



The Delegitimization Phenomenon: Challenges and Responses

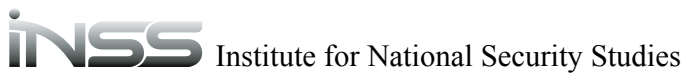
Einav Yogev and Gallia Lindenstrauss, Editors

Memorandum

169

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Memorandum No. 169

September 2017

תופעת הדה-לגיטימציה:

אתגרים ומענים

עורכות: עינב יוגב וגליה לינדנשטראוס

Graphic design: Michal Semo-Kovetz, Yael Bieber

Cover photo: Demonstration in Barcelona against collaboration between Spanish and Israeli institutions, October 2015.

Photo by Albert Llop/Anadolu Agency/Getty Images

Cover design: Michal Semo-Kovetz

Printing: Elinir

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September 2017

ISBN: 978-965-92620-6-9

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Preface

In recent years both the Israeli government and various non-governmental institutions have become increasingly preoccupied with the phenomenon coined “the delegitimization of the state,” a phenomenon mostly viewed around the world as a non-violent protest movement calling for the international boycott and isolation of Israel. The phenomenon in its current iteration first became evident at the 2001 Durban Conference, but it was only in July 2004, following the International Court of Justice ruling that the separation barrier Israel was building in the West Bank amounted to annexation and was therefore illegal, that a Palestinian organization of academics and intellectuals called for an academic and cultural boycott of Israel. Exactly a year later, in July 2005, under an umbrella of 170 Palestinian organizations, the Boycott, Divestment, and Sanctions (BDS) campaign was launched, which aimed at excluding Israel from academic and cultural settings and expanding this exclusion to economic and political realms. Since then, more than a decade after the launch of the BDS campaign, and despite the lack of reliable, definitive empirical evidence regarding its success or failure, it appears that the push to boycott and isolate Israel has successfully expanded the circles reached by the campaign and has created a challenging reality for Israel in the international arena, even in countries traditionally friendly to Israel.

Questions regarding what constitutes delegitimization of Israel and the seriousness of the threat it poses have preoccupied Israeli foreign policymakers and non-governmental parties for more than ten years, particularly since the Gaza flotilla raid in 2010. Delegitimization usually refers to the efforts by certain international parties to cast doubt on the legitimacy of Israel’s existence as a Jewish state or to undermine its right to defend itself against its enemies. Another characteristic is the actual nature of the protest: calls to take concrete steps, such as boycotting and divesting from Israeli companies

involved in financing or building the Jewish settlements in the West Bank and/or providing equipment for the separation barrier alongside aggressive and inflammatory rhetoric, including extreme and vicious claims against any Jewish/Israeli military or civilian presence in the territories conquered in 1967. It is not easy to characterize the supporters of this non-violent protest against Israel. Some of the institutions and individuals have an obviously hostile political identity; others are viewed as more moderate and include Jews and Israelis and are even allied with Israel in other contexts.

Throughout its existence, Israel has had to deal with various boycotts and movements opposing any normalization of relations. But the technological revolution, the heightened importance of public opinion to decision makers among Israel's allies, and the spread of the delegitimization phenomenon over many different fields of action make it difficult to formulate a uniform response and have therefore sparked an internal political debate in Israel. Moreover, most of the theoretical and historical discussions of anti-Israel boycotts refer to situations in which it is states and other official bodies applying the boycotts or sanctions in order to damage Israel or force it to change its policies. While official steps taken by states against other states is the most common form of sanctions application (and any discussion about Israel must clearly include an assessment of the governments liable to apply pressure of one kind or another), in recent years most of the efforts to impose boycotts on Israel come from non-state players – protest organizations, NGOs with a defined political or social agenda, interest groups, and multinational companies – whose actions can threaten and affect Israel no less than official states due to the influence they wield over public opinion and decision makers.

This collection of articles presents an analysis of the threat that the delegitimization and BDS campaigns pose to Israel, an examination of their aspects in various fields, and a discussion of the dilemmas they present to Israel's decision makers. The purpose of the volume is to encourage extensive deliberation about the issue of delegitimization and BDS by examining its overall implications for security, strategy, and policy. The articles cover many aspects and provide salient insights for policymakers about the challenges that delegitimization currently poses to Israel and Israel's position in the international arena, while also raising questions that invite further research.

Part I examines developments in the relations between the international community and Israel over the last few decades, including the issue of delegitimization, and compares this most recent challenge with similar

challenges Israel faced in the past. Kobi Michael draws a comparison between the opposition to Israel in its early decades and the more recent delegitimization phenomenon, while reviewing the systemic and political changes that have contributed to the formation of the current problem. Mark Heller deals with the response of Israel's public relations efforts to the BDS movement and points to the limitations and challenges facing Israel in this context, in particular the problematic way in which Jewish settlements in the West Bank are viewed around the world. Michal Hatuel-Radoshitzky compares the methodology and success of the boycott of South Africa to the BDS movement and claims that while the BDS campaign is unlikely to prove as successful as the anti-apartheid movement, the delegitimization phenomenon nevertheless presents a significant challenge to Israel.

