choice". For one month prior to revealing the program to ban settlement products, the logo was advertised on its own as a teaser without explaining what choice it referred to. The logo is shown below:

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A number of other statements, representing various Israeli settlers from different settlement companies thanking Palestinian consumers for their contribution of a certain percentage of their overall annual sales, were also publicised. Below is an example of a mock-up of the marketing director of the Ahava (Dead Sea products) company thanking Palestinians for contributing 67% of his company's profit:

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According to Abu-Libdeh, when this ‘Your conscience, your choice’ campaign was launched, a majority of the Palestinian people were very hopeful that it would succeed. He based this opinion on a poll conducted by the Ministry of National Economy, which showed that 90% of Palestinians supported the initiative.

ii. **The law to ban and combat settlement products:**

Following the development of the first campaign, on 26, April 2010, President Mahmoud Abbas announced the decision to institute the law to ban and combat settlement products while attending a regular meeting of Fatah’s revolutionary council. This reflects his reliance on his own political party for support and endorsement of the law. In relation to this, it is worth noting that normally the Legislative Council is the official body that produces such regulation; however, since it had been suspended since 2006 when Hamas won its elections, this was

not an option. Under such circumstances, the president can issue a decision for legislation in emergency cases. Thus, these circumstances also imply the urgency of the law, as the NEF did not wait until the Legislative Council was re-instated before announcing the law. (For details of this law, see Annex F: The law to ban and combat settlement products.)

As its name implies, the law aims to ban settlement products and services and lists harsh punitive measures against anyone who does not abide by its articles. Punishment can involve five years imprisonment and fines of up to JD 10,000 (around USD 15,000). In an interview with the author, Wisam Awwad, a program coordinator at the NEF, elaborated on how the law was implemented:

[A] law was approved by the President Mahmoud Abbas that deems settlements illegal in the West Bank, it is called the law to ban and combat settlement products. The law was to be enforced by all relevant government bodies, mainly the Ministry of Economy and Palestinian customs, along with the security forces. There was also a free telephone number that was advertised for people to call and report anyone who deals or trades with settlement products.⁸⁸

⁸⁸ Interview held with Wesam Awwad in Ramallah on 25, August, 2013.

When this law was introduced, it also included a clause that forbids Palestinians from providing services to settlements (Article 4). This, of course, was especially relevant to – and difficult for - over 30,000 Palestinians working in settlement companies. Consequently, shortly after the law was introduced the government had to soften its position by providing a grace period for workers to find jobs in Palestinian markets. There was no mention of any deadline for that grace period, and the law was never actually implemented in relation to the workers involved. Indeed, the mere inclusion of the clause was perhaps a mistake since it voluntarily revealed the vulnerability of the Palestinian economy, and its dependence in some ways on the settlement economy. Palestinian unemployment was already very high, estimated at a staggering 44% for young people (Balousha, 2013), so adding to that unemployment would have grave implications to the economy, a move that no Palestinian government could really afford.

The NEF was later tasked with presenting proposals to reintegrate Palestinian settlement workers back into the local economy, although none of the proposals were followed through. In his interview, Abu-Libdeh explained that he felt he was let down by the PNA when it did not follow through a decision it made to dedicate USD 50 million to the reintegration of Palestinian workers on settlements. However, he also felt that the inclusion of settlement workers was a mistake for

the NEF as a whole; in his own words, “criticism began when we expanded our campaigns to target settlement workers - we had opened the gates of hell.”⁸⁹

Enforcing the law

When the law to ban and combat settlement products was introduced in April 2010, it included an article which established that the NEF should be tasked with monitoring the enforcement of the law itself. The NEF therefore took the leading role in making sure that the law was abided by, and that those who did not were brought to justice. The NEF’s judgements were to be based on investigations it carried out on the origins of products or services that had been bought by the person or persons in question. Its verdict would either be to clear a case or refer it to prosecution. The Palestinian customs authority and the police force were the law enforcement units that would follow up the NEF’s verdict.

There was no clear and comprehensive account of how many cases existed of people actually being punished by the law, yet different media sources reported on this. In May 2010, shortly after the law was imposed, the Guardian reported that: “According to the Washington Post, at least 17 businesses within the largest settlement bloc, Ma'ale Adumim, have closed as a result of the boycott campaign that took off earlier in the year, while the PA has confiscated \$5m-worth (£3.5m) of settlement goods across the West Bank.” (Shabi, 2010) Three years after the law’s

⁸⁹ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014

introduction in July 2013, the US-based, online media site focussing on the Middle East, *Al-Monitor*, reported the following:

Since 2010, enforcing the law resulted in the confiscation and destruction of smuggled goods worth over 60 million shekels [\$16.8 million], an official source told *Al-Monitor* on the condition of anonymity. Products costing an equal amount were not destroyed because of a lack of the proper equipment to do so on the Palestinian side ... The director-general of the Customs Authority, Ghaleb Diwan, pointed out to *Al-Monitor* on July 21 that “817 tons were seized during the period extending from June 2010 until June of this year, and 185 cases were referred to the Public Prosecutor’s Economic Crimes Office.” ... But, it seems that the law was not deterrent enough, leading to 72 tons of goods being seized, according to the official statistics, since the beginning of this year — with 15 cases being referred to the Economic Crimes Office. This means that there still is public and commercial appetite for settlement products Sources from the Palestinian Judicial Media Center confirmed to *Al-Monitor* that only nine people were convicted of crimes relating to the anti-settlement goods law since 2010. They were sentenced to three months in jail and paid fines as high as 2,000 Jordanian dinars [\$2,800] (Khalil, 2010).

In an interview with the author, Mutaz Qaroush, a coordinator of the NEF, explained that before introducing new products in local markets, according to the new law, Palestinian companies had first to obtain a certificate from the NEF that indicated that the product did not come from the settlements before they could get a permit from relevant government bodies to allow them to sell their products.⁹⁰This involved other Palestinian ministries such as the Ministry of Health if a company was requesting a permit to sell a drug or cosmetic product or the Ministry of Agriculture if a new brand of vegetable or fruit was to be allowed in Palestinian West Bank markets. All relevant government ministries needed to get the green light from the NEF before they allowed new products or services in their markets.

iii. The guide to combating settlement products:

Another early strategy was to create a guide identifying settlement products. Therefore, among the first tasks that the NEF was faced with was identifying which settlement products existed in the Palestinian market. Since this was a campaign that called for the boycott only of settlement products and not those of Israeli produce, it introduced the challenge of identifying the specific origins of Israeli products. Otherwise, had it been a campaign to boycott all Israeli products, the NEF could have simply asked people to boycott anything with Hebrew

⁹⁰ Interview held with Mutaz Qaroush in Ramallah on the 23rd of August 2013.

written on it, or anything that stated its origin as Israeli. Therefore, the first three months after the NEF's establishment was dedicated towards producing an understandable, easy-to-use guide that explicitly listed settlement products.

Thus, the guide to ban and combat settlement products was produced. It was an 88-page booklet that included around 500 settlement products - each settlement company was listed along with pictures of the range it produced. Information for the booklet was gathered with the help of Israeli organizations that oppose settlements, such as 'Who Profits From Occupation' and 'Gush Shalom', and Palestinian labourers working in settlements. The booklet also included guidance on how to identify other products that may be of settlement origin. In addition to Arabic, the booklet was translated into English, Spanish, and French. The reason for translating the booklet was to further emphasize to foreign diplomatic missions to Palestine and international journalists that the campaign targeted only settlement products, and not all of those from Israel. Around 500,000 copies of the booklet were made and distributed during the campaigns that followed. Below is a sample page from an English translation of the booklet:

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iv. **'Door to door' campaign':**

On the 18, May 2010, a 10 day door-to-door campaign was launched by the NEF with the aim of reaching all Palestinian homes on the West Bank. About 3,000 volunteers took part in this campaign that was eventually able to reach around 75% of all Palestinian households over the campaign's duration. That worked out as around 350,000 households out of the existing 420,000 on the West Bank.

The governor of each city launched the campaign at precisely 10.00 am on the morning of the 18, May. Participating at the launch were representatives of the Palestinian government, political parties, civil society organizations, and the local and international press. Public figures, such as the prime minister and other

government officials, also volunteered to participate in this campaign; and among the homes that were visited was that of President Mahmoud Abbas.

During the campaign, the volunteers, distributed the booklet and asked people to sign a “pledge of dignity” that was a vital part of the campaign. The translated text of this pledge is given in the next section. In his interview, Awwad describes how the campaign was conducted, as follows:

Our first direct action campaign was called from door to door and was launched at the same time, at 10:00 am in all governorates through a press conference that was held simultaneously. Each pair of volunteers would visit Palestinian households in their area and distribute a booklet that contains information about existing settlement products in our markets and would ask people to sign on to the “pledge of dignity” through which they could confirm their support for the campaign. Volunteers would also ask residents to place a sticker that says that this place is free from settlement products on their doorsteps. In just a week we visited around 80% of all homes in the West Bank.⁹¹

⁹¹ Interview with Wesam Awwad in Ramallah on the 25th of August 2013

Outreach material:

The main thrust of the door-to-door campaign was to distribute information regarding the aims and work of the NEF to all Palestinians in the West Bank. To this end, volunteers distributed a package of outreach material to individual households throughout the area. The package included the guide to ban and combat settlement products, a brochure about the NEF, and a sticker that said: "My conscience is at peace, this place is free from settlement products". The sticker was to be placed at the entrances of homes once the inhabitants were sure that they no longer consumed settlement products. This gave a strong image of the campaign's presence after volunteers had visited Palestinian homes. At one point after the campaign ended, entire neighbourhoods were seen to have these stickers, and homes that did not have the sticker stood out as abnormal. An image of the sticker is reproduced below:

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Volunteers also asked Palestinian residents they visited to sign Al-Karameh pledge that expressed the spirit of the campaign. Volunteers would bring back the signed pledges to the NEF, which then archived them for future reference. Following is an English translation of that pledge:

We the people of Palestine, of all religions, affiliations, professions, and ages, have come together to affirm our desire and determination to rise up and shake off the effects of settlement contamination in our Palestinian cities, villages, and refugee camps - first and foremost, by replacing settlement products in our local markets with those that are produced with pride in Palestine, with Palestinian Hands! ... We hereby take upon ourselves the responsibility of guiding this popular campaign, towards a dignified and prosperous national economy, upon which our beloved Palestinian state will be built on, thereby ensuring and sustaining the peace we long for. This is our pledge. From now on we are... ambassadors of Palestinian dignity (Bröning, 2011, p. 146).

Training the volunteers:

Volunteers were mainly recruited through the Fatah youth movement, which saw itself as a main partner in this campaign and were already familiar with popular activities through organizations they belonged to, whether universities or civil society organizations. Prior to the launch of the campaign, volunteers were

trained in relevant aspects of outreach work, such as how to present the campaign and how to interact with people at the homes they visited. To supplement this, workshops were held in each area in the run up to the campaign's launch. Also, an organisational structure was designed to govern the volunteers and their engagement, as follows. A coordinator was assigned for each city and, under him or her, a supervisor was assigned for each locality; then, group coordinators were chosen and, lastly, volunteers were organized in pairs to approach households. The number of volunteers in each area depended on the number of households in that area.⁹²

A detailed scenario of how a home should be approached was distributed to the volunteers. This explained how they should greet and present themselves, how they could answer anticipated questions, and how to deal with criticisms of the campaign. In essence, while they were asking people to boycott settlement products, volunteers were to encourage Palestinian consumers to give priority to domestic produce in order to contribute towards their national economy.

Another aspect that volunteers' training involved was how to deal with the media covering their activity. Since this campaign represented the PNA, how it was portrayed was a particularly sensitive issue and it was important that it did not

⁹² Interview held with Wesam Awwad in Ramallah on the 25th of August 2013.

come across as a campaign to boycott Israeli products; therefore, it was vital that volunteers stuck to the official media lines as set forth by the NEF. Furthermore, volunteers were asked to present the campaign in a positive sense; in particular, by making clear that it was a campaign aimed at helping to build the economic pillar of the future Palestinian state.

Ten volunteers were based at the NEF headquarters and these organized the rest of the volunteers in the West Bank. Each training program lasted 12 hours, and was conducted over a two day period by NEF staff from its training department in collaboration with staff from the Palestinian central statistics bureau. This latter department had developed a partnership with the NEF for the express purpose of developing this campaign.

Some reflections on volunteer recruitment:

The backbone of the NEF's work was formed by some 3,000 volunteers, recruited and trained specifically to carry out its programs. While the claim and original intention was that the NEF was non-partisan, nonetheless, we were not able to secure such a large number of volunteers through non-political structures. This is why we had to recruit through the Fatah youth movement and all the volunteers

belonged to this. Hasan Faraj, as head of this movement, estimated that they had offered between 2,500 and 3,000 volunteers.⁹³

Although these recruits were considered volunteers, any personal costs they encountered were generously compensated. Indeed, when compared to the wages received in the Palestinian labour market, one could argue that they were paid workers rather than volunteers. In total, the 3,000 volunteers were paid over USD 250,000 for the 10-day door-to-door campaign. Nevertheless, there were many cases of potential fraud where some volunteer group leaders were accused of taking advantage of the funds. However, none of the cases were proven, yet the mere existence of such claims put forward by volunteers themselves suggests that some of those involved were not there for the sake of the cause.

Ending economic ties with settlements is something that all Palestinian political factions agreed on and supported. Yet, when it came to providing volunteers, only those following President Abbas as the head of Fatah, had participated. As noted above, it was Abbas who had approved and announced the law to ban and combat settlement products, at a high level Fatah General Assembly (revolutionary council) meeting. Thus, sadly, party politics overruled their common interest that the campaign embodies. It should be emphasised here that

⁹³ Interview held with Hasan Faraj in Ramallah on the 28th of August 2013.

our interviews with popular resistance leaders demonstrated a divide in the Palestinian popular resistance structure that follows political parties. For instance, Mohammad Al-Khatib, coordinator of the Bil'in popular struggle committee, explained the political affiliations associated with the popular resistance committees introduced in Chapter 7:

The committees that were formed depended on the affiliation that their initiators had originally. They had to be one of three groups: left-wing NGOs, Fatah or the PA, or regular independent activists. Therefore within each committee you might have found all three, or in many committees' cases, they represented one of these three groups which the committee ultimately subscribed to.⁹⁴

Thus, a major reason that other political parties did not participate was because the PNA was behind the campaign and most parties were cautious and suspicious of the PNA's intention to replace the BDS campaign with a limited boycott of settlement products. Our interviews also confirmed this suspicion among leaders of the boycott movement, such as Jamal Jum'a who perceives the call for a limited boycott as "the biggest and most dangerous threat to popular resistance and the boycott campaign".⁹⁵ In the same vein, when asked about the PNA's leadership of the campaign, Adri Nieuwhof, as a founder of the BDS movement, stated "I felt it

⁹⁴ Interview held with Mohammad Al-Khatib in Ramallah on the 21st of August 2013.

