



INSS Insight No. 915, April 6, 2017

Israel's Bill to Bar the Boycotters: A Strategic Overview

Michal Hatuel-Radoshitzky and Inbar Zadok

In early March 2017, the Knesset passed a bill barring non-Israeli citizens from entering the state if they, or the organization for which they work, issued calls or participated in boycotts against Israel, including those directed against Israeli settlements. The bill is part of Israel's efforts to fight international delegitimization campaigns, led by civil society activists. While the Minister of Interior is authorized to permit or deny entry at his discretion, the circumstances under which he will choose to do so remain unclear.

Since 2005, the Boycott, Divestment, Sanctions (BDS) movement has worked hard to have Israel shunned internationally. To counter this phenomenon, a number of states have passed laws aiming to limit Israel's delegitimizers from making significant headway. President Barack Obama signed the Trade Facilitation and Trade Enforcement Act, which contains provisions that require the United States to oppose any activity by the BDS movement and similar economic warfare against Israel and territories under its control. At least two more bills are in the United States federal pipeline: the "Combating BDS Act of 2016"; and the "Protecting Israel against Economic Discrimination Act of 2016." Anti-BDS legislation was already passed in seventeen US states, and several others are in the process of considering similar legislation.

Elsewhere, in Canada the parliament passed a motion asserting that the BDS movement promotes the demonization and delegitimization of the State of Israel, and Ontario's legislature passed a motion that rejects the differential treatment of Israel by the BDS movement. In Europe, the British Parliament published a guidance note clarifying that discrimination against members of the World Trade Organization, including Israel, is illegal, and the Dutch Parliament passed a non-binding motion calling on the government to halt funding for organizations that promote a boycott of Israel.

The new Israeli law generated international interest and was reported in Britain, Ireland, Brazil, Italy, South Africa, and even Holland (amidst the country's potentially game-changing general elections). The reaction was chilly. The White House, which itself is in the midst of reforming border control policies, noted that Israel is sovereign to make decisions regarding its borders, and that while the administration opposes boycotts and sanctions of Israel, it also firmly supports freedom of expression. Within civil society, prominent organizations such as the Anti-

Defamation League, the American Jewish Committee, and the Association for Israel Studies condemned the bill, as did an editorial in the *New York Times*.

While a full scale boycott of Israel has not been legitimized by the major powers, the international community is highly critical of Israel's settlements, which are widely perceived as violating international law. Thus, much criticism relating to the bill emanates from its language targeting those who advocate a boycott of settlements. Among those who focus their criticism on this aspect of the law – and who appear to have taken the role of spearheading criticism against the bill – are liberal Zionist Jews who are regularly at the front lines of opposing BDS campaigns. These include professors of Israel studies programs in campuses across the United States and Jewish community leaders, some of whom have served in the IDF. This constituency notes that even before the law passed, Israel's border control made good on its authority to turn away people who are deemed dangerous to Israel. Thus, the new bill does not equip Israel with any substantial additional tools to counter delegitimization efforts. Moreover, it is perceived as counterproductive in the struggle against Israel's delegitimization in four central respects.

First, critics note that the bill taints Israel's image as a beacon of democracy in the Middle East, and strengthens the perception that Israel is hostile to anyone who opposes the settlement enterprise. In this respect, the bill is seen as part and parcel of other legislative steps introduced by the current government that are perceived internationally as eroding Israel's democracy (including the NGO Transparency Law and the bill legalizing outposts built on private Palestinian land in Judea and Samaria).

Second, efforts of the global pro-Israel camp are predicated on the understanding that bringing critics to witness Israel firsthand is the most effective tool in defusing antagonism towards Israel. This approach has been certified as productive by a wide array of pro-Israel organizations that sponsor trips to Israel for diverse constituents, from students and young political activists, through journalists and bloggers, to businesspeople and elected officials. Barring entry to key constituencies that are ambivalent or even critical toward Israel, instead of engaging them and attempting to win over their hearts and minds, broadens the space in which the large middle ground can be more easily seized by uncompromising anti-Israel forces.

Third, the policy to boycott the boycotters stands in direct contrast to the very rationale upon which the global pro-Israel camp is based and which promotes dialogue, all the while opposing boycotts. This is the very policy line often verbalized by the pro-Israel camp in negating BDS efforts to shut down dialogue.

Fourth, by clumping together foreigners who merely oppose Israel's settlement policy (derogatively referred to by some as "backdoor BDS") with hardcore anti-Israel BDS activists, and annulling the space for the substantial difference between these two circles, the new law creates a dichotomy whereby one either supports or opposes Israel. Left with no other option,

Israel's policy critics – who have expressed their feeling of betrayal since the adoption of the law – may very well be pushed toward advocating for a more full-fledged approach of boycotting Israel in its entirety.

Thus from a strategic perspective, the bill contributes toward dividing Israel's supportive base, by classifying part of it as illegitimate, and toward uniting Israel's critics by clumping together those who criticize particular government policies with those who delegitimize Israel's right to exist as a homeland for the Jewish people. Since the bill is already in place, the government of Israel is left with three policy options to minimize potential damage in the international arena.

First, a clear call should be issued reaching out to Zionist liberal Jews worldwide, recognizing the importance of their contribution to countering BDS efforts and welcoming the diversity of opinions within this constituency – including in instances in which these differ from that of the Israeli government.

Second, enforcing the law should be limited to cases of hardcore BDS activists who aim to delegitimize Israel – as opposed to soft opposition groups that may well tone down their hostility by witnessing Israel first hand. In each case the advantages of barring a particular individual should be weighed against the (additional) dent to Israel's international prestige that will result from the media coverage and discourse generated by the law's enforcement.

Third, when introducing new legislation – particularly in cases that have the potential to reverberate internationally, as in the case discussed here – Israeli government and Knesset officials should make informed, calculated decisions based on strategic and comprehensive cost/effect analyses that identify and mitigate weaknesses and loopholes in advance. As such, Israel's counter-efforts against the delegitimization phenomenon should factor-in "collateral damage" on both the micro and macro levels, and strive to be repercussion-oriented rather than action-focused.