Part II focuses on the political and legal aspects of delegitimization. Shimon Stein and Gallia Lindenstrauß discuss the way in which leaders in prominent European countries cope with the growing public pressure to boycott and divest from Israel. Pnina Sharvit Baruch and Keren Aviram study the efforts to give legal validity to the delegitimization campaign through claims that Israel is a lawless state that systematically violates international law. Liran Ofek's essay examines the use that the Palestinian Authority makes of the delegitimization campaign and the boycott of Israeli goods and analyzes its motives. Ofir Winter and Eyal Razy-Yanuv use case studies of gas deals between Israel and Egypt and between Israel and Jordan to examine why the delegitimization movement cannot seem to find a real foothold in the Arab states.

As the challenge of delegitimization has in recent years been placed in the realm of national security, Part III deals with its security aspects. Zvi Magen demonstrates that the delegitimization movement is operating in the familiar footsteps of ideological subversion, which is directed and channeled by state and other players against anyone viewed as hostile. David Siman-Tov and Kobi Michael examine the unfamiliar challenges facing the intelligence community in an arena that is normally handled by different government ministries, the diplomatic corps, and non-governmental civic bodies. Emily Landau claims that in contrast to the tendency to view delegitimization primarily within the Israeli-Palestinian conflict, there is good reason to be concerned that the anti-Israel stance will intensify and spill over into other realms, including the struggle to prevent Iran from attaining nuclear weapons and the efforts Egypt is leading to make the Middle East a WMD-free zone.

Part IV relates to the public and media aspects of delegitimization. Einav Yogev looks at the growing influence of international NGOs and the changes in their methods, and examines their relationship to issues of delegitimization and the way in which Israel conducts its relations with them. Avner Golov's essay analyzes the help the Israeli community in the United States could potentially provide Israel in confronting the delegitimization phenomenon, and discusses the unique difficulties that this community faces in this context. Zipi Israeli and Michal Hatuel-Radoshitzky investigate the media coverage of the BDS and delegitimization movements in the Israeli daily newspaper *Yediot Ahronot* as part of a prominent recent trend by the media to expand their scope of public influence beyond their traditional function as information providers and analysts.

We would like to thank all those who played an important role in completing this project and producing this collection. Many thanks in particular to Anat Kurz, director of research at the Institute for National Security Studies, for her insightful comments, and to Nikki Littman, Moshe Grundman, and Judith Rosen for their help in editing and publishing the collection. A special thanks to the writers of the essays whose contributions have helped to expand the research perspective on delegitimization and BDS and the strategic challenges posed by these movements.

Einav Yogev and Gallia Lindenstrauss
Tel Aviv, August 2017

PART I

Overview

Both Old and New: The Delegitimization Campaign in Historical Perspective

Kobi Michael

Introduction

This article seeks to examine and explain the challenge of the current delegitimization campaign (with BDS as its central and prominent characteristic) by comparing it to similar challenges Israel has faced in the past. While delegitimization in its current form is more complex and well-developed than previous challenges, the underlying rationale is similar and involves three levels: Israel's right to exist as a nation-state, Israel's right to self-defense, and Israel's right to explain its actions. On the first level, Israel's opponents make great efforts to deny the legitimacy of the State of Israel as the nation-state of the Jewish people by presenting it as a colonialist project born from the original injustice done to the native Palestinian population. The second level includes the efforts of Israel's opponents to deny its right to defend itself against terrorism by condemning its responses as disproportionate, contrary to international law, and in blatant violation of basic Palestinian human rights. Finally, the third level constitutes the efforts made to deny Israel's right to explain its actions either by boycotting and removing Israel from international forums or by assisting the media whose coverage of Israel is biased for various reasons and prefers not to emphasize or at times even present the Israeli position.

In response to the question why Israel is the only country in the world that is forced to deal with delegitimization of its very existence, there are

many answers. These include the immense power of the Islamic bloc, which has an automatic majority in most important international forums and must also be heeded by Western countries due to political and economic considerations. In addition, there is the anti-Semitism that is entrenched among many populations around the world alongside the excessive weight given to the Israeli-Palestinian conflict and the efforts of the Palestinian leadership to leverage the unilateral strategy of internationalization¹ through the delegitimization, incitement, and demonization of Israel. We cannot, of course, ignore the influence of Israeli policy on the Palestinian issue and Israeli conduct in the international arena, but while these are influential factors, they are not the cause of the phenomenon.