⁹⁵ Interview held with Jamal Juma'a in Ramallah on the 20th of August 2013.

to be a bit tricky for a government to be actively involved in a boycott campaign when you already have a civil society boycott movement. It seemed as if they wanted to compete with it or adopt it".⁹⁶

At the very beginning of the door-to-door campaign, NEF members had hoped to establish its own national structure of volunteers and to select them regardless of political affiliation. However, this would have required much more time and financial backing than was actually available. Therefore, we felt it expedient to get the help of an existing political group. In relation to this, it should be noted that there was no formal structure within the Fatah youth group until the NEF organized one. It was the call by the Palestinian president (as head of Fatah) for Fatah supporters to take part in the campaign that inspired the movement to cooperate in forming a structure. Later, after the NEF was closed down, the Fatah movement maintained the structure and continued to take advantage of it for all its popular campaigns.⁹⁷

Reactions and responses to "Door to Door" campaign:

Meetings were held after the campaign had ended where 'door to door' volunteers reported back to the NEF regarding how people reacted to their visits. In general, reactions were overwhelmingly supportive. In fact, most Palestinian consumers felt disgusted when they knew that they were unknowingly

⁹⁶ Skype interview held with Adri Nieuwhof on the 11th of December 2013.

⁹⁷ As confirmed by head of the Fatah Youth, Hasan Faraj.

supporting the settlement economy. Prior to the campaign, most consumers were unaware of the existence of a settlement economy; they thought that they were simply buying Israeli products. The fact that they had not previously perceived a correlation between what they were consuming and what they support caused them strong feelings of frustration. Since consumer behaviour had not been understood as having any economic or political implications the campaign had a significant awareness raising effect.⁹⁸

However, there were some negative - or unsupportive - reactions to the campaign. In relation to these, Mohammad Irshaid, originally recruitment officer for the campaign and later its director, explained that unsupportive reactions could be understood to fall into one of the following two categories: 1) consumers who thought that the PNA should first work on finding trusted alternative products and services which they did not believe existed, and 2) those who thought that if the PNA was genuine in its efforts, it should call for a full boycott of Israel.⁹⁹

The overall effects of the campaign are complex, and discussed in more detail in the conclusion to this section, however, it can be understood to have had a positive influence in terms of the raised awareness of the importance of consumer power among the Palestinian population.

⁹⁸ Interview held with Wesam Awwad in Ramallah on the 25th of August 2013.

⁹⁹ Interview held with Mohammad Irshaid in Ramallah on the 25th of August 2013

v. The 'Medal of Dignity' campaign:

About two months after the 'Door to door' campaign, a 'Shop to shop' campaign was launched on 1, July 2010 involving the participation of around 600 volunteers from all over the West Bank. Its aim was to reach all Palestinian shops and industrial facilities to encourage them to support the boycott from their end by not selling or dealing with settlement products and services. Although the law to ban and combat settlement products was already in place, this campaign was created to further self-motivate business owners to abandon trade with settlement products out of their personal conviction, and not only because a law was in place.

As with the door-to-door campaign, volunteers were trained in how to approach shops and were given outreach material to distribute. Each package also included the guide to how and why settlement products were banned, but instead of the pledge of dignity, shop owners were handed out application forms for the 'Medal of dignity'. This medal was in fact a certificate that was awarded by the Ministry of National Economy to shops that showed that they did not trade with settlement products. Once a shop submitted its application, a representative from the Palestinian consumer protection unit, which had been set up by the NEF, would visit and inspect the shop before authorizing the certificate to be awarded. Other visible material that showed a shop's participation in the campaign was handed out by visiting volunteers. These included stickers, banners, and danglers

(hanging signs). Consumers, for their part, were encouraged to look for this certificate in their local shops.

During the campaign the volunteers were able to reach around 20,000 businesses, which comprised almost all West Bank shops and industrial facilities, in one week. Similar to the 'Door to door' campaign, volunteers also involved public figures such as the Prime Minister and government officials. The launch of the campaign was synchronized throughout the West Bank so local governors and all volunteers could participate on the same morning. Following is a picture of Prime Minister Fayyad participating in this campaign by hanging a dangler in one of the shops he visited

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vii. School competition:

After conducting campaigns that targeted Palestinian West Bank consumers and shop owners, the NEF saw an opportunity to further reach out to the Palestinian society through its education system. We considered it important to involve younger students in the campaign, and also to reflect their perspective on dealing with settlement products. Therefore, we established a partnership with the Ministry of Education, and developed activities to involve students.

Throughout the campaign, announcements were regularly made in all schools to encourage students to keep an eye on what products enter their homes. Classes were dedicated to explaining how students could make sure their parents did not mistakenly purchase settlement products. And most important of all, a school competition was carried out across all West Bank schools. This competition asked students to participate with essays, drawings, and art, or anything that expressed what they would like to tell a Palestinian consumer or shop owner who insisted on dealing with settlement products.

Over 4,000 submissions were made, and the Ministry of Education at the time described the activity as the most popular that students had ever been engaged with. Once the submissions were received, a committee made up of educators from the Ministry of Education selected the winning 50 submissions. Winning participants all received awards and, more than that, their submissions were

published in a book that was widely distributed. Twenty thousand copies of the book were published. Furthermore, some of the powerful messages conveyed by the participating students through their submissions later fed into the advertising campaigns of the NEF. A ceremony was held on the 15th of July 2010 under the auspices of the Prime Minister to announce the winners, to hand out their awards, and to announce the published book (WAFA, 2010). The picture below shows some of the award winners at the ceremony where the Minister on National Economy and the Minister of Education presented awards

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In the NEF's final campaign, undertaken in the first quarter of 2011, we dedicated our efforts to encouraging the consumption of domestic produce - rather than products from other sources - as an alternative to the settlement products it had

banned. This was a nationwide campaign called 'Give me a chance' in which outreach material was produced and a media campaign was held towards that end. The NEF enlisted its volunteers in a similar way to previous campaigns but, in this case, the aim was for them to be present in Palestinian markets encouraging consumers to give priority to domestic produce.

9.5 Investigation into settlement products and relations with Israeli companies

A very significant challenge was that of correctly identifying and certifying exactly where products came from, especially as it was difficult to establish whether a product was produced in Israel itself or in the settlements. Since many settlement companies depended heavily on the Palestinian market they were concerned to maintain this outlet. Indeed, the Washington Post reported that, shortly after the law's enforcement, at least 17 settlement companies completely shut down. The Post further reported, as follows: "For the Israelis, it's "an insufferable situation," according to Avi Elkayam, who represents the settlement's 300 factory owners. But for Palestinians, it might be the strategy they have been looking for." (Zacharia, 2010)

For settlement companies that had purely economic motives, it seemed more worthwhile to abide by the Palestinian law by relocating their factories or by proving to the NEF that they no longer have ties with settlements and produced all their products in Israel, or elsewhere. Their hope being that the NEF would

remove their products from its banned list. A rather paradoxical relationship was established between the NEF and such companies, as the following explanation indicates.

Before a company's product could be removed from the banned list, the NEF had to investigate whether the company was genuine in its claims that it was neither based in the settlements nor produced any items there. This was a rather controversial and sensitive issue since, according to the Oslo peace accords, official PNA bodies are not allowed to operate in Israel, or even outside Area A, that is, areas under PNA administrative and security jurisdiction; at least, not without Israel's consent. However, the companies in question were claiming that their activities were limited to areas within Israel. Thus, the NEF had to find a way to investigate the product origins in an area that under no circumstances was an official PNA body legally allowed to operate in. The way the organisation found to overcome this was by indicating the investigation criteria and evidence required by the NEF and passing this on for 'others' to research and submit the results to the NEF. These 'others', who carried out the investigations, were Arab lawyers holding Israeli citizenship, who could therefore be contracted by an Israeli company, and so make it possible for the NEF to have some form of communication with the Israeli companies.

In an interview, one of these lawyers explained how the investigation went:

After I was approached by the first Israeli company to clear its brand from the banned list - having successfully done so - the word spread among other Israeli companies who started approaching me. I would visit each company's production line and all its facilities wherever they were. I requested full access to their locations and files, their written consent to this was something that the NEF insisted on seeing. I would then visit their facilities and take pictures of their production lines and distribution mechanisms. A comprehensive report on my investigation with illustrations would then be submitted to the NEF. With a report, I included a declaration that the company had to sign confirming that it no longer dealt with settlements. Some investigation reports included over 100 pages, depending on the size of the company.¹⁰⁰

The example of a 'Field Produce' letter, obtained from the NEF archive and presented in Annex G below, best explains the common procedure put in place once the Fund considered there was enough evidence to prove a company no longer had links with settlements. The letter is addressed to the PNA Minister of Economy and titled: 'A request to remove the products of 'Field Produce' from the first part of the guide to ban and combat settlement products'. The letter states

¹⁰⁰ Interview with the lawyer, who preferred to withhold his identity, on 24,, August 2013

that 'based on the attached report prepared by the investigating attorney, we request your approval to remove the company's products from the list'. The notes, visible in Annex G and handwritten by the Minister of Economy, give the following instructions:

- 1) The Deputy Minister of Economy is to instruct the consumer protection unit to execute the instructions.
- 2) Before the company's products are allowed in markets the matter is to be published in our local newspapers confirming the company's commitment to withdrawal of activity on settlements.
- 3) All relevant official bodies are to be informed.
- 4) The case is to be archived at the NEF and the decision to be published on its website.

Thus, by using an indirect method we were officially able to establish the origins of many products and record this, without contravening the Paris Accords, so as to ensure that the information was available to back up enforcement of the boycotters' law

9.6 Relations with Israeli society

On 5, September 2010, Abu-Libdeh spoke to Israeli students at Tel-Aviv University in his role as Palestinian Minister of National Economy and Chairman of the NEF. He shared a panel with Israeli Minister Avishai Braverman and spoke about the intentions behind the NEF's program to boycott settlement products. He explained that the program does not target Israeli products, and that the PNA in fact encourages economic ties with Israel (Friedman R. , 2020). On other occasions, Minister Abu-Libdeh published op-eds in Israeli papers sending out the same message. These acts were an important part of the efforts the NEF dedicated to explaining to the Israeli public that their program was not intended to hinder peace, nor did it target Israel. This form of outreach was an important component of the NEF's strategy: reaching out to the Israeli society. This approach is remarkable because such components are not common for internal Palestinian campaigns.

For instance, an op-ed by Abu-Libdeh in the Israeli paper, the Jerusalem Post, published on the 5th of March 2013, was entitled: "The Palestinian campaign against settlement products represents a practical commitment to peace" (Libdeh, 2010). Similarly, in an interview published on 6, August 2010 with the Israeli media outlet, Ynetnews, Abu-Libdeh was quoted as saying: "the Palestinian National Authority had no intention of smashing all economic ties with Israel,

despite the boycott. Israel is here to stay ... and we are interested in peace and cooperation with it, therefore we will not participate in any boycott against the Israeli economy as a whole" (Libdeh, 2010). Moreover, Abu-Libdeh explained during my interview with him that he had also met with a number of Israeli ministers and officials – including Fuad Ben Eli Ezar, then Israeli Minister of Industry - to explain the NEF's program, and to reiterate that it does not target Israeli products.¹⁰¹

Understanding what the Israeli public's reactions to its program might be was crucial for the NEF before drafting the messages it sent to the Israeli side. It therefore secretly contracted with an Israeli PR firm, another event that is rare to happen. The firm in question was tasked with conducting opinion polls to assess the Israeli position. It then advised the NEF on what messages would be most effective to convey to the Israeli side. In an interview conducted with the author, a senior official at the NEF, speaking on condition of anonymity, confirmed that such a contract had been made although the name of the Israeli PR firm is also to remain concealed due to the sensitivity of the matter. The contract lasted for around six months and was facilitated through a 'middle man' Palestinian PR company. Despite the secrecy associated with it, this arrangement shows the emphasis that the NEF placed on having the Israeli public understand its program,

¹⁰¹ Interview held with Dr. Hasan Abu-Libdeh in Ramallah on the 21st of July 2014 .

and the importance it saw in this. Through this, the NEF was seeking to find partners in Israel that accepted its efforts to ban settlement products and, moreover, saw it as a measure that did not contradict the two state solution, but in fact could contribute towards it.

Taking a completely different approach, during my interview with Salam Fayyad, the former prime minister revealed a striking story relating how he went beyond calling for a limited boycott of settlements to publically justifying a full boycott of Israeli products. He explained that his intention was that Israeli mainstream media would pick it up. Explaining the Israeli reaction, and how he used that reaction to call for a full boycott of Israeli products, Fayyad stated that the Israelis were furious and tried to pressurise the NEF to stop the campaign in any way it could. One of the ways in which they reacted was to delay the tax refunds that Israel was to transfer to the PNA. However, when this happened, Fayyad took advantage of it and again called for a full boycott of Israeli products. Of course this was seen as beyond inflammatory not only by the Israelis but also by the international community. It went beyond what the PNA can do or even talk about.

Expanding on his reasons for this, Fayyad adds:

The logic that I used to justified this with was key. I relied on the nature of the Paris Protocol, which governs our economic ties with Israel. The Paris

Protocol states that Israel is to compensate the PNA with the taxes that occur to Israeli products being sold in Palestinian markets. These taxes should go to the PNA and not Israel since they are sold in its market. If Israel stops the transfer of these taxes, then we are obliged to seek another source of income since the source provided through tax on the purchase of Israeli products no longer exists. Presenting the boycott of Israeli products based on that logic cuts the road ahead of those who would otherwise label it as anti-Israel or anti-Semitic. I explained this to the international community, such as to US congressmen. And I gave the example of having one bank account that is in debt; in order to avoid all your income being taken to cover that debt, people are eventually forced to open other bank accounts. In a sense, that is exactly what I was doing when I called to avoid Israeli products and prefer other products over them for the benefit of the PNA's income.¹⁰²

Reflections on NEF's relationship with the Israeli public¹⁰³

The coordination between the NEF and Israeli organizations was kept highly confidential, not for the sake of the NEF, but for the sake of the Israeli groups because, since the NEF was an official PNA body, the Israeli organizations would be perceived as collaborators if the relationship became known. Although organizations like 'Who Profits from Occupation' and 'Gush Shalom' openly

¹⁰² Interview held with Dr. Salam Fayyad in his office in Ramallah on the 31st of December 2013.

¹⁰³ Based on the author's personal involvement.

oppose economic ties with settlements and have led the way in exposing settlement companies and products, it remained highly sensitive to have relations with the PNA and pass information on.¹⁰⁴ In my position as director, I was the only point of contact between the NEF and these two Israeli organizations. My meetings with them were held in their offices in Tel Aviv, and I reported on these meetings only to the Palestinian Minister of Economy.

Also, as mentioned earlier, the NEF had contracted an Israeli PR agency to convey its message to the Israeli public, assuring them that its program does not target Israel and was limited to its settlement enterprise. The Israeli PR agency was also very cautious about not being exposed for the dealings it had with the PNA and the arrangement was facilitated through a Palestinian PR company, which the NEF had also contracted. However, I remained its only contact representing the PNA. The arrangement was kept from both the Israeli and Palestinian public, yet highlights the importance that the NEF placed on reaching out to the 'other side'. We considered this crucial to presenting the program as a measure that merely aims to remove one of the obstacles that stand in the way of building a healthy Palestinian economy and consequently essential to winning over sections of Israeli society.

¹⁰⁴ See Chapter 7, Section 7.7 'The Israeli response', for a discussion of these issues.

The image that the NEF wanted to portray was successfully conveyed to politicians and official state representatives and, behind closed doors, they expressed their support for the PNA's program and made clear they perceived it as a constructive nonviolent approach to protesting against the settlements while building an important pillar of the future Palestinian state. In public, however, those same politicians were less vocal in their support of the program, although they never criticized it. On one occasion, an Israeli minister - whose name is withheld by request - said that what the NEF was doing was "brilliant" and that it is "exactly what you should be doing". Yet he explained further: "What do you expect me to say when I'm up there [pointing at the panel]. I am an Israeli minister, I cannot say what I really think". This was said in a private conversation between the author and the minister, just after the latter had publicly criticized the NEF.

9.7 The closure of the NEF

When the NEF was created in January 2010 it had a clear, albeit ambitious, goal to achieve within a given timeframe; to end the existence of settlement products in Palestinian markets by the end of 2010. To some extent this was achieved when, in November 2010, one after another Palestinian governorates declared their markets free from settlement products, as will be discussed below. Moreover, by the end of 2011, the NEF had used all the donations it had raised at its launch ceremony and,

consequently, a decision to shut it down was made by the Palestinian government. The decision was justified by the NEF having achieved a major goal by successfully establishing a system that was now part of the Palestinian government, and which still ensures the sustainability of efforts to maintain Palestinian markets being free from settlement products. As Salam Fayyad explained in an interview, the closure was a question of logistics rather than politics: “There is no political reason behind its closure as it is claimed, it’s only a matter of changing Ministers of National Economy who have different approaches. I personally would have liked it to follow through with what it was set to achieve.”¹⁰⁵

When asked whether he thought that the NEF had been successful in ridding Palestinian markets from settlement products, Awwad said that he thought they had been successful in Area A, but he felt that they were less successful in Areas B and C, which are not fully under the PNA’s jurisdiction. He elaborated on this success saying that the NEF was successful both on an official and a popular level. On the popular level, Palestinian consumers had started to boycott settlement products on a regular basis whereas, previously, they had not differentiated between settlement products and Israeli products. He elaborated on this:

¹⁰⁵ Interview held with Salam Fayyad in his office in Ramallah on the 31st of December 2013.

The NEF also explained to people that domestic alternatives do exist. I think this was a successful model that we must capitalize on and build upon, not only in things involving settlement products, but anything that is hazardous to Palestinian consumers and their economy.¹⁰⁶

Fayyad explained that a particularly significant achievement was creating public awareness of the connection between consumer behaviour and the building of a Palestinian economy. "I am most proud of the people living in Jerusalem who actively started seeking Palestinian products in their shops, which previously had seldom stocked them. They came to prefer Palestinian products not only over settlement products but also over Israeli ones."¹⁰⁷

Similarly, when commenting on the closure of the NEF, Awwad stated:

In the end, the consumer was made aware of settlement products. The NEF dealt mainly with these people on a popular level. The law remains in force and so things remain difficult for people to market settlement products. However, the NEF was the agency to turn to when wanting to enforce the

¹⁰⁶ Interview held with Wesam Awwad in Ramallah on the 25th of August 2013.

¹⁰⁷ Interview held with Salam Fayyad in his office in Ramallah on the 31st of December 2013.

law and it continuously monitored our markets. Today we don't have a single official body that has that responsibility.¹⁰⁸

Thus, the legacy of the NEF worked on two levels,: on the one hand, the Palestinian public became aware of the issues involved in the boycott and, on the other, it set up the mechanisms whereby the boycotts could be enforced at an official level

Reflections on the closure of the NEF

While the NEF was officially closed by the Palestinian government in early 2012, the procedure of its closure had started much earlier. In fact, in September 2010, only eight months after its launch, I was handed a decision by the Minister of National Economy to terminate the employment of all but one of its employees, leaving myself and one employee for the rest of the NEF's existence. Despite this major setback, the NEF continued with its efforts to monitor the Palestinian markets and to coordinate with other official bodies to maintain the exclusion of settlement products in domestic markets. Other campaigns were carried out to promote the consumption of domestic produce as the first alternative to the boycotted settlement products.

¹⁰⁸ Interview held with Wesam Awwad in Ramallah on the 25th of August 2013.

Although other plans were prepared, such as those aimed at providing alternative job opportunities to Palestinian workers on settlements to reintegrate them in the Palestinian economy, the NEF had lost the initial support it had when it was launched. Palestinian officials claim that this is simply because the NEF had fulfilled its tasks and had achieved its goal.

Moreover, during that same period, the Palestinian leadership had embarked upon a new venture: to seek recognition by the international community of Palestine's statehood. This effort was led by the contemporary Palestinian president, Mahmoud Abbas, and mainly involved diplomatic action while also working to mobilize grassroots support to promote this effort. Consequently, campaigns encouraging this were launched across the world in support of the Palestinian bid for membership at the United Nations General Assembly.

During this time, late 2011 to early 2012, when I was touring various European states to lobby for ending economic ties with settlements, I received direct orders by the President's office to shift what I was calling for. From then on, rather than focusing on settlement products, I was to dedicate all the forums that I had organized to support the bid for Palestinian statehood. It became clear to me that the NEF and its programs were no longer the priority, and that all efforts were invested in the new campaign for statehood.

9.8 The NEF; Personal commitment rather than national strategy

As illustrated in previous chapters, all my interviewees on Palestinian popular resistance emphasized a point that is worth mentioning here: that support for popular resistance depends on personal commitment rather than an overall nationalist program. As expressed by Hasan Faraj, the head of Fatah youth explained: “Political will for [the boycott of settlement products] is very important yet it exists on an individual level and not for the leadership institution as a whole.”¹⁰⁹

This individual commitment was exemplified by Abu-Libdeh who took an exceptional personal interest in the NEF which showed in his conscientious involvement with its overall running. Every morning, at precisely 8:00 am, for the entire duration of my involvement, we would have a meeting to discuss the NEF’s daily progress and its various programs. The minister was extremely detail oriented in his involvement and, no matter what, our morning meeting would be given priority over anything else on his schedule. He also reported the NEF’s progress at each and every cabinet meeting since the inception of the NEF. This also shows the priority given to the program by the government itself under Prime Minister Salam Fayyad. In interview, Mohammad Al-Khatib described how different governments have different positions regarding popular resistance and

¹⁰⁹ Interview held with Hasan Faraj in Ramallah on the 28th of August 2013.

therefore vary in the support they show as evidence that such support depends on individuals:

For sure we feel a difference as governments change. The support that popular resistance gets is from individuals in influential positions and not because of having a political or official strategy. This is something I am 100% convinced of. When Salam Fayyad, for instance, was Prime Minister, he personally believed in popular struggle, and so he supported it wholeheartedly. We haven't seen anything from this government.¹¹⁰

9.9 Conclusion

The question now is: Was the NEF successful or not? Some of the aforementioned challenges did undoubtedly undermine the NEF's work, yet nonetheless, the organisation did mark a new beginning. Nothing can explain this better than the front page of the New York Times reported on 6, April 2010:

Something is stirring in the West Bank. With both diplomacy and armed struggle out of favor for having failed to end the Israeli occupation, the Fatah-dominated Palestinian Authority, joined by the business community, is trying to forge a third way: to rouse popular passions while avoiding

¹¹⁰ Interview held with Mohammand Al-Khatib in Ramallah on 21, August 2013.

violence. The idea, as Fatah struggles to revitalize its leadership, is to build a virtual state and body politic through acts of popular resistance. “It is all about self-empowerment,” said Hasan Abu-Libdeh, the Palestinian economy minister, referring to a campaign to end the purchase of settlers’ goods and the employment of Palestinians by settlers and their industries. “We want ordinary people to feel like stockholders in the process of building a state. (Bronner, 2010)

The New York Times dedicated its front page to this report on the NEF and Palestinian nonviolence, under the title: *Palestinians try a less violent path to resistance*. Having nonviolence reported in such newspapers is very rare, the Washington Post, the Guardian, Al-Jazeera, BBC, CNN, and every other major global news agency regularly reported the NEF’s work, referring to it as positive, nonviolent, effective, etc. All of the programs and campaigns described in this chapter were reported, as was Israel’s response when it made boycott campaigns illegal, officially labelling it as ‘economic terrorism’.

Therefore, I would assert that the NEF was successful on many levels, as summed up by the following points:

- 1) It involved the Palestinian public in the state building process by enabling them to have a positive influence on one of its main pillars: the economy.

The Fund not only called for an end to economic ties with settlements, it also called on giving priority to domestic produce.

- 2) By leading the Palestinians themselves to boycott settlement products the NEF's work also encouraged other nations to follow suit. This was illustrated by the EU, which introduced several measures to this end, as discussed in Chapter 6.
- 3) The effectiveness of the boycotts following the introduction of the controversial 'Boycotter's Law', meant that Israel's response in deciding to legally pursue boycotters brought the validity of its democracy into question across the globe.
- 4) Palestinian nonviolence was for the first time being reported and given centre stage by news agencies that would not normally find such news of interest.
- 5) For a period of time, Palestinian markets were empty of settlement products, and a system was put in place to make it difficult for such products to reappear in the country.
- 6) For the PNA, and Fatah in particular, the NEF built a bridge with Palestinian grassroots. Something that had been missing since the end of the first Intifada.
- 7) For the first time, Israeli companies were actually applying for permits and undergoing procedures to clean their record with the PNA by proving that they did not have - or no longer had - any ties with settlements.

- 8) Israeli settlement factories that refused to relocate, and continue to solely depend on Palestinian markets, did in fact close down as reported in international and Israeli media.

However, it is worth considering areas where the NEF was less successful, as an guide to how such a campaign might be more effective:

- 1) Its plan to end Palestinian labour on settlements was unrealistic. In fact, it would have gravely harmed the Palestinian economy as long as other jobs were not being provided to reintegrate those workers into the Palestinian market.
- 2) Individual Palestinian companies benefited most from the campaign since it eliminated some of their competing products from domestic markets. While this is a good thing, nevertheless, those companies did not increase the number of their workers so that the Palestinian economy could feel the improvement in their businesses. This is something that the PNA could have stipulated at the beginning of the NEF's programs.
- 3) While the stated reasons for the closure of the NEF make logical sense - since it was seen to have fulfilled its objective - its closure made it more difficult to maintain its achievements. There was no follow up or monitoring and subsequent policies, if anything, involved a retreat from

what had been achieved. Consequently, at the moment we have a situation where the Palestinian markets are flooded with settlements products.

- 4) The failure to unite elements from across the Palestinian political spectrum shows that party politics comes above national interest. Certain political parties chose not to participate in the campaign nor even support it, while others even saw it as a threat. This was clear in our interviews with BDS supporters in left wing movements who were worried that the PNA deliberately established the NEF to replace calls for a full boycott of Israel with one that was limited to settlement products. This situation reflects the existing fragmentation within Palestinian social and political life.
- 5) Lastly, the organisation failed to convince both Palestinians and internationals that were sceptical of the PNA. These continued to hold one of two opposite positions; either 'Why not a full boycott?' or 'Why not secure alternatives before calling for boycotts?'

Considering these strengths and weaknesses, I would argue that, while there is still some way to go in terms of disassociating the Palestinian economy from the settlements, the NEF cannot be criticized for its activities or approach although, simply put, it was not perfect. Moreover, if asked the question - Would it have been better if it were never established? - my answer would be an immediate no. Since it is politically incorrect on many levels for Palestinian markets to allow

settlement products, while the NEF's economic gains may certainly be questioned, there were many indirect positive economic and ideological outcomes.

To conclude, I would like to offer the story of the very first product we decided to boycott - watermelons coming from settlements – as a means to illustrate the complexities of the situation. The way we distinguished the watermelons from the settlements was by the fact that they were the earliest out in season. Settlements growing watermelons are all located in the Jordan Valley, a significantly warmer area than the rest of the West Bank; consequently, they were one month earlier in markets than the Israeli and the Palestinian ones. Our decision was to ban watermelons altogether for the first month, and then wait for the Palestinian ones harvested in the north of the West Bank before lifting the ban. However, these later watermelons never arrived. We then found that farmers that had previously led the Palestinian watermelon market had already abandoned growing watermelons since they were not able to compete with the prices offered by settlements. There were two reasons for this, 1) settlement companies are mostly exempted from taxes, and 2) water is much cheaper and more available on settlements. However, while those Palestinian farmers had abandoned their land, they had not abandoned their profession of watermelon growing. Only now, they were growing them as labourers on settlements. This was far more economically viable personally for them, although economically devastating for the Palestinian economy as a whole. However, it is important to realise that the problem, in the

first place, was the existence of settlement watermelons and the unfair competition they provided to Palestinian growers.

This shows how market forces make the boycotts especially difficult, and how in the short term this strategy had a destructive effect. However, the following year, their actions demonstrated how change at this level can be promoted since when the farmers knew that settlement watermelons were banned, they went back to planting, harvesting and selling watermelons in their domestic market.

Chapter 10

Conclusion

Introduction

The overall aim of this research was to analyse the political and economic issues involved in the nonviolent movement against the Israeli settlements and its products on the West Bank between 2005 and 2012, including action taken both in Palestine and internationally. In particular, the research examined the emergence of the movement to boycott settlement products, explored the debates and different perspectives within this movement, and critically assessed the role of the PNA and the BDS movement. By answering the research questions set out in the methodology, the research makes an original contribution to academic knowledge of the subject and to understanding this issue and the challenges facing the Palestinian and international solidarity movement to end the Israeli occupation.