The challenge of delegitimization in its current form has been evident since the formation of Netanyahu's second government in March 2009. At this point it became clear that the Israeli-Palestinian peace process would be frozen due to the enormous gaps between the two sides and the Palestinian leadership's unwillingness to enter into renewed negotiations with the Netanyahu government, having obtained an impressive set of achievements during negotiations with the Olmert government. (The Israeli proposal for an agreement that was presented to the Palestinians by Prime Minister Olmert was the most far-reaching offer ever made by any Israeli leadership.) Attempts to address the delegitimization campaign made at the end of 2009 by the Ministry of Strategic Affairs, headed by Moshe (Bogie) Ya'alon, ran into the opposition and skepticism of other government ministries, especially the Foreign Ministry. This opposition was the result of disagreement regarding both the actual existence of a delegitimization campaign and the powers and resources necessary for dealing with it. The turning point in the State of Israel's official stance toward delegitimization came in the wake of two traumatic events: the severe and biased report by Judge Goldstone on Operation Cast Lead published in September 2009 and the *Mavi Marmara* incident in May 2010.²

The Palestinians exploited both these events in order to reinforce the delegitimization campaign as part of its new strategy of internationalizing the conflict, and the Israeli government was confronted with a rising wave of delegitimization attacks. Only then, despite the fact that the BDS movement was established by Omar Barghouti in 2005 and held its first conference in Ramallah in 2007, did the government internalize it as a real strategic threat. The BDS movement was led by the BNC (BDS National Committee), an

umbrella organization that united 170 Palestinian organizations and was responsible for expanding activities, recruiting supporters, and organizing delegitimization initiatives.

As part of the new effort to address the challenge, an impressive knowledge infrastructure was developed by national bodies and NGOs (the Reut Institute being a prominent example³) about the nature of delegitimization, the involved parties, its rationale, and the implications. But despite the allocation of resources, the greater level of coordination between national bodies, and, particularly, the increased awareness among the national leadership and civil society, large gaps remained between the relevance and the quality of the response and the scope of the delegitimization campaign around the world.

Once it had gained institutional attention, it became clear to the establishment – with the assistance of NGOs and research institutes – that the delegitimization camp was expanding to include unnatural coalitions, such as between radical Islamic movements and the extremely liberal human rights organizations (the so-called red-green alliance). This spread of the wave of delegitimization of Israel, in its wider sense, lent encouragement to BDS activists and provided ideological backing for their initiatives and activities, which aim to deny the political and conceptual model of Zionism and the State of Israel as the nation-state of the Jewish people. BDS activists also direct their efforts toward the cause of the Arab citizens of Israel and call for the “right of return” for Palestinian refugees, defining Israel as a colonialist and imperialist apartheid state that suppresses the rights of the Palestinians. In their view, it is necessary to boycott Israeli academia, culture, and economy, because these all serve the country and enable the ongoing maltreatment of the Palestinians. The implication of this, even if not declared as such, is a call for the dismantling of the State of Israel in its current form.

Different Characteristics and Their Causes

Despite the similarity between the opposition to Israel in the early decades of its existence and the current phenomenon of delegitimization, it is important to note a number of significant differences. These differences can be categorized accordingly: structural changes in the international system, changes in the zeitgeist and the strengthening of non-state actors, developments in the Middle East, including the Israeli-Palestinian conflict, and the development of the virtual world and social media. All these changes have a major impact on the way that Israel’s opponents attempt to bring about delegitimization.

One element has remained the same, however, throughout the years: the weakness of the Israeli response to the phenomenon. On the other hand, it is important to mention that in the last two years we have identified more governmental efforts to shape a coherent and proactive strategy and increasing investment of resources and coordinated efforts with Israeli and non-Israeli actors and organizations.

Structural Changes in the International System

In the first few decades after its establishment, the campaign to delegitimize the State of Israel was seen as part of the Arab and Muslim world's political, economic, and military struggle, backed by the non-aligned bloc and the Soviet Union. Their struggle was seen as part of a wider campaign in a bipolar world divided between the bloc led by the United States and the bloc led by the Soviet Union. The Western bloc did not play an active part in the attempt to delegitimize Israel, and very few non-state entities, of which there were far fewer in those years, were involved in the Israeli-Palestinian conflict. The West basically backed Israel, and despite crises, such as the crisis in Israel-France relations, Israel was not exposed in those years to significant expressions of delegitimization from the Western world.

Changes in the Zeitgeist and the Strengthening of Non-State Players

However, the break-up of the Soviet Union led to a change in the world order and the spread of globalization, which allowed for the development of new ideas and a new spirit of the times. In this new world, Israel no longer enjoyed the automatic support of the West, particularly within international bodies such as the UN and the International Criminal Court, which became more important and influential in the post-Cold War era. These bodies, which claimed to institutionalize international relations according to principles of international law and justice, managed in many cases to replace the traditional regulatory mechanisms of the bipolar world. However, they too have fallen prey to over-politicization and have been cynically exploited by various parties, including advocates of delegitimization and the Palestinian Authority. The latter use these tribunals to push Israel into a corner, seat it on the defendant's bench, discredit it in the eyes of the international community, and thus advance the establishment of a Palestinian state without the need to negotiate or reach agreements with Israel.