Overall, the study highlights that the settlement issue remains at the core of the Israeli – Palestinian conflict. In particular, it described how settlements have evolved and expanded since they were introduced when the West Bank and Gaza were occupied, and explained how the different settlement plans that were devised over the last 40 years resulted with over 500,000 settlers living on

occupied Palestinian land today. Thus, different types of settlers inhabit the settlements. While some live there for ideological reasons, the vast majority have decided to live in settlements in the OPT for economic reasons. The reason being that it is much cheaper to live in a settlement than it is in Israel proper; in part this is due to cheaper real estate, but also because of incentives that the government provides.

For instance, in 2013, the Israeli government labelled 90 settlements as “National Priority areas”, which meant that the government subsidized 69% of the cost of land, and the infrastructure needed for those areas. It also provided USD 25,000 as a grant for settlers to build homes. In terms of business, Israel established 13 industrial zones in the settlements and provided grants by the government to settlement companies for the purchase of land and construction. They also receive preferential treatment in terms of research, hiring assistance, and income tax breaks. The education sector is also supported by the government where teachers receive higher salaries than they would in Israel proper, schools receive more government funding, and free education begins at the age of three rather than four, as is the case in Israel proper (American Friends Service Committee, n.d.).

However, all the settlements construction and economic activities are in violation of international law and humanitarian law, and contradict several UN resolutions.

While the Oslo peace process - through which a Palestinian state was to be established in return for peace - designated the West Bank for that future Palestinian state, settlement construction continued to accelerate. In 2013, 20 years after the Oslo peace process, the number of settlers more than doubled from 262,500 to over 520,000 settlers, and settlements controlled over 42% of the land on the West Bank, including 80% of Palestinian water resources, of which 520,000 settlers used around six times as much water as 2.6 million Palestinians. Moreover, the movement of Palestinians became restricted by a system of barriers and checkpoints, whereas there was no such thing before 1991. Finally, Israel built its Separation Wall, which completely isolates Palestinian communities (Oxfam, 2015).

Therefore, the Israeli occupation seems to continue to support and maintain the settlements. This contrasts with the earlier Israeli position when it found itself in control of the West Bank in 1967, and viewed the seized land as a bargaining chip that could be handed back in return for peace with the Arabs. Today an Arab peace initiative has been on offer since 2005; this offers peace with Israel and full recognition of Israel by the Arab states, if a two state solution is realized. However, that initiative has been completely ignored by Israel. Rather, Israel is further institutionalizing its support for settlements and thereby the occupation of the West Bank.

Under such circumstances, Palestinian resistance to Israeli occupation continues to take a variety of shapes and forms. These have included a mix of violent and nonviolent activity ever since the beginning of the conflict. However, while Palestinian nonviolent resistance never ceased to exist throughout those decades, at times it has been more visible and systematic than others. Today, Palestinian nonviolent resistance is very well observed and reported. In fact, it has become institutionalized with regular activity such as weekly protests in villages and other areas affected by occupation. However, this research has highlighted that there seems to be a culture of competition and inconsistency among the different nonviolent groups. Moreover, they have very complicated ineffective leadership structures. This, along with other issues such as the lack of a national plan or strategy for popular struggle, presents significant obstacles hindering their efficiency and effectiveness.

The Palestinian nonviolent movement has repeatedly sought to ascertain aspects of Israeli occupation that are most appropriate to target with its activities. There are two main aspects that have been identified as worthy of targeting; the first is the Israeli Separation Wall following the advisory opinion by the International Criminal Court in 2005 deeming the wall illegal, and the other is the trade with Israel, and specifically with the settlements. This research focused on the latter and in relation to this, the thesis has answered the research questions and

addressed the objectives outlined early in this paper. The following are the main concluding remarks and reflections from this research:

- 1) The Palestinian popular struggle movement and the international movement for solidarity with Palestinians are the main facilitators of activities that promote ending economic ties with Israel. It is a bottom up movement of social political change. Through their activity, they promote boycotts of Israeli products and they also organize protest, lobby, and carry out a variety of activities that oppose other aspects of Israeli occupation. While these groups have diverse backgrounds, in general, they are more aligned with the left of the political spectrum. While in Palestine they are represented by a broader spectrum of political groups, those on the left play a central role. These leftist groups oppose the PNA, the Oslo accords and the two state solution as their approach tends to be anti-establishment.. Furthermore, those groups are not necessarily concerned with the applicability or the constraints of the boycott campaign. For instance, the infrastructure that provides water to the Palestinians is Israeli, just as many other basic living requirements are provided by Israel. Despite this, these groups reject a selective boycott; they promote a full boycott of Israel, which is not necessarily workable.

- 2) It is important to note that the motive driving many of these groups is to highlight the oppression of the occupation rather than being successful in their boycott activity. To them, it is a matter of telling the story of occupation and therefore the suffering and discrimination against the Palestinians. And they have indeed been successful in doing so as boycott activity has attracted much media attention. This is true both for local Palestinian groups and international supporters. Despite the view supported by pro-Israel groups that the boycott campaign is futile, in fact, it was successful in “storytelling” about the implications of the Israeli occupation.

- 3) The structure of the Palestinian popular resistance movement is very complex as it is a result of the internal competition among the groups within it. Consequently, the divisions of Palestinian society are reflected in that movement. Its various forms are affected by geographical orientation and political affiliation, as well as lack of strategy and clear vision. Furthermore, it is clear that personal desire often leads the movement and, in many cases, that desire overrules the intended collective objective. In addition, there have been several popular resistance committees that have changed their status into NGOs so as to enable them to receive foreign aid for their activities. As a consequence, the competition to lead popular struggle was no longer just to

achieve their objectives or be recognized as a leader but to acquire the largest chunk of the foreign aid allocated for Palestinian popular struggle.

Moreover, there is a further problem associated with accepting foreign aid since the popular struggle organizations that do so become bound by the guidelines stipulated by their donors. In an earlier paper, entitled "Pay the piper and call the tune" (Kayali, 2013), I focus on the relationship between a number of local Palestinian NGOs and international donors - and the study's title reflects its findings. This research highlighted the *NGOisation* of the nonviolence resistance movement and the challenge of being independent from external influence.

- 4) The lack of an overarching national program for popular struggle in Palestine presents a major challenge. My research did not find a consensus among our interviewees when they explained the absence of such a program, although all Palestinian political parties emphasize the importance of popular struggle. Some claimed that there is no political will for such a program as politicians do not want to deal with the consequences of Israel's reaction to their being even partly responsible for such a plan. Others claimed that it was an integral part of Palestinian culture where individualism is valued more than collectiveness; accordingly, they argue

that people are more concerned that their personal involvement should be recognised rather than dissolve within a collective effort. However, this is a question that remains unanswered but this study may encourage further research into the matter to justify the absence of a national program, or to determine the reason for this lack.

- 5) The boycott movement is generally categorized as either being limited to settlement products or being in favour of a full boycott of Israel. A third type of boycott that some of our interviewees favoured is the selective boycott of products that can be targeted specifically, in particular where such activities could be used to tell the story of occupation. Moreover, some products are simply easier to boycott, while for others are simply not practical to target for boycott. Due to these varied and sometimes conflicting concerns, the boycotter of one Israeli product may be found to be a committed user of another. This creates some clear contradictions that reflect political incorrectness or even hypocrisy, as many anti-boycott activists claim.

- 6) Apart from its storytelling achievements, the success of the BDS movement which calls for a full boycott of Israel can be measured in two ways: 1) the number of its affiliates, and 2) the products it was successful in getting removed from shelves or divestments from Israeli companies that occurred.

In terms of the latter indicator, BDS has only been successful where it came to settlement products. This research did not find a single case where they were successful in getting a firm, supermarket, or importer to end dealings with an Israeli company operating in Israel proper; meanwhile they have been successful in boycotting settlement products.

However, when it comes to the number of affiliates, the BDS movement has rapidly grown over the years since its call was made. Such a membership growth is a valid goal in itself. The BDS movement indeed organized international supporters and provided a framework of action that gathered scattered efforts, initiatives, and focused them on the cause. The impracticality of boycotting a product – nor the failure to do so - does not therefore mean that the activity was futile.

- 7) There is a very wide gap between the Palestinian political leaders of the PNA and official representatives of the PLO, on one side, and the boycott movement on the other. Consequently, there is a definite lack of coordination in many cases to the extent that, on occasions, Palestinian officials have been perceived as working to undermine the activities of the BDS movement. While this may sound extreme, the simple explanation is that the PLO does not have a problem with trade with Israel, nor does it

lobby and call for ending international economic ties with Israel. In fact, according to the Oslo peace accords, it is not allowed to engage in any activity that incites action against Israel. In addition, the Paris Protocol, which outlines the economic arrangements between the PNA and Israel, clearly indicates that it should accept economic ties with Israel. Therefore, when an official PNA representative is asked to comment on the BDS activity that concerns Israeli products, they cannot openly encourage it. And if put on the spot, as some have been in the past, they are forced to distance themselves from it. This has given a very negative message to international supporters calling to boycott a specific Israeli product in solidarity with Palestinians. Indeed, the relationship between the PNA and its representatives and the leaders of the BDS movement has become very strained. Some of our interviewees asserted that the PNA openly pressurised them using multiple methods. Moreover, they accuse the PNA of corruption and for doing dirty work for the Israeli occupation. Such a relationship has had a very detrimental effect on both the PNA and the BDS movement. Meanwhile, on an international level, the BDS has made excellent progress in terms of popularity and representation of Palestinian activism, whereas the PNA has become less and less popular, and seen as corrupt and incompetent.

- 8) A particularly original contribution of this research was the case study of Al-Karamah National Empowerment Fund, initiated by the Minister of

Economy, Dr. Hasan Abu-Libdeh, with the exceptional support from the Prime Minister, Dr. Salam Fayyad. The fund's aim was to end economic ties with Israeli settlements, both in Palestine and internationally. It worked towards this through a mixture of grassroots activity and legislation. Through this, the NEF was acceptable to many European politicians and represented a cause that their countries could support. However, it was less popular with the BDS leadership, which viewed it as a threat since the latter felt it confused those who had already declared their support for a full boycott of Israel.

The NEF was established five years after the BDS call was announced, and succeeded in gaining international grassroots support. Nevertheless, while the NEF did attempt to reconcile between the BDS leaders and the PNA, it ultimately failed in doing so. However, as interviews in this research indicated, some BDS supporters viewed its work as a step in the right direction. Thus, the case study demonstrated that the NEF represented a powerful and constructive alternative aimed at ending the Israeli occupation; however, it also raised the challenge of the need to find alternative employment for thousands of Palestinians employed in the settlements.

- 9) The NEF was successful in ending the existence of settlement products in Palestinian markets after less than a year since its establishment. After realizing that goal, it was shut down. However, during its time, it installed a system within the different departments and ministries at the PNA that provided a means to ensure that settlement products are prevented from entering Palestinian markets. It should also be noted that its closure was in fact illegal since it was established through legislation that was not abolished. Indeed, the respective law is still in effect. Thus, the closure of the NEF is a sad testament to the fact that popular struggle exists in Palestine as a result of individuals' efforts and motivations rather than a national program or political will. For instance, when Abu-Libdeh left his position as Minister of Economy, and therefore also that of Chairman of the NEF, the Fund became less of a priority for the Ministry of Economy.
- 10) Israel not only labels boycott campaigns as anti-Israel, but also as anti-Semitic. Indeed, Israeli officials went further by calling boycotts a "form of terrorism"; thus, classifying those adopting nonviolent methods in the same category as those adopting extremely violent means of resistance. To support this, Israel introduced the "prohibition on instituting a boycott" law in 2010. This law criminalizes anyone who takes part in a boycott against Israel. It clearly states that the settlements are considered to be a part of Israel and so

the limited boycott of Israeli settlements is viewed as being the same as a full boycott of Israel. The law applies to individuals, organizations, and states.

There are two main points that I would like to highlight from the way this law was presented: Firstly, the argument of many of those who call for a limited boycott of Israel is that they are in favour of a two state solution and, moreover, that they do not want to punish the criminal, but just the crime. On the other hand, supporters of the BDS campaign call for the punishment of the criminal, i.e., all that is tied up with Israel. Moreover, by including settlements in its law, Israel has followed the same logic as these BDS supporters. In other words, it is adopting their approach. This actually strengthened the BDS movement since it became easier for it to convince limited boycott campaigners that Israel does not distinguish between limited or full.

Second, since Israel applies its law to foreign states, it has been placed in an awkward position now that the EU no longer recognizes settlement products as Israeli. Israeli officials considered the EU's decision on labelling, to encourage the boycott of Israel and the BDS movement. This approach was summed up in an official statement in November 2015, entitled "MFA

response to EU decision regarding product labeling". In this the Israeli foreign office made clear that:

Israel condemns the decision of the European Union to label Israeli products originating from areas that are under Israeli control since 1967. We regret that the EU has chosen, for political reasons, to take such an exceptional and discriminatory step, inspired by the boycott movement, particularly at this time, when Israel is confronting a wave of terrorism targeting any and all of its citizens... . Product labeling does not advance any political process between Israel and the Palestinians. The opposite is the case - it is bound to reinforce the PA's refusal to conduct direct negotiations with Israel, negotiations that the EU claims to support. Product labeling will strengthen the radical elements advocating a boycott against Israel and denying Israel's right to exist, contradicting positions that the EU publicly opposes. This recent step raises questions regarding the role that the EU aspires to play. It may also have implications for Israel-EU relations (Israel Foreign Ministry, 2015).

While this clearly makes a direct link between the EU's stance and encouraging boycotts, the law previously introduced by Israel in 2010 states:

- a. The foreign state entity or anyone acting on its behalf will be prohibited from making any transaction in an Israeli bank account, in traded shares in Israel, in real property, or in any other asset that requires registry for its transfer;
- b. No sum of money or asset will be transferred to any foreign state entity or anyone acting on its behalf from any organ of the State of Israel according to any law, agreement, or government decision that was rendered prior to the determination according to Section 7 or the enactment of the foreign law (Israel Foreign Ministry, 2015).

As mentioned before, the ICC's advisory opinion, issued in 2005 and which deemed the Israeli Separation Wall and settlements illegal, launched and helped institutionalize nonviolent activity against these aspects of occupation. The decision was seen as an opportunity; it provided a credible incentive for recruitment and enlistment of members for popular struggle with a clear goal supported by international justice.

Since this occasion, with the clearly incongruous situation presented by the existence of the Israeli Boycotter's Law, the EU's decision on labelling, and the Israeli Foreign Ministry's official statement, boycotters now have a new target. There is a loophole in Israeli law, a contradiction and an opportunity that may have grave implications for the Israeli economy if legally pursued. Furthermore,

unlike the ICC verdict, the EU labelling decision and the Israeli boycotter's law are both binding. Therefore, by insisting on settlements being a legitimate part of Israel, it is jeopardizing its entire trade with the EU. This is undoubtedly a major goal of the BDS movement.

The analytical framework we presented in the methodology chapter indicated that repressive occupation depends not only on direct violence and intimidation but also on the preparedness of subjects to cooperate with the occupying force – by paying taxes, buying their products, undertaking employment as cheap labour in their markets and supporting their economy. In this way, Palestinians comply with - and maybe even accept - the rules and regulations of the occupying force, whether in economic or administrative terms; such as import and export regulations, unequal investment and the terms set out in the Paris Protocol,. Therefore, it was very important in the thesis to identify the settlement economy as a key pillar that supports and maintains the occupation and tries to undermine it. Al-Karameh presents an important case to analyse and through this to learn lessons and gain insight that can inform the Palestinian nonviolent resistance movement. By highlighting the achievements and obstacles of this organisation, the case study will provide vital lessons for future actions.

Divestment and boycott of settlements products led by the Palestinians and internationals can potentially empower the nonviolent movement and exert pressure on Israeli and international companies to reconsider its policies, as the thesis demonstrated. Such a strategy will raise the cost of the occupation for the Israeli

government and raise awareness amongst the Israeli public to play an active role in calling for an end to the occupation. It also demonstrated the need to “win over” sections of Israeli society to strengthen the settlements’ boycott campaign and in that way to undermine another pillar of the occupation; the support from their own society. Thus, Israel now faces a dilemma that reflects the analytical framework presented earlier in the thesis – in particular, the second of the factors highlighted there: Israel’s image as a democracy. If Israel did not care about maintaining this image, the decision-making process that gives rise to statements such as those of the Israeli Ministry of Foreign Affairs or to the introduction of the Boycotter’s Law, would be able to take the blame for ill-thought decisions. The boycott movement does indeed aim to place Israel at odds with itself, and with the international community, regarding its determination to maintain both the settlements and the occupation. Moreover, by arguing with in favour of its settlement policy, Israel keeps the issue at the forefront the international community politics. Israel would rather not have to speak about its occupation over the West Bank, let alone argue about specific details and particular circumstances that result from its occupation since, the more such details are discussed, the more the occupation is understood.

Personal reflection

In November 2015, the mayor of London, Boris Johnson, visited Israel and Palestine to promote trade with London. While in Israel, he expressed his objection to boycotting Israel. He explained his opinion as follows:

I cannot think of anything more foolish than to say you want to have any kind of divestment or sanctions or boycott against a country that, when all is said and done, is the only democracy in the region, is the only place that has, in my view, a pluralist open society (Quinn, 2015).

Palestinians were offended by his comments and, as a result, decided to boycott him, and consequently Palestinian officials in Ramallah cancelled their meetings with him. A reception at the British Consulate in Jerusalem had also been planned in order for him to meet with Palestinian businesses to promote his trade. This event was also boycotted. I had received an invitation myself and decided to discuss his remarks, given my area of research. After a long discussion, I concluded with the phrase, "you are being politically incorrect"; and his response was: "I made a career out of being politically incorrect".

When I started working on this research, I always felt the need to be politically correct and support the Palestinian national consensus, especially so, given my previous role in the NEF. I thought that all action must be conducted correctly

from all aspects, with no loopholes and no room for criticism; and I thought the arguments supporting action needed to be air tight and correct. My position on a full boycott of Israel was influenced by pragmatism, which led me personally to think of the BDS movement as futile and not able to end economic ties with Israel. Apparently however, not being politically correct can still produce success, as illustrated by Mr. Johnson.

Indeed, it may be true that the BDS campaign may not be able to fulfil its objectives by getting countries to end its ties with Israel at this stage. And it certainly has not done so thus far. Nonetheless, the BDS movement is perhaps the most significant pro-Palestinian movement in terms of the threat it poses to Israel. And Israel's aggressive response to it is testament to the BDS movement's effectiveness. However, the BDS movement is a grassroots movement that does not have so much pressure to be politically incorrect as an official body. As such, it has far more leverage than the PNA. This latter, however, has the ear of politicians around the world; as borne out by the fact that its commitment to a limited boycott did indeed bear fruit in the EU guidelines on labelling. At the same time, the BDS campaign was also successful in getting certain companies and institutions to end economic ties with the Israeli settlements.

There is no reason why both cannot complement one another. And in many ways, that is what has been happening over the past years, albeit not by design. While neither side would want to be associated with the other, yet each side has its limitations that the other complements.

When the PNA decided to launch the NEF, it was the result of a stalled peace process between the two countries, and an inability to move forward through negotiations. Thus, the PNA had to take unilateral steps that in its opinion would advance its journey towards a two state solution. Today, there are no indicators of any breakthrough in the peace process. But will the PNA find itself in a position of wanting to boycott Israeli products? It would be hard to argue that! And the answer is no.

The PNA cannot run people's affairs and provide what they need to live without cooperating with Israel. It was not designed to do otherwise than cooperate. Indeed, the day that the PNA decides to boycott Israel, is the day it will be dissolved, or be replaced.

While the PNA's hands are tied in this way, it needs to see the BDS movement as an ally that can go further in its demands. And the BDS movement should also see an ally in the PNA, since it is a body recognized by the international community that can transform the BDS movement's grassroots activity into political

achievement. In other words, what is needed is a strategy that the two agree to, whereby both the Palestinian popular and political echelons can unite in their struggle towards statehood.

Future research:

Conducting this research highlighted the need for further research on the following themes:

1. Research into how space and time for reflection may be provided for the leadership of the nonviolent movement to understand the challenges they face and to enable them to develop coherent strategy.
2. Research that can contribute to understanding of the factors influencing political and social fragmentations and compare it to the first Intifada where the nonviolent movement was characterised by national unity and cohesion.
3. Research that contributes to understating Israeli society in relation to Palestine and the impact of the settlement economy on social inequality in Israel. Also, along similar lines, we need to understand consumer resistance within EU and how this can be compared to that in Palestine.

4. Lastly, comparative research including other boycott movements under occupation would provide a more comprehensive understanding of the challenges and advantages involved in different strategies.

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Annex A: Full list of interviewees:

- Adri Nieuwhof: Swiss advocate and, one of the main leaders and founders of the BDS movement. Interviewed on 11/12/2013 in Switzerland, by Skype.
- Angelo Bucato: Italian journalist and blogger, focusing on the BDS. Interviewed 15/12/2013
- Caitlin McLeod: UK theatre director and activist for Palestine. Interviewed on the 16/02/2013 in London.
- Dr. Hasan Abu-Libdeh: Former Minister of National Economy, President of Palestinian National Program to ban and combat settlement products. Interviewed on the 21/8/2014 in Ramalla.
- Dr. Salam Fayyad: Former Prime Minister, Minister of Finance, at the time that the NEF was established and the law to ban and boycott settlement products was introduced and became legislation. Interviewed on the 31/12/2013 in Ramalla.
- Hasan Faraj: President of the Fatah Youth, the political party to which the Palestinian Authority PNA belongs. Interviewed on the 28/8/2013 in Ramalla.
- Jamal Juma'a is also one of the founders of the Palestinian BDS movement and coordinator of the "Stop the Wall" campaign. He is critical of the PNA and does not see it as a competent body to govern Palestinians or lead their struggle for independence. Interviewed on the 22/8/2013 in Ramalla.
- Joseph Brown: Political officer at the Centre for Arab British Understanding (CABU). Interviewed on the 21/02/2013 in London.
- Luisa Morgantini: Former Vice President of the European Parliament. One of the three founders of the International Solidarity Movement. Interviewed 29/12/2013 in Jerusalem
- Mahmoud El-Aloul: Member of Fatah's Central Committee and its commissioner for organization and recruitment. He is the former governor

- of Nablus and is considered one of the most influential official Palestinian leaders. He is among those who established Fatah, the PLO, and later the PNA. He therefore represents thinking that is along the lines of the PNA. Interviewed on the 28/8/2013 in Ramalla.
- Mohammad Al-Khatib: Leader of the Bil'in popular committee and founder and coordinator of the popular committees' coordination committee. He represents the struggle groups that are closely aligned with the PNA. Interviewed on the 22/8/2013 in Ramalla.
 - Mohammad Irshaid: Former Director of Outreach of Al-Karamah National Empowerment Fund. Interviewed 25/08/2013.
 - Omar Barghouti: considered the main founder of the Palestinian BDS movement. He is the leader of the Palestinian Campaign for the Academic and Cultural Boycott of Israel. He is perhaps the most attacked figure in the boycott movement around the world by the Israeli lobby and by pro-Israeli organizations. Interviewed on the 27/8/2013 in Ramalla.
 - Richard Burden, British MP, and head of the All-Party Friends of Palestine. Interviewed 22/02/2013 in London.
 - Rona Moran: Research coordinator of 'WhoProfits from Occupation' and program director at the Coalition of Women for Peace. Moran is an Israeli working with Israeli groups and organizations that are against Israeli settlements on the West Bank and call for their removal and boycott. Interviewed on the 27/8/2013 in Tel Aviv.
 - Sara Colborne: Director of the Palestinian Solidarity Campaign. Interviewed on the 19/02/2013 in London.
 - Steve Hucklesby: Policy officer for the– Methodist Church. Interviewed on the 03/04/2013 in London.
 - Tony Manson, researcher, interviewed on the 21/03/2013 in London.

- Wesam Awwad: Coordinator at Al-Karameh National Empowerment Fund. Interviewed on the 25/8/2013 in Ramalla.
- Yara Al-Saidi: A '1948 Palestinian' also working with the Coalition of Women for Peace alongside her Israeli colleagues that call for the boycott of settlements. Interviewed on the 27/8/2013 in Telaviv.

Annex B: The Humanitarian Impact of Israeli Settlement Policies

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Annex C: Full text of BDS Call

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Annex D: Tables 3a and 3b from UNVEILED: European Trade & Investment Relationships with Companies in Israeli Settlements in the Occupied Palestinian Territories

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Source: ProsperPalestine's report (2011)

Annex E: (DEFRA voluntary advice)

Department for Environment, Food and Rural Affairs

Technical advice: labeling of produce grown in the Occupied Palestinian Territories

Introduction:

1. The Government has received requests from retailers, consumer groups and NGOs for greater clarity about which origin should be stated on food and drink goods that have been produced and packed in the OPT. Their enquiries have focused particularly on the distinction between products from Palestinian producers and products from Israeli settlements in the OPT.
2. The following advice (produced by the Department for Environment, Food and Rural Affairs, working with the Foreign and Commonwealth Office, the Food Standards Agency, HM Revenue and Customs, the Cabinet Office and Department for Business, Innovation and Skills) has been prepared to help businesses, should they wish to respond to consumer demand for information about the origin of food that has been produced in the OPT. The issue of clarity of origin between Palestinian producers and Israeli settlement producers within the OPT largely concerns the West Bank area. Although this advice would be applicable to imports from Gaza and East Jerusalem, we are aware that the majority of imports into the UK come from the West Bank and there have been no Israeli settlements in Gaza since 2006.

3. The EC legal requirements for retail labeling exist to provide a level playing field in trade across the Community and also to provide information to consumers on – amongst other particulars – the origin of products:
- i. For some agricultural produce, country of origin *must* be stated, in accordance with the specific rules applying to the product in question. So, in respect of wine and most fresh fruit and vegetables, for example, most produce is covered by EC legislation which requires its country of origin to be stated;(1)
 - ii. Furthermore, even in the absence of such sector-specific legislation, EC law(2) requires that the place of origin or provenance of food should be labelled where the omission of such details might materially mislead the consumer about the true origin or provenance of the food;
 - iii. Finally, even where it is not a legal requirement, food produce can be voluntarily labelled with its country of origin.

(1) Commission Regulation (EC) No 1580/2007 (as amended) in relation to fruit and vegetables and Council Regulation (EC) No 479/2008 in relation to wine.

(2) Community legislation on the labeling of foodstuffs includes general provisions on the labeling of foodstuffs to be delivered to the consumer, as laid out in European Parliament and Council Directive 2000/13/EC.

Advice:

4. For produce from the West Bank, labeling currently states country of origin as '**Produce of the West Bank**'. Traders and retailers may wish to indicate whether the product originated from an Israeli settlement or from Palestinian producers. This could take the form, for example, of '**Produce of the West Bank (Israeli settlement produce)**' or '**Produce of the West Bank (Palestinian produce)**', as appropriate.
5. Separately, the Government considers that traders would be misleading consumers, and would therefore almost be certainly committing an offence, if they were to declare produce from the OPT (including from the West Bank) as 'Produce of Israel'. This would apply irrespective of whether the produce was from a Palestinian producer or from an Israeli settlement in the OPT. This is because the area does not fall within the internationally recognized borders of the state of Israel.
6. Information on produce origin is available in various forms, which should be available to retailers as a result of their individual relationships with suppliers. In addition, in many cases information on the origin of products can be found on Customs documentation:
 - i. Products will in many cases be accompanied by proof of preferential origin issued in Israel for the purposes of obtaining a nil or reduced rate of customs duty under the provisions of the EU- Israel Association agreement (3). This will either be an EUR1 Movement Certificate (stamped by Israeli Customs) or preferential- origin declarations on invoices or other commercial documents.

In all cases, the proof of preferential origin will contain details of the place of production and accompanying zip code (i.e. postcode) of the produce

concerned. This zip code will enable a distinction to be drawn between products from the internationally recognised state of Israel and products from Israeli settlements in the West Bank.

The inclusion of the place of production and zip code on the Israeli proof of preferential origin therefore enables a distinction to be made between which products are and are not entitled to a preferential rate of duty under the EU-Israel Agreement (see para 12 below). Only those products covered by a proof showing a place of production and zip code in the territory of the State of Israel are eligible for preferential access under the Agreement. HM Revenue and Customs will reject the claim to Israeli preference in all cases where the proof shows a Settlement location and zip code.