New countries have been established, and countries that lived for many years in the repressive shadow of the Soviet Union have changed and become democracies. The demands of national and ethnic groups for recognition of their right to self-determination have become an integral part of the new human rights discourse. This reality, along with the international community's objection toward apartheid in South Africa, has made it far easier for the advocates of delegitimization to present the Palestinian issue as a clear example of the violation of the right to self-determination and of racist oppression. In the eyes of many in the international community, Israel is seen to be following in the footsteps of South Africa and oppressing the Palestinians just as the racist white minority there oppressed the blacks. The human rights discourse and the aversion to the apartheid regime have turned the Palestinian issue into a contemporary example of terrible injustice with Israel as its perpetrator.

Today's delegitimization efforts occur in a multipolar world which is undergoing globalization and in which NGOs have far greater influence. These efforts are led by organizations rather than international blocs and are not part of the power and hegemony struggles of the new powers.

Structural changes in the international system have led to the strengthening of non-state actors in the form of NGOs, especially human rights organizations. The early decades of opposition to Israel's existence were characterized by policies dictated by countries and international blocs that operated within official international frameworks, initiated actions based on economic and political power, and aimed to bring about the weakening and ultimate collapse of the State of Israel as part of an Arab and Muslim effort led by an elected and legitimate body. In recent years, however, the delegitimization campaign is being led by social and political activists, organizations, and often somewhat strange alliances between organizations (such as the red-green alliance mentioned above). In contrast to a campaign led by organized and institutional representative bodies (such as the Arab League and the Organization of Islamic Cooperation), the current campaign is led by bodies that are unofficial, non-state, non-representative (i.e., neither elected nor appointed), and not necessarily institutional. Likewise, one of the most prominent characteristics of the current campaign is the role of social media and the interactions between actors representing different agendas that have come together for the sake of this campaign and are using the attempt to

delegitimize the State of Israel to advance their other agendas, to recruit supporters and resources, and to emphasize their presence and their activities.

The growing status and influence of NGOs is most evident within the Palestinian Authority. From the day of its establishment, civil organizations, primarily human rights organizations, emerged and became a real industry and source of income for political activists and bureaucrats who benefit from a flood of donations and generous international aid. Some of these NGOs do complement institutional functions managed by the Palestinian Authority. However, the majority, having encountered enormous difficulties in dealing with the Palestinian Authority, the struggle against corruption, and the systematic violations of human rights and freedom of expression, have found a more comfortable area of activity, namely, the struggle against Israel and the occupation. In this struggle, they have found many partners in the form of international organizations and foreign NGOs. Many of these are human rights organizations and include radical left-wing organizations that are traditionally hostile toward Israel.

The free access that these organizations have to Palestinian territory and Israel's function as a convenient punching bag in the name of human rights have reinforced their influence on international media and on various communities in their countries of origin. Over the years, many alliances and collaborations have been established between these organizations and Palestinian organizations, and in some cases also with Israeli organizations. The basis for this cooperation is their shared condemnation of Israel, the occupation, and the violation of Palestinian rights.

Certain Israeli organizations have chosen to use the international arena to criticize the country in general and the IDF in particular, thus turning themselves into "useful idiots" for those organizations that act against Israel. Their work, which in most cases is done with the intention of repairing injustices committed by the State of Israel and Israeli society and influencing government policy and Israeli public discourse, has become a weapon in the hands of the BDS movement and other advocates of delegitimization. Instead of being seen as an expression of the vitality of Israeli democracy, these organizations are seen to strengthen and lend credibility to Israel's image as an apartheid state and a fascist, colonialist, and oppressive entity. Similar cynicism can be found in the use that the advocates of delegitimization make of certain opinion pieces in the Israeli press, first and foremost *Haaretz*. Severely critical articles and harsh headlines, some of which are provocatively

worded, have helped justify the claims of anti-Israel organizations, without requiring them to distinguish between criticism of policy or an event and the broader, more comprehensive picture.

The competition over resources and attention – when there are too many entities working in the same field – has forced the organizations to radicalize their messages and to prove their activity; the more resources received, the greater the proof needed. Linda Polman successfully described the scope of this vicious cycle among NGOs active in war and crisis zones in her book *The Crisis Caravan*.⁴ These organizations' preferred areas of activity are international forums such as the UN Human Rights Council, UN-sponsored international conferences such as the various Durban conferences, and other international tribunals. Palestinian attempts to strengthen their strategy of internationalization have reinforced the delegitimization efforts and vice versa.

While the Palestinian leadership has focused its energies on the international arena, especially international tribunals, it has also spared no effort in civil society, making good use of the media, social media, and delegitimization networks. The Palestinian Authority has led steps to boycott Israeli products in Palestinian territory. These efforts were consistent with the BDS campaign and served the same rationale.

Delegitimization activists have expanded their networks and penetrated various fields of civil society, including academia, cultural affairs, the media, and the economy. This has resulted in more sanctions and economic, cultural, and academic boycotts against the State of Israel. Delegitimization, which in its traditional format was mainly political (excluding the economic boycott until the 1980s that derived from the Arab oil-producing countries) and institutional, has become a central strategy implemented via social networks. As such, its strength is growing and is already causing real damage, with the potential for such great harm that the State of Israel can no longer ignore its existence and its influence in the international arena. Since most of these international arenas are characterized by an inherent bias against Israel, they have become a convenient and vocal area of activity that has amplified Israel's delegitimization under the guise of reports critical of Israeli policy and thus motivated and incentivized additional advocates of delegitimization.

To these processes we must also add the collapse of the apartheid regime in South Africa. The dismantling of the South African political model was seen by many as the international community's success in imposing its norms by delegitimization and sanctions (although there are still those

who attribute the change in South Africa more to internal processes than to external pressure). The result was a total transformation of South Africa's power structure: the laws denying the black majority their political rights were abolished, and political control subsequently passed from the white minority to the black majority. The story of South Africa became a source of inspiration for human rights groups and political movements representing minorities and laid the foundations for the "convenient" comparison to the Israeli-Palestinian conflict. This inspiration turned South Africa into a leading light of the struggle against racism. The first Durban conference convened in 2001 and was ostensibly dedicated to the fight against racism, racial prejudice, and xenophobia. However, it turned into a platform to delegitimize Israel, connecting for the first time – and under the auspices of an international institution (the UN) – between countries, organizations, and political activists who overtly expressed their aim, namely, for Israel to disappear in the same way that the white government in South Africa had disappeared. Among the decisions of the Durban conference was the statement that Zionism is racism and that Israel was born in sin.

One of the reasons for the "success" of the Durban conference was the fading of the memory of the Holocaust. The younger generations in Europe no longer feel any responsibility or moral obligation for the sins of previous generations. The Holocaust, previously seen as the worst crime in human history and the justification for the existence of a national home for the Jewish people (beyond the more general historical justifications and the right to self-determination), has become, in certain cases, an object of comparison with Israel's actions toward the Palestinians. These comparisons have not yet become widely accepted, but they are gaining ground in the minds of many who are not, and have no wish to become, particularly knowledgeable about the horrors of the Holocaust. If the previous generations' memory of the Holocaust made it more difficult for anti-Semitism and open delegitimization to rear their ugly heads, the dimming of this memory has enabled fascist, neo-Nazi, and anti-Semitic organizations and activists to make anti-Semitic discourse and actions more open and legitimate. Indeed, in recent years, we have witnessed a worrying rise in the scope of anti-Semitic activity in Europe.⁵ Likewise, in the United States, the division within the Jewish community, the distancing of some of the community's younger generation from Israel and Judaism, and the rise in the rates of assimilation have weakened the

opposition to the delegitimization campaign, mainly in the academic and intellectual realm.

Developments in the Middle East and the Israeli-Palestinian Conflict

Since the outbreak of the wave of revolutions in the Middle East, there has been a significant decline in the standing of the Palestinian issue on the regional agenda. The organizing rationale of the regional system has been undermined, and it eroded during the six years of Arab upheaval. The collapse of the system is apparent in the disappearance of some state entities and the disintegration and weakening of others alongside the strengthening of terrorist organizations and non-state players, organized on an ethnic or regional basis. The result is a bloodbath of civil wars and internal conflicts that drag in external players such as Iran, Russia, the United States, and other Western countries, as well as Arab countries, such as Saudi Arabia, which seek to form Sunni coalitions as a counterweight to the Shia and Salafist jihadi axis. The international community appears powerless and is struggling to mobilize both the players and the efforts to stabilize the region. Since there is a real difficulty, to the point of unfeasibility, of reinstating the previous order and reestablishing the nation-states that have collapsed, a new regional order is required. In order to realize this new order, new coalitions must be formed, but the regional and world powers are having great difficulty agreeing on the nature of the new order and are thus failing even to cooperate on bringing the bloodbaths to an end.

In the first decades of the State of Israel and in fact up to the first intifada, which broke out in December 1987, and the Madrid Conference in 1991, the Palestinian issue was seen as part of the wider Arab-Israeli conflict. Since Israel was subject to the reality of war with the Arab world (even after signing the peace agreement with Egypt in 1979), the Palestinian issue was seen as secondary to the wider regional issue. During most of these years the Palestine Liberation Organization (PLO) was defined by the United States as a terrorist organization, and unusual instances (such as PLO leader Yasir Arafat being invited to speak in front of the UN General Assembly in 1974) notwithstanding, the Western world respected Israel's reluctance to recognize the PLO, which remained faithful to the dream of Greater Palestine in the spirit of the Palestinian Charter.

The turning point came with Palestinian Declaration of Independence in 1988 and climaxed with the Madrid Conference and the beginning of the

Oslo process, which accelerated the rehabilitation of the PLO and focused international attention on the Palestinian issue. The crises that accompanied the Oslo process and, particularly, the second intifada (which broke out in 2000), the efforts to promote the Roadmap for Peace in the Middle East starting in 2002, the American support for the Sharon government after Israeli disengagement from the Gaza Strip and northern Samaria (2005), and the broad international support for the Olmert government's position on the Palestinian issue all marginalized the newly configured delegitimization efforts. They gained momentum when the peace process stalled after the formation of the second Netanyahu government in March 2009, and especially, after the *Mavi Marmara* incident and the growing momentum of the Palestinian leadership's internationalization strategy.

The greatest fear of the Palestinian leadership is that the ongoing chaos in the Arab world will deflect international interest from the Israeli-Palestinian conflict and push the Palestinian issue off the international agenda. The Palestinians have thus attempted to promote their internationalization strategy and to delegitimize Israel via international tribunals and the developing network of delegitimization activists in the Western world (primarily Western Europe and North America). The Palestinian effort has succeeded somewhat due to the misconception of many in the international community who identify the Israeli-Palestinian conflict as the main source of regional instability and the central cause for the public hostility in Arab countries toward Western countries seen as supporters of Israel. This is reflected, for example, in the foreign policy of various Western countries and in the claims that the current stalemate prevents the formation of any agreements or alliances against the Islamic State. If, it is claimed, Israel would accept the Saudi peace proposal, it would be easier for the Western nations to form a coalition to fight the Islamic State. In addition, the European Union and European countries, led by France, are trying to advance initiatives for settling the conflict from a belief that this will strengthen their standing in the Arab world and among the large Muslim communities in European countries. There are even those who have connected the Israeli-Palestinian conflict with the unrest among immigrant communities in Western Europe; the Swedish Foreign Minister connected it with the wave of jihadist terrorism in Europe. All these trends reinforce misperceptions regarding the centrality of the Israeli-Palestinian conflict and its influence on the shaky regional order. They exploit Israeli policies that are unacceptable to the international community (especially

the expansion of the settlements) in order to strengthen the delegitimization campaign against Israel.

Furthermore, the radicalization of the Muslim world in general and the Middle East in particular, previously disguised by Wahhabi Islam, has become more evident since the establishment of al-Qaeda, the September 11 attacks on American soil, and the more recent establishment of the Islamic State. Wahhabi clerics, under the state patronage of Saudi Arabia, have acted to accelerate processes of Islamization and radicalization throughout the Muslim world and among Muslim communities in the Western world by establishing *madrassas* (religious schools), training religious leaders, and disseminating ideas through the funding and establishment of endowments at Western academic institutions. These ideas have spread and encouraged the development of communities that separate themselves from civil society in Western countries, religious leaders who challenge the native societies and countries of their communities, and frustrated, angry, and unintegrated young people (most of them lacking the skills necessary for integration) who have translated their frustration into violence and terrorism either in their own countries or by volunteering for jihadist terrorist organizations in the Middle East and Afghanistan. Islamic radicalization, especially in Western Europe, has led to attacks on Jews and also become a basis for recruiting activists and resources for BDS and the delegitimization movement. This religious radicalization has added another element to the ideological foundations of the advocates of delegitimization and has intensified, albeit paradoxically, the essentially Christian anti-Semitism that has been enlisted in the delegitimization efforts.

The Development of the Virtual World and Social Media

One of the most significant technological developments of the twenty-first century is the internet, where social networks shape a virtual reality that corresponds to actual reality. These networks make it possible to generate and distribute ideas at lightning speed, to recruit activists, and to organize and manage activity that influences a wide range of communities. In the world of social networks, the importance of geography is diminished, and it is possible with relatively limited resources to have a significant impact by disseminating ideas, creating and shaping discourse, and running network-based activity. Network-based activity consists of numerous dispersed networks, each acting in its own sector but coordinated and connected in

a way that not only allows for the sharing of ideas, understandings, and experiences but also enables the reinforcement of the effect of activities. In today's network-based world, delegitimization activities in Sydney can resonate in London, San Francisco, and Ramallah. In order to participate in an activity in Sydney, there is no need to actually be there; one can be virtually present while sitting at a computer screen in Ramallah. This network-based activity enables the replication of practices, the exchange of ideas and messages, and, in particular, the creation of virtual coalitions that drive local activities.

The Israeli Response

For several years the State of Israel failed to effectively tackle the challenge. However, in recent years, there have been growing efforts to shape a coherent and proactive strategy, and in many cases, the state has succeeded in establishing cooperation with many other actors and conducting overt and covert operations. While Israel has improved its comprehensive strategy, which is backed by political determination and the allocation of appropriate resources, there is still a need to consolidate agreements between the different government ministries and to create a system that integrates government ministries, NGOs, Jewish communities worldwide, and other allies in the international community.

A comprehensive strategic response requires a broad coalition of partners and their synchronization in order to carry out four types of endeavors:

- a. Responsive: responding to delegitimization initiatives that could not be prevented or disrupted in advance.
- b. Preventive: preventing and disrupting delegitimization initiatives in advance, e.g., by acting against the activists, their funding, their circulation of their message. It is crucial to undermine the credibility of the hard core, expose their extreme agenda, and preempt their plans by investing in appropriate intelligence capabilities and improving cooperation with organizations on campuses and in other places.
- c. Infrastructural: influencing the thinking of different communities in advance in an attempt to block the influence of delegitimization and “immunize” against it. It is important to create personal connections and host delegations in Israel in order to present the complexity of the situation firsthand. There is also a need for academic activities to counteract the quantities of anti-Israel material, such as publicizing studies, influencing

curriculums, developing courses and research programs, and supporting pro-Israel researchers and lecturers.

- d. Constructive: exposing different target audiences to Israel's contributions to the Middle East and the world in order to counteract the image of apartheid, racism, and colonialism: for example, creating a network of Israeli organizations and entrepreneurs who work in humanitarian projects around the world assisting underprivileged populations with water, food, and medical technologies. It is important to integrate Israeli entities into the activities of international organizations in areas such as human rights, labor rights, and environmental protection.

In the absence of a strategy that includes both offensive and defensive components and a determined, proactive, and energetic national leadership whose policy is committed to the vision of two nation-states living side by side in peace and cooperation, Israel may find itself in a seriously inferior position with regard to a threat that is becoming increasingly dangerous.

Notes

- 1 The internationalization strategy adopted by the Palestinians since 2009 (after the establishment of the Netanyahu government) expresses the Palestinian preference for bringing about the creation of a Palestinian state not by negotiation with Israel but by imposition via the international community. The basic premise of this strategy is that by denouncing Israel and presenting it as recalcitrant, as an occupier, and as a violator of international law, the Palestinians can recruit the international community to impose the establishment of the Palestinian state on Israel under conditions more favorable to the Palestinians than those that would be required in the framework of negotiations with Israel.
- 2 The full detailed version of the report from September 2009 can be found at <http://www.haaretz.co.il/news/politics/1.1281016>. On April 1, 2011, Judge Goldstone retracted some of the conclusions of the report in an article published in the *Washington Post*: see Richard Goldstone, "Reconsidering the Goldstone Report on Israel and War Crimes," https://www.washingtonpost.com/opinions/reconsidering-the-goldstone-report-on-israel-and-war-crimes/2011/04/01/AFg111JC_story.html. It is doubtful whether this was enough to undo the damage caused by the original report published two years earlier.
- 3 "The Gaza Flotilla: How Israel's Diplomatic Firewall Collapsed," Reut Institute, August 15, 2010, <http://reut-institute.org/Publication.aspx?PublicationId=3894>.
- 4 Linda Polman, *The Crisis Caravan: What's Wrong with Humanitarian Aid?* (New York: Metropolitan Books, 2010).
- 5 "ADL Global 100 – An Index of Anti-Semitism," <http://global100.adl.org/public/ADL-Global-100-Executive-Summary2015.pdf>.

Confronting BDS: The Limits of Marketing

Mark A. Heller

The ultimate purpose of the Palestinian founders of the Boycott, Divestment, Sanctions (BDS) movement is the destruction of Israel as a Jewish, democratic state. Disillusioned by the 100-year old Palestinian and Arab failure to prevent or reverse the creation of Israel by direct military means, the hard core of the BDS movement appear to believe, instead, that the most promising strategy to pursue their objective is indirect and non-violent: political delegitimization and economic subversion leading to isolation, demoralization, internal decay (including large-scale emigration), acceptance of the demands of BDS, including the so-called “right of return” for several million descendants of Palestinian Arab refugees, and eventual disintegration.

Aware that there is little chance of mobilizing decisive international support for the explicit denial of Israel’s rightful existence, BDS activists have instead focused on aspects of Israeli behavior that resonate more strongly in international political discourse: policies in or about the West Bank and Gaza, especially the use of land and other resources for Jewish civilian settlements that seem logically to contradict Israel’s rhetorical commitment to a resolution of the Israeli-Palestinian conflict based on the principle of “two states for two peoples.”

By most reasonable standards of judgment, the BDS campaign strategy has been a signal failure.¹ Israel’s diplomatic relations have been sustained throughout the Western world, even throughout eight years of an American president widely believed to lack any real emotional sympathy for Israel and to detest its prime minister. In fact, relations with other major powers like

Russia, China, and India – whose approach to Israel for decades ranged from indifferent to hostile – have intensified by several orders of magnitude. And by most indicators – trade with Europe (almost unchanged in 2015 in euro terms but down in dollar terms because of a 16 percent drop in the euro’s value against the dollar), foreign direct investment (which reached an all-time high in 2015²), movement of persons – Israel’s economic interactions have also continued to intensify. Even some Sunni Muslim states, increasingly concerned more with the regional policies of Iran (that also threaten Israel) than with the Palestinian cause, seem prepared to search (covertly) for common ground. No less noteworthy is the fact that the counter-campaign against BDS has registered some notable successes, including legislation outlawing compliance with boycotts of Israel by a number of American states and Canadian provinces.

True, Israel does continue to incur international damage of various sorts. Some of this, like the ritualistic denunciations by United Nations organs and agencies, long predates the foundation of the BDS movement. Much, however, is an outgrowth of conscious BDS organizational efforts. These occasionally produce refusals of invitations to perform in Israel or cancellations of performances already scheduled by international concert artists (usually of the second rank). There are also periodic condemnatory declarations by labor organizations (especially by civil/public servants). A few union or church pension funds have sold off stocks of companies operating in the West Bank under Israeli auspices or otherwise “assisting in the occupation,” and there have been a few minor cases of consumer boycotts of exports of the products of such companies (though hardly any permanent severing of economic ties by major Western retailers). The most highly publicized and widespread result of BDS activity has been in Western academia, where some senior scholars have refused contact with Israel or Israelis, some student associations have voted to urge their universities’ investment committees to divest from Israel (votes invariably ignored and often condemned by senior university administrators), and some marginal professional associations and university departments, especially in the humanities and to a lesser extent in the social sciences, have declared a policy of boycotting their Israeli counterparts.

These effects have been embarrassing and uncomfortable enough to prompt an occasional debate on the consequences of BDS and even to produce a budgetary allocation (to the Ministry of Strategic Affairs) and

introduce restrictions on the entry into Israel of BDS advocates for the purpose of countering it. But they have hardly been painful enough to have an appreciable effect on the policy preferences of Israeli voters or the policy decisions of their elected representatives. There are several reasons for this. One is the inclination to dismiss the bona fides of the BDS movement because it only targets Israel while ignoring the behavior of dozens of other states with arguably much worse human rights records – that is, because of a blatant double standard that can easily be interpreted as the modern state-focused equivalent of traditional anti-Semitism. There is no doubt that authentic anti-Semites are deeply involved in BDS, and there is little that Israel can do to influence their beliefs. On their own, however, anti-Semites in Western society are not numerous or powerful enough to produce actions that can inflict intolerably painful costs on Israel.

That leads to a second explanation for the negligible effect thus far: the likelihood that the majority of those Israelis – academics and graduate students, journalists, and concert-goers – who do feel the brunt of whatever successes BDS enjoys are already skeptical about or critical of government policies vis-à-vis the Palestinians and the territories, whereas those who tolerate or support government policies are less discomforted by cultural and academic boycotts. After all, few in the religious-nationalist camp will be particularly distressed if groups like The Pixies refuse to perform in Israel, especially if their absence is overshadowed by appearances of the Rolling Stones, Elton John, or Aerosmith.

In these circumstances, it is fairly obvious why the government has chosen to counter the threat of BDS with *hasbara* (public information campaigns) but not with any fundamental revision of policy. The former only requires a modest budget allocation; the latter risks serious domestic political upheaval. But it is less obvious that a response based on *hasbara* alone will be sufficient to reverse the damage already caused by BDS or to prevent the damage from intensifying in the future.

True, a positive outcome cannot be categorically excluded. In his 2016 annual report, for example, the State Comptroller argued that a confused and inadequately coordinated and funded public information campaign had caused serious damage to Israel's fight against BDS. However, even if all the funding, personnel, and technical, managerial, and administrative resources needed to mount an effective campaign somehow become available, the

ability of marketing efforts to overcome consumer resistance to the Israeli government's "product" will be severely tested.

After all, even some of the greatest marketers of all time – economic giants like the Ford Motor Company and Coca-Cola – were ultimately unable to make a success of products like the Edsel and New Coke, judged by their target audiences (for whatever reasons) to be unacceptable. With the possible exception of Evangelical Christians, Israel's target audiences in the West judge its activities in the occupied territories – seemingly perpetual military control and especially continued support of civilian settlements – to be unacceptable. The general attitude, in its more moderate form, has been articulated by Hillary Clinton, a long-standing and committed supporter of Israel, who in 2014 told *CNN*: "The continuing settlements which have been denounced by successive American administrations on both sides of the aisle are clearly a terrible signal to send if at the same time you claim you're looking for a two-state solution."³

Defenders