(3) “The Euro-Mediterranean Agreement – establishing an association between the European Communities and their Member States, of the one part, and the State of Israel of the other part” – is known as the EU-Israel Association Agreement.

ii. A range of products from the West Bank (also covering Gaza and East Jerusalem), are covered by the Euro-Mediterranean Interim Association Agreement on Trade & Co-operation between the European Union and the Palestine Liberation Organisation. This grants duty-free or reduced-tariff treatment on the products exported to the EU, in many cases within the limits of quotas. As in paragraph 6(i) above, eligible goods exported under this preferential arrangement will be covered by an EUR1 Movement certificate or invoice declaration. The EUR1 will be stamped by the Customs and Excise Department of the Palestinian National authority. Goods accompanied by such certificates are likely to be of West Bank Palestinian origin. However, it would be advisable to verify this by

checking with your supplier.

iii. In cases where the goods are not exported under the provisions in i) and ii) above, documents such as invoices, packing lists, delivery notes and transport documents may provide an indication of the place of production or of the place of the initial loading of the products. If the information is not readily available from accompanying documents, retailers may wish to consider whether they are able to obtain, direct from their suppliers, information about the place of production.

7. In all cases the HMRC enquiry line on 0845 010 9000 will be able to help retailers to establish whether the declared location and postcode (where shown) relates to an Israeli settlement in the West Bank and should be used as the primary source of information and assistance. In the vast majority of cases HMRC will be able to say immediately whether a place is in a settlement. However, there may be a small number of instances where it will have to seek advice from the European Commission.

Background information:

HMG Position Statement: Israeli Settlements in Occupied Palestinian Territories

8. The Occupied Palestinian Territories were occupied by Israel in 1967. They include the territories of the West Bank, the Gaza Strip, and East Jerusalem. Settlements are Israeli communities established, usually by Israeli citizens, in the West Bank and East Jerusalem (there are no longer any Israeli settlements in Gaza).

9. Israeli settlements in the OPT are unlawful under international law. They contravene Article 49 (6) of the Fourth Geneva Convention of 1949, which prohibits an occupying power from transferring its own civilian population into occupied territory.

10. In addition, the Government believes that the existence – and continued growth – of Israeli settlements poses a significant obstacle to peace in the Middle East. This is because the settlement of occupied territories makes it more difficult to establish a viable Palestinian state. Israel has committed to freeze all settlement activity as part of previous political agreements, such as the Roadmap of 2003 and the Annapolis Agreement of 2007.
Though Israel recently announced a limited ten- month moratorium on settlement building in the occupied West Bank, Israel has not yet fully fulfilled its obligations under these political agreements. At the same time, the clear position of the Government is that we are opposed to boycotts of Israel or Israeli goods. We do not believe that boycotts help engage or influence Israel, or lead to progress in the Middle East Peace Process.

11. In many cases information on whether products from the West Bank are from Palestinian producers or from Israeli settlements can be found on HM Revenue and Customs documentation pursuant to the following two EU agreements:

EU-Israel Association Agreement

12. The EU-Israel Association Agreement, in force since 2000, provides for products from Israel to be imported into EU countries at a preferential tariff rate, in some cases within the limits of quotas. But the EU and Israel differ over the territorial scope of the Agreement. The EU does not recognise the OPT as part of the State of Israel (i.e. those territories occupied by Israel since 1967).
13. In recent years, the EU has become aware that products Israel was exporting to the EU as 'Israeli' products included products originating from the OPT. There is nothing to prevent such products from being imported into the EU, but, according to the European Commission, they should not benefit from the preferential treatment afforded by the EU- Israel Association Agreement.
14. In November 2001 the European Commission therefore alerted importers, through a notice in the Official Journal, that importers in EU countries were required to take all necessary precautions regarding the origin of produce. It noted that putting into circulation, under the provisions of the EU-Israel Association Agreement, goods produced in Israeli settlements in the OPT risked giving rise to a Customs debt, i.e. that importers might have to pay national Customs authorities the difference between the EU-Israel Association Agreement's preferential tariff rate and the standard rate. This made clear that the onus was on importers in EU countries to take steps to establish whether the products involved were entitled to benefit from the EU's preferential tariff rates.

15. Since 2005, there has been a requirement under a technical arrangement adopted by the EU-Israel Customs Co-operation Committee on 12 December 2004 that all proofs of preferential origin covering imports from Israel under the provisions of the EU-Israel Association Agreement must indicate the imported goods' place of production and an accompanying postcode. This is to ensure the full rate of Customs duty is payable on any consignment which is indicated as originating in an Israeli settlement so that it does not benefit from the reduced tariff by claiming Israeli preferential origin.

16. A list of zip codes (postcodes) was supplied by the Israeli authorities to the European Commission, which in turn passed it on to all EU Member States. If a retailer or importer is unsure whether a declared postcode relates to an Israeli settlement, then they should contact HMRC's enquiry line on 0845 010 9000, which can provide the answer.

Euro-Mediterranean Interim Association Agreement on Trade & Cooperation between the European Union and the Palestine Liberation Organisation

17. Since 1997 there has been a Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, and the Palestine Liberation Organisation (PLO). This agreement grants duty free or reduced tariff treatment (within quotas) on Palestinian products originating in the OPT which are exported to the EU.

10 December 2009

End of DEFRA document (Department for Environment, 2009)

Annex F: The law to ban and combat settlement products

The President of the State of Palestine,

The Chairman of the Executive Committee of the Palestine Liberation Organisation,

The President of the Palestinian National Authority,

Having reviewed the Basic Law of 2003 as amended, particularly Article (43) hereunder; and

the Law concerning consumer protection No. (21) of 2005;

Based upon the recommendation of the Council of Ministers in its session, held on 15/2/2010;

Based upon the powers vested in me by law; and

For the sake of public interest; and

In the Name of the Arab Palestinian people,

I hereby promulgate the following Law:

Article (1)

Definitions

The following words and expressions mentioned in this Law shall have the meanings designated for them unless the context determines otherwise:

The Minister: The Minister of National Economy.

The Ministry: The Ministry of National Economy.

The Council: The Palestinian Consumer Protection Council, which is established under the Law concerning consumer protection No. (21) of 2005

Head of Council: The Head of the Palestinian Consumer Protection

Unit

- The Fund:** Al Karameh [Dignity] National Fund for Supporting self empowerment and Funding of the Control and Prohibition of the Products of Settlements, which is established in accordance with this law.
- The Competent department:** The relevant administrative unit for Consumer Protection at the Ministry.
- The Settlements:** Any residential, industrial, agricultural, or service providing consortium which is built on the 1967 A.D occupied Palestinian territory.
- Settlement Products:** The fully or partially produced merchandise and services of settlements.
- Settlement Goods:** Each industrial, agricultural, food-processed or manufactured product that is made partly or wholly or stored or packaged inside any settlement.
- The services of settlements:** Each work that is represented by a technical, occupational or material activity in settlements, and which may present a benefit thereto, in consideration of a financial return.
- The Palestinian market:** Each place within the 1967 border.
- Trading:** Any trading, promotion, marketing, storage, transportation, packaging, labelling or any process which may render the products of settlements accessible to the Palestinian market, or the delivery of a benefit or service to the settlements or to their products.
- The Judicial Office:** The Judicial officers at the Ministry.

The person:

The natural or legal person.

Article (2)

Objectives of the Law

This Law aims to achieve the following:

1. Combat settlement goods and services built on the Palestinian territory.
2. Realise the national efforts, which the political leadership is making in order to remove settlements completely from the Palestinian territory by combating and banning the settlement goods and services and replacing them with national products.
3. Not to encourage or promote the establishment of factories in the settlements built in the occupied territory of 1967.
4. Build an independent national economy in the Palestinian territories.
5. Track the goods and services, which are deemed to be settlement products; seize, ban and control them; and prohibit their trading.
6. Supporting the Palestinian National Economy and provide better marketing opportunities for Palestinian products and goods, and to raise citizens' awareness regarding the negative impact of dealing with settlement products.

Article (3)

Scope of Application

This Law shall be applicable to all the products of settlements, which are traded on the Palestinian market, and to any person who trades in them.

Article (4)

Prohibition of Trading and Delivery of Goods and Services to Settlements

1. All settlement products shall be deemed to be illegitimate products, and shall be identified in accordance with a list approved by the council.
2. Any person shall be prohibited from trading with settlement products and services.

3. Any person shall be prohibited from delivering goods or service to settlements.

Article (5)

Tasks of the Council

In addition to the tasks of the Council which are prescribed under the applicable Law on Consumer Protection and the by-laws issued forth in accordance with it, the Council shall assume the following tasks and powers:

1. Devise special policies to support national products and to combat settlement products, as well as develop the plans and programmes to implement them.
2. Supervise and oversee all the bodies concerned with the implementation of the provisions of this Law.
3. Supervise and oversee the Fund.
4. Submit periodical quarterly reports to the Council of Ministers about its role and achievements within the framework of controlling and prohibiting settlement products as well as their trading on the Palestinian market.

Article (6)

Establishment of the Fund

According to the by-laws, a fund will be established and named "Al Karamah National Fund for supporting self empowerment and the combat and banning of settlement products", its duties and work will be determined according to a decision taken by the Council of Ministers.

Article (7)

Exemptions and facilities

- 1) The Fund shall be accorded the same exemptions and facilities as those provided for Ministries and governmental units.
- 2) Donations made to the fund shall be payments accepted for deduction from taxes, including income tax and value added taxes.

Article (8)

Tasks of the Competent Department

The competent department shall be responsible for the following tasks:

1. Receiving complaints filed by Consumer Protection Associations, or by any person, regarding the trading of the products of settlements using the form, which the Ministry develops for this purpose, as well as deciding on measures to be taken concerning them in accordance with the provisions of the Law.
2. Cooperating and coordinating with all bodies concerned with supporting national products, and combating settlement products and services, and developing a list, in accordance with which the settlement products will be identified, and submitting it to the Council for approval.
3. Updating, disseminating and publishing the list mentioned in Clause (2) above in at least two daily newspapers for a period that is not less than three days and by any other means which it deems fit.
4. Submitting monthly reports to the Council.

Article (9)

Prevention or Cancellation of Registration

1. Any government body shall be prevented from registering any commercial agency, commercial trademark, commercial brand name or any other service for any person, in the event its subject matter is related to the products of settlements.
2. The Minister shall issue forth his decision on the cancellation of the registration of any person and the registration of any commercial agency or any commercial brand name trademark that is included on the designated register, based upon the recommendation of the relevant body at the Ministry, in the event its owner has committed any contravention of the provisions of this Law or traded in the products of settlements or used his agency to trade in them.
3. The competent department at the Ministry must notify the person to whom the provisions apply of the above two Paragraphs under this Article of the Minister's decision within a maximum period of one week from the date on which the decision on cancellation is issued forth.

Article (10)

Instruments and Documents

Any government department, civil society organisation or any other body shall be prevented from issuing forth any instruments or facilities so as to render legitimate the products of settlements. Any instrument that is issued in contravention of the provisions of this Law shall not acquire the legal status.

Article (11)

Acceptance of Aid

Any resident on the Palestinian territory occupied in 1967 shall be prohibited from accepting any aid of any type whatsoever in relation to settlement products.

Article (12)

The Judicial Officers

1. The Judicial Officers must capture and seize or damage the products of settlements in coordination with the competent authorities, each within the sphere of its own jurisdiction, and in accordance with the provisions of the respective Laws.
2. The Customs Police officers shall seize the products of settlements at the exits of settlements as well as on the main border points in cooperation with the Judicial Police officers at the Ministry.

Article (13)

Destroying Products

In case it is proven that the seized product is of settlement produce, it shall be destroyed. The procedure shall be registered on an official record of destruction, which shall be signed by a destruction committee to be formed by the Minister for this purpose.

Article (14)

Penalties

Without prejudice to any more severe penalty, which is prescribed by the Penal Law or any other Law, and in addition to the provisions of Articles (9) and (12) of

this Law, each person who infringes on the provisions of this Law shall be punished as following:

1. Confinement for a period that is not less than two years and no more than five years as well as a financial fine of not less than ten thousand (10,000) Dinars or its equivalent in the legal trend for each person who trades with settlement products, along with anyone who takes part in or contributes towards their trade or imports any service to settlements.

2. A. Confinement for a period that is no less than three months and no more than six months as well as a financial fine of no less than two thousand (2,000) Dinars or its equivalent in the legal trend for each person who transferred settlement products, or takes part in or contributes in its transfer, the driver's license and the vehicle's registration will be withheld by the relevant body for a period no less than six months.

B. In the event of repetition, the driver's license and the vehicle's registration will be permanently withheld, and the vehicle that was used to transfer settlement products or to deliver any product or service into a settlement will be confiscated in accordance with relevant laws.

3. A. Confinement for a period that is no less than three months and no more than six months as well as a financial fine of no less than two thousand (2,000) Jordanian Dinars or its equivalent in the legal trend for any person who stores or let for the sake of storing settlement products, in addition to closing the facility for no less than six months

B. In the event of repetition, the facility will be permanently closed.

4. A. Confinement for a period that is no less than one month and no more than three months as well as a financial fine of no less than five hundred (500) Jordanian Dinars or its equivalent in the legal trend for any person who withholds information according to any of the listed articles above.

B. In any event where repetition occurs, the penalty will be multiplied.

Article (15)

Regulations

- 1) The Council of Ministers shall issue the needed by-laws to execute this law, as assigned by the Prime Minister.
- 2) The Head of the Council shall issue all instructions needed to enforce this law and all by-laws made through it.

Article (16)

Repeal

Every [provision] that is contradictory with the provisions of this Decree Law shall be repealed.

Article (17)

View to the legislative council

This decision of law shall be presented to the legislative council during its first session for approval.

Article (18)

Enforcement

All the competent authorities, each within its scope of authority, shall implement this Law, which shall enter into force immediately upon its publication in the official gazette.

Promulgated in the city of Ramallah on 26/4/ 2010,

Mahmoud Abbas

The President of the State of Palestine

**The Chairman of the Executive Committee of the Palestine Liberation
Organisation**

The President of the Palestinian National Authority

Annex G: 'Field Produce' letter

جمهورية مصر العربية
 وزارة الزراعة
 المديرية العامة للمنتجات الزراعية
 ومكافحة مزارع الحشرات

معالي د. حسن أبو ليد - حفظه الله
 وزير الإقتصاد الوطني
 رئيس مجلس إدارة الصندوق

٢٠١٠/١٢/٢
 السلطة الوطنية الفلسطينية
 وزارة الإقتصاد الوطني
 12-12-2010
 قسم الصادرات
 م. 19967

الموضوع : طلب إزالة بضائع Field Produce من الجزء الأول من الدليل الشامل لمكافحة منتجات المستوطنات.

تحية طيبة وبعد،
 بالإشارة للموضوع أعلاه ، واستناداً على التقرير المرفق و المعد من قبل المحامي نسيم أبوغوش ، أرجوا من معاليكم الموافقة على سماحنا بدخول منتجات " Field Produce " أو " تنوفوت".

علماً بأن الشركة كانت قد وُضعت في الجزء الأول من الدليل بناءً على عملها السابق في منطقة الأغوار التي انسحبت منها قبل أكثر من عام.

(١) وبناءً على التوضيحات الإضافية في ذلك الشأن من سيدي مدير ومولم التفتيش ومقر معلوم في القدس ليسمى إلى التزام الشركة بالقانون وعدم وجود أي نشاط لها في أي مستوطنة، ولتيسر ذلك الرجاء مع جزير الشكر.

(٢) يتبع لتفصيل من الوزارة ولغير حماية المنتجات في جميع أنحاء التزام هذه الشركة.

(٣) يثبت ذلك في القوائم
 وبيان ذلك في التقرير المرفق
 مرفق تقرير المحامي نسيم أبوغوش.

هيثم كيالي
 مدير صندوق الكرامة الوطنية و التمكين

١٢/١٥/٢٠١٠
 نسيم أبوغوش

Annex H: BDS Achievements

Omar Barghouti gave the following account when asked about the most important achievements for the BDS movement:

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Annex I: Translation of Boycotter's law

The Eighteenth Knesset

Bill Proposed by the Members of Knesset: Zeev Elkin, Dalia Itzik, Aryeh Eldad, Ofir Akunis, Tzachi Hanegbi, Moshe Gafni, David Rotem, David Azulai, Yariv Levin, Haim Katz, Yoel Hasson, Tzipi Hotobli, Leah Shemtov, Robert Ilatov, Avraham Michaeli, Menachem Eliezer Moses, Ya'akov Katz, Ruhama Avraham-Balila, Magli Wahaba, Carmel Shama, Danny Danon, Alex Miller, Yitzhak Vaknin and Uri Maklav

Definitions	"Person" – the meaning as in the Law of Interpretation, 1981. "Area under the control of the State of Israel" – including the Judea and Samaria areas [the West Bank]. "Boycott" – demand by others not to hold ties with a person. "Boycott against the State of Israel" – boycott imposed on a person because of his ties with the State of Israel or with an area under the control of the State of Israel. "Foreign state entity" – as defined in Section 36(A)(a) of the Law of Amutot – 1980 [no for profit associations].
Prohibition on Boycott Against the State of Israel	It is prohibited to initiate a boycott against the State of Israel, to encourage participation in it, or to provide assistance or information with the purpose of advancing it.
Boycott – Civil Wrong	An act of a citizen or resident of Israel in violation of Section 2 constitutes a civil wrong, and it will be subject to the provisions of the Torts Ordinance [new version].
Compensation	The court will award compensation for the civil wrong according to this law in the following manner: Punitive damages of up to 30,000 NIS to an injured party subject to the proof of any damage; Additional compensatory damages according to the

	damage rate and subject to its proof.
Fine	In addition to the above in Section 4, a citizen or resident of Israel who acts in violation of the provisions of Section 2 will be subject to double the fine stipulated in Section 61(A)(3) of the Penal Code – 1977.
Law of a Non-citizen or Non-resident of Israel	<p>One who is not a citizen or resident of Israel and the Magistrate Court determines at the request of the Minister of Interior that he has acted in violation of Section 2:</p> <p>His right of entry to Israel will be canceled for a period of at least ten years;</p> <p>Until the end of the period of cancelation of the right of entry to Israel, he or anyone acting on his behalf will be prohibited from making any transaction in an Israeli bank account, in traded shares in Israel, in real property, or in any other asset that requires registry for its transfer.</p>
Boycott Instituted by a Foreign State Entity	<p>A foreign state entity having legislated a law instituting a boycott on the State of Israel and as long as it has not been canceled, or the government having determined by a majority of its members that a foreign state entity has violated the provisions of Section 2, and as long as the government has not rendered a decision otherwise:</p> <p>The foreign state entity or anyone acting on its behalf will be prohibited from making any transaction in an Israeli bank account, in traded shares in Israel, in real property, or in any other asset that requires registry for its transfer;</p> <p>No sum of money or asset will be transferred to any foreign state entity or anyone acting on its behalf from any organ of the State of Israel according to any law, agreement, or government decision that was rendered prior to the determination according to Section 7 or the enactment of the foreign law;</p> <p>An Israeli citizen or the National Treasury, having been injured by the boycott by the foreign state entity, may sue for damages from the sum awarded in accordance with Sub-Section b according to that which appeared in Section 4 above and with the necessary adjustments.</p>

Regulations The Minister of Justice is appointed to determine the regulations necessary for the implementation of this law, and he will consult with the Minister of Interior on all that is related to the implementation of Section 6(a).

Application 9. a. This law will be in force as of the day of its publication;

In spite of the aforementioned in Sub-Section a above, a refutable presumption may be made regarding one who initiated a boycott or encouraged participation in a boycott according to Section 2 during the year prior to the publication of the law that he is still initiating a boycott or calling for a boycott even after the date of publication of the law.

Prohibition on Instituting a Boycott Bill – 2010

Annotation

The purpose of this law is to protect the State of Israel and particularly its citizens from academic, economic, and other boycotts based on their ties to the State of Israel. In the United States there is a similar law that protects its friends from boycott by a third-party where the fundamental assumption is that a citizen or resident of the state shall not call for the institution of a boycott on his own state or its allies. This assumption has been refuted concerning citizens and residents of Israel. If the United States protects its friends according to law, then Israel possesses all the more so an obligation and a right to protect itself and its citizens under the law. This bill differentiates between three different boycott issues: boycott that is instituted by a resident or citizen of Israel, boycott that is instituted by a foreign resident or citizen, and boycott that is instituted by a foreign state entity, according to the determination of the Israeli government or by a law enacted by the foreign state entity. The balance between the interests of the public and the state in individual liberty is manifested in the limitation on the applicability of the law to the initiation or advancement of boycott, while refraining from addressing the considerations of an individual when choosing for himself a product or service.

Annex J: Droblless Plan

WORLD ZIONIST FEDERATION
SETTLEMENT DIVISION

SETTLEMENT IN JUDEA AND SAMARIA -
STRATEGY, POLICY AND PLANS

By

MATTITYAHU DROBLESS

Jerusalem, September 1980

THE CURRENT STATE OF THE SETTLEMENTS IN JUDEA AND SAMARIA

44 settlements have so far been established - or are in the process of being established - in Judea and Samaria: 21 communal settlements, 12 urban settlements, 3 moshavim 3 kibbutzim, 3 industrial villages, 1 regional center and 1 industrial center. 35 settlements have been or are being established in Judea and Samaria over the past 3 years, since 1977 (see attached list of settlements in Judea and Samaria). The Jewish population in these regions totals some 10,000 people today. 1/

The majority of the settlements in Judea and Samaria are communal villages. The communal settlement is a relatively new form of settlement. Such a settlement is designed to have a population of 300 families, in order to enable the development of an intensive and productive form of communal life, a closed rural society capable of generating a quality of life and services on a higher level than normally found in larger and open urban societies on the same economic level. In this form of a smaller and closed society there is room for mutual cooperation and for taking decisions in principle which call for greater efforts being exerted in order to preserve the definite nature of the settlement. All the members of a communal settlement are members of a joint cooperative association. For a new member to join the association, he has to undergo the accepted absorption procedures required by agricultural settlements and to have his membership approved by an absorption committee composed of representatives of the Settlement Division and the settlement movement to which this particular settlement

belongs and of one representative from the settlement itself. Each candidate has to meet the criteria as required by the nature of the settlement, by the regulations set by the association and in accordance with the nature of the founding settlement movement. This, in order to guarantee the greatest possible adjustment among the members, which is the precondition for the proper functioning of a small settlement. The association takes care of municipal services (gardening, roads, garbage, water, etc.), of welfare services (education, health, relief, etc.), of cultural, social and enter-tainment activities, and also assists the members in the productive-economic sphere (financing and marketing), preserves the nature of the settlement and represents it in dealings with external elements. The Settlement Division assists in the financing of public investments and infrastructure work in the communal settlements. The assistance is given in the form of a long-term loan, in accordance with regulations and procedures applicable in agricultural settlements. The productive activity in the settlement is conducted by the members or by corporations of members with the responsibility resting with the members. The Settlement Division assists in financing the required investments in productive plants set up by the members or the association, in accordance with settlement standards. Such an assistance is only provided to permanent residents of the settlement working in that particular plant, and only after the economic rentability of the plant was examined and confirmed by Settlement Division experts.

The Settlement Division assists the rural villages in constructing their own means of production, with the aim of rapidly reducing the need of settlers to commute over long distances in order to make a living - an undesirable phenomenon from the social, the economic and the security aspects. Owing to the shortage of land and water in the hilly regions which reduces the possibility of making a living on agriculture: it becomes necessary to establish means of livelihood for these settlements based on industry, tourism and sophisticated agriculture requiring a relatively small quantity of land and water.

It should be noted that notwithstanding the relatively scanty resources invested in the means of production, the settlers have managed to make a decent living. The social condition in most of the settlements is excellent and the atmosphere is pleasant and warm, abounding with intensive cultural and social activity. Therefore, most of the settlements established in Judea and Samaria are firmly established and function properly. At first we had to overcome numerous difficulties, but compared with other regions these settlements have managed to function properly

within a brief period of time and with a relatively small investment being required. At first we had to provide water for the settlements by tankers alone, but now the large majority of the settlements are connected to water pipes. In various settlements (Kedumim, Shiloh) water drillings were carried out. The proper infrastructure has also been established and all of the Samaria settlements will soon be connected to the national electricity grid. In many settlements infrastructure work is already under way for putting up permanent housing units in accordance with the "Build Yourself a Home" method.

Hereunder details will be given about four communal settlements in Samaria, serving as a representative sample of all such settlements:

1. OFRAH

Ofrah - the first Jewish settlement in Samaria - was established 5 years ago on a high hill near the ancient city of Ofrah, at the foot of which lies the road leading to Eretz Hamirdafim (the terrain where the IDF pursues terrorists) and to the Jordan Valley and near the hilly road along the southern "border of Samaria. There are 72 2/ families living in the settlement today, with 300 children and with the total number of residents amounting to 500. 3/ The social and cultural life, public services, maintenance and economic activity are jointly conducted by the settlement. So far, 72 provisional housing units have already been established, and 10 more are due to be established this year. In addition, the construction of 50 permanent housing units is already under way, so that by the end of this year 80 4/ families will reside in Ofrah. About 80 percent of the residents of Ofrah make their living in the settlement proper and the rest earn their livelihood in the vicinity. There are 3 steel mills in the settlement, 3 carpentry workshops, a printers' workshop and an institute for removing honey from hives. An office for computer programming services was also established in the settlement, in which 18 programmers and planners who reside in the settlement are employed. In addition, there are also in Ofrah a field school employing 15 residents, a college for Jewish studies and a youth hostel, as well as accountants' and translation offices with clients in Jerusalem and a land surveyor's office. The Settlement Division planted for Ofrah a 90-dunum plantation of cherries, plums and apricots, and the territory of the plantation is to be expanded this year to 150-200 dunams. Industrial structures have also been put up during this year extending over a 2,100 sq. km. territory, in order to expand and establish the existent projects which are meantime scattered in provisional

structures. The construction of 4 hen runs is also planned.

2. BEIT-EL

The settlement is located near the biblical Beit-El near a military base on the right of the Ramallah-Nablus road, some 2 kms north of the road junction leading to Ofrah and some 20 kms north of Jerusalem. The Beit-El residence took occupancy of the settlement some two and a half years ago 5/ in November 1977. There are 65 6/ families residing in the settlement, with 170 children and with the total number of residents amounting to 300. 7/ 74 housing units were established there. The construction of 50 permanent housing units has already been approved and infrastructure work is already under way. There is a large grocery store, a health clinic and a physician in the settlement and a child care clinic is soon to be opened there. In addition, there is also a library for children and adults, a youth club, a Bnei-Akiva Youth Movement club, and an intensive cultural and biblical studies activity. The settlers make their living on local and regional work and some of them work in other places outside the region. A toy factory employing 3 residents and a cosmetics institute have already been established. The Settlement Division established in Beit-El a structure for industrial work extending over 660 square meters and fit to house between 3 and 6 factories. The setting up of a gas station with a snack bar and other facilities has already been approved and is soon to be started. Other possibilities for establishing economic projects in Beit-El during the coming budget year are also being looked into.

3. KEDUMIM

Was established four and a half years ago. It is located near the village of Kadum, some 7 kms west of Nablus. The number of families residing in the settlement is 120, 8/ with 360 9/ children, 10 singles and 60 10/ yeshiva students - some 700 11/ people in all. So far, 130 "Ashkubit" housing units have been put up and 10 caravans. In addition, the infrastructure work for the construction of permanent housing in the "Build Yourself a Home" method is already under way. A sinagogue, a central eating hall and kitchen, a creche, administration offices, a school (9 classrooms), a yeshiva complex, a health clinic, a structure for a large grocery store and 8 structures for housing various types of shops for daily use have already been established. About 60 percent of the residents make their living in the settlement proper. Two house plant nurseries, 3 hen runs, a steel mill, an insecticide factory, a sewing workshop for children's

clothes, a book-keeping office, a stencilling workshop, a paper mill (in partnership with a Japanese citizen who is an Israel sympathizer), a carpenter's workshop and a paint factory have also been established. The Eretz Yisrael College in the settlement employs 6 families and offers courses on the Judea and Samaria region in particular and on Eretz Yisrael in general.

4. ELOM MOREH

The settlement was established in January 1980 in its present location on Mount Kabir and is situated some 4 kms east of Nablus. The number of families residing in the settlement is 35 12/ with 130 13/ children and 6 singles - totalling some 200 14/ people altogether. So far, 41 Troumasbest housing units have been set up as well as 7 public buildings: a sinagogue, a kindergarten (2 classrooms), a creche (3 rooms), a school (4 classrooms), a health clinic, administration offices and a large grocery store. A wide access road was paved to the settlement, and the paving of the road bypassing the village of Dir-el-Khatib is about to be concluded.

The Settlement Division is constructing at present an industrial complex on Mount Kabir, extending over 1,200 square meters and scheduled to house a locksmith's workshop and other plants (an insecticide factory, for example). The construction of an additional industrial complex is also being planned. Educational and cultural activities are conducted in a kindergarten, a creche and a youth club. The absorption of additional families in the settlement is planned for the near future, so that by the end of this year the number of families residing in it will amount to around 40. 15/

THE SETTLEMENT STRATEGY IN JUDEA AND SAMARIA

A large eastern rejectionist front which includes Syria, Iraq, Iran and Saudi Arabia is facing us today. These countries, which have huge resources at their disposal and which are united in their hostility towards Israel, are posing today a constant threat to our eastern border. The lessons we learned from previous wars indicate that we ought to ensure that the border be drawn as far as possible from our dense urban, industrial and economic centers on the coastal plain, so as to provide ourselves with an adequate breathing space for mobilizing our army reserve forces on which we have to depend owing to the large superiority in number enjoyed by the Arab armies. Therefore, a creator distance between our eastern border with Jordan and our own population centers contributes a lot to the security of the

entire state of Israel.

However, only a military presence in the territories west of the Jordan is not sufficient for the security of this sensitive region. The civilian presence of Jewish settlements is vital for the security of the state, since all the settlements in Judea and Samaria are located on high hills presiding over important axes which are not easily passable by armoured or any other types of vehicles. It should be noted that in light of the lessons drawn from the last war, all necessary measures have been taken to enable the settlers in the territories to defend themselves in the eventuality of a surprise attack being launched against them. Thus, it will not only become unnecessary to evacuate them in the eventuality of a war breaking out, but this dense chain of settlements situated on hilltops will be able to serve as a proper block against the united eastern front which is now threatening Israel, or at least to ward off an Arab attack until the reserve forces are mobilized and, ready to fight. This buffer of settlements will also give a greater sense of security to the settlements in the Jordan Valley, which serve as our foremost defence wall on the east, and will keep them from getting into the position of being pressed from both the east and the west by hostile populations.

In light of the current negotiations on the future of Judea and Samaria, it will now become necessary for us to conduct a race against time. During this period, everything will be mainly determined by the facts we establish in these territories and less by any other considerations. This is therefore the best time for launching an extensive and comprehensive settlement momentum, particularly on the Judea and Samaria hilltops which are not easily passable by nature and which preside over the Jordan Valley on the east and over the Coastal Plain on the west.

It is therefore significant to stress today, mainly by means of actions, that the autonomy does not and will not apply to the territories but only to the Arab population thereof. This should mainly find expression by establishing facts on the ground. Therefore, the state-owned lands and the uncultivated barren lands in Judea and Samaria ought to be seized right away, with the purpose of settling the areas between and around the centers occupied by the minorities so as to reduce to the minimum the danger of an additional Arab state being established in these territories. Being cut off by Jewish settlements the minority population will find it difficult to form a territorial and political continuity.

There mustn't be even the shadow of a doubt about our

intention to keep the territories of Judea and Samaria for good. Otherwise, the minority population may get into a state of growing disquiet which will eventually result in recurrent efforts to establish an additional Arab state in these territories. The best and most effective way of removing every shadow of a doubt about our intention to hold on to Judea and Samaria forever is by speeding up the settlement momentum in these territories.

Jewish settlement in Judea and Samaria will mainly be carried out on state-owned lands or on uncultivated ownerless barren lands, and is by no means designed to dispossess people living on their land. Such a policy creates a reasonable prospect for a peaceful coexistence. Furthermore, the cohabitation of Jews and Arabs side by side for a long period of time is the only chance for developing a good neighbourly relationship as time goes by, for the gradual awakening of a mutual understanding and for the essential creation of common interests. It can be learned from historical experience that personal and close relations between hostile populations usually contribute to the creation of a *de facto* state of peace more than any political agreements signed by the leaders of these populations normally do.

SETTLEMENT POLICY IN JUDEA AND SAMARIA

Experience indicates that the situation must be averted of any one settlement "being left isolated in whatever region, both owing to the need of relying on shared services together with neighbouring settlements and because of the security aspect. Thus, it is necessary to establish additional settlements near every existing settlement in Judea and Samaria, so as to create settlement clusters in homogenous settlement regions and to make it possible to develop shared services and means of production. It is not altogether unlikely that the expansion and development of these settlements will eventually result in some cases in their natural decision to merge and create a single urban settlement containing all the settlements of the same cluster. In order to make a large deployment of settlements possible and in order to establish settlements with a high quality of life, the majority of settlements in Judea and Samaria were and will continue to be established in the form of rural-communal villages. The population in these settlements will amount at the first stage to between 50 and 300 families which will find their means of livelihood mainly in industry, tourism and services and to a much lesser extent in sophisticated agriculture, owing to the shortage of agricultural means of production in these territories. Regional services in the educational, health

and cultural spheres are planned and set up at the very first stage of the implementation of the settlement program - in each and every bloc, in one of the central settlements thereof. The setting up of these services as early as possible will contribute to the welfare of the new settlements. The establishment of the settlements is preceded by forming a group of potential settlers and getting them ready for taking occupancy of the land. The absorption unit of the Settlement Division sets up the framework, for social assimilation activities among the settlers (both new immigrants and veteran citizens), in coordination with the various settlement movements and with other social bodies. It should be noted that the current potential for settlement is very high. There is an increasing stream of applications submitted by people wishing to settle in Judea and Samaria, and the number of families wishing to settle in these territories - either by setting up new settlements or by joining existing ones - amounts to many thousands, both in Israel and in the diaspora.

Over the next 5 years it is necessary to establish 12-15 rural and urban settlements per annum in Judea and Samaria, so that in five years from now the number of settlements will grow by 60-75 and the Jewish population thereof will amount to between 120,000 and 150,000 people. More details about this plan can be found in the brochure submitted by me in October 1978 to the government and the inter-departmental settlement committee, entitled "A Masterplan for Settlement Development in Judea and Samaria for the years 1979-1983" and published by the Rural Settlement Division of the World Zionist Federation.

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

(2013/C 205/05)

Section A. GENERAL ISSUES

1. These guidelines set out the conditions under which the Commission will implement key requirements for the award of EU support to Israeli entities or to their activities in the territories occupied by Israel since June 1967. Their aim is to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel's sovereignty over the territories occupied by Israel since June 1967. These guidelines are without prejudice to other requirements established by EU legislation.

2. The territories occupied by Israel since June 1967 comprise the Golan Heights, the Gaza Strip and the West Bank, including East Jerusalem.

3. The EU does not recognise Israel's sovereignty over any of the territories referred to in point 2 and does not consider them to be part of Israel's territory ⁽¹⁾, irrespective of their legal status under domestic Israeli law ⁽²⁾. The EU has made it clear that it will not recognise any changes to pre-1967 borders, other than those agreed by the parties to the Middle East Peace Process (MEPP) ⁽³⁾. The EU's Foreign Affairs Council has underlined the importance of limiting the

application of agreements with Israel to the territory of Israel as recognised by the EU ⁽⁴⁾.

4. These guidelines do not cover EU support in the form of grants, prizes or financial instruments awarded to Palestinian entities or to their activities in the territories referred to in point 2, nor any eligibility conditions set up for this purpose. In particular, they do not cover any agreements between the EU, on the one hand, and the Palestinian Liberation Organisation or the Palestinian Authority, on the other hand.

Section B. SCOPE OF APPLICATION

5. These guidelines apply to EU support in the form of grants, prizes or financial instruments within the meaning of Titles

⁽¹⁾ On the territorial application of the EU-Israel Association Agreement see Case C-386/08 *Brita* [2010] ECR I-1289, paragraphs 47 and 53.

VI, VII and VIII of the Financial Regulation ⁽⁵⁾ which may be awarded to Israeli entities or to their activities in the territories occupied by Israel since June 1967. Their application is without prejudice to specific eligibility conditions which may be laid down in the relevant basic act.

6. These guidelines apply:

(a) for grants — to all applicants and beneficiaries, irrespective of their role (sole beneficiary, coordinator or co-beneficiary). This includes entities participating in the action on a no-cost basis ⁽⁶⁾ and affiliated entities within the meaning of Article 122(2) of the Financial Regulation. This does not include contractors or sub-contractors selected by grant beneficiaries in conformity with procurement rules. As regards third parties referred to in Article 137 of the Financial Regulation, in the cases where the costs of financial support to such third parties are eligible under a call for proposals the authorising officer responsible may, where appropriate, specify in the call for proposals and in the grant agreements or decisions that the eligibility criteria set out in these guidelines also apply to the persons that may receive financial support by the beneficiaries;

(²) Under Israeli law, East Jerusalem and the Golan Heights are annexed to the State of Israel, whereas the Gaza Strip and the rest of the West Bank are referred to as ‘the territories’.

(³) See *inter alia* the Foreign Affairs Council conclusions on the MEPP adopted in December 2009, December 2010, April 2011, May and December 2012.

(⁴) The Foreign Affairs Council conclusions on the MEPP adopted on 10 December 2012 state 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’.

(b) for prizes — to all participants and winners in contests;

(c) for financial instruments — to dedicated investment vehicles, financial intermediaries and sub-intermediaries and to final recipients.

7. These guidelines apply to grants, prizes and financial instruments managed, as the case may be, by the Commission, by executive agencies (direct management) or by bodies entrusted with budget implementation tasks in accordance with Article 58(1)(c) of the Financial Regulation (indirect management).

8. These guidelines apply to grants, prizes and financial instruments funded from appropriations of the 2014

(⁵) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

(⁶) In which case the Israeli entity will finance its participation with funding from other sources, but will nonetheless be treated as a beneficiary and may therefore have access to know-how, services, networking and other opportunities developed by the other beneficiaries as a result of the EU grant.

financial year and subsequent years and authorised by financing decisions adopted after the adoption of the guidelines.

government agencies or authorities);

(c) do not apply to natural persons.

Section C. CONDITIONS OF ELIGIBILITY OF ISRAELI ENTITIES

9. As regards the place of establishment of Israeli entities:

(a) In the case of grants and prizes, only Israeli entities having their place of establishment within Israel's pre- 1967 borders will be considered eligible;

(b) In the case of financial instruments, only Israeli entities having their place of establishment within Israel's pre- 1967 borders will be considered eligible as final recipients.

10. The place of establishment is understood to be the legal address where the entity is registered, as confirmed by a precise postal address corresponding to a concrete physical location. The use of a post office box is not allowed.

11. The requirements set out in section C:

(a) apply to the following types of legal persons: Israeli regional or local authorities and other public bodies, public or private companies or corporations and other private legal persons, including non-governmental not- for-profit organisations;

(b) do not apply to Israeli public authorities at national level (ministries and

Section D. CONDITIONS OF ELIGIBILITY OF ACTIVITIES IN THE TERRITORIES OCCUPIED BY ISRAEL

12. As regards the activities/operations of Israeli entities:

(a) In the case of grants and prizes, the activities of Israeli entities carried out in the framework of EU-funded grants and prizes will be considered eligible if they do not take place in the territories referred to in point 2, either partially or entirely;

(b) In the case of financial instruments, Israeli entities will be considered eligible as final recipients if they do not operate in the territories referred to in point 2, either in the framework of EU-funded financial instruments or otherwise.

13. Any activity or part thereof (¹) included in an application for an EU grant or prize which does not meet the requirements set out in point 12(a) will be considered as ineligible and will not be considered as part of the application for the purpose of its further evaluation.

14. The requirements set out in section D:

(a) apply to activities under point 12 carried out by the following types of legal persons: Israeli regional or local authorities and other public

bodies, public or private companies or corporations and other private legal persons, including non-governmental not-for-profit organisations;

(b) apply also to activities under point 12 carried out by Israeli public authorities at national level (ministries and government agencies or authorities);

(c) do not apply to activities under point 12 carried out by natural persons.

15. Notwithstanding points 12-14 above, the requirements set out in section D do not apply to activities which, although carried out in the territories referred to in point 2, aim at benefiting protected persons under the terms of international humanitarian law who live in these territories and/or at promoting the Middle East peace process in line with EU policy (²).

Section E. IMPLEMENTATION ARRANGEMENTS

16. Each Israeli entity referred to in points 11(a) and (b) and 14(a) and (b), which applies for an EU grant, prize or financial instrument, shall submit a declaration on honour as follows:

(a) In the case of grants and prizes, the declaration will state that the application of the Israeli entity is in accordance with the requirements under points 9(a) and 12(a) of these guidelines, while also taking into account the applicability of point 15 thereof (³). For grants, this declaration will be drafted in accordance with Article 131(3) of the Financial Regulation;

(b) In the case of financial instruments, the declaration will state that the application of the Israeli entity as a final recipient is in accordance with the requirements under points 9(b) and 12(b) of these guidelines.

(¹) For example, these could be nationwide projects to be implemented in Israel, which involve both activities within pre-1967 borders and activities beyond pre-1967 borders (e.g. in settlements).

(²) For example, these could be activities under the European Instrument for Democracy and Human Rights, the Neighbourhood Civil Society Facility and/or the Partnership for Peace programme.

(³) In the case of Israeli public authorities at national level (ministries and government agencies/authorities), the declaration will contain an address for communication purposes that is within Israel's pre-1967 borders and that complies with point 10.

17. The declarations under point 16 are without prejudice to any other supporting documents required in the calls for proposals, rules of contests or calls for the selection of financial intermediaries or dedicated investment vehicles. They will be included in the package of application documents for each concerned call for proposals, rules of contests and call for the selection of financial intermediaries or dedicated investment vehicles. Their text will be adapted to the requirements relevant for each EU grant, prize or financial instrument.

18. The submission of a declaration under point 16 that contains

incorrect information may be considered as a case of misrepresentation or a serious irregularity and may lead:

- (a) for grants — to the measures set out in Articles 131(5) and 135 of the Financial Regulation;
- (b) for prizes — to the measures set out in

Article 212(1)(viii) of the Rules of Application of the Financial Regulation (¹) and;

- (c) for financial instruments — to the measures set out in Article 221(3) of the Rules of Application of the Financial Regulation.

19. The Commission will implement these guidelines in their entirety, and in a clear and accessible manner. It will

notably announce the eligibility conditions set out in Sections C and D in the work programmes (²) and/or financing decisions, calls for proposals, rules of contests and calls for the selection of financial intermediaries or dedicated investment vehicles.

20. The Commission will ensure that the work programmes and calls for proposals, rules of contests and calls for the selection of financial intermediaries or dedicated investment vehicles published by the bodies entrusted with budget implementation tasks under indirect management contain the eligibility conditions set out in Sections C and D.

21. In order to clearly articulate EU commitments under international law, taking into account relevant EU policies and positions, the Commission will also endeavour to have the content of these guidelines reflected in international

agreements or protocols thereto or Memoranda of Understanding with Israeli counterparts or with other parties.

22. The award of EU support to Israeli entities or to their activities in the form of grants, prizes or financial instruments requires engagement with Israeli entities referred to in points 11 and 14, for example, by organising meetings, visits or events. Such engagement will not take place in the territories referred to in point 2, unless it is related to the activities referred to in point 15.

(¹) Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

(²) Subject to the outcome of the comitology procedures that may be required by the relevant basic act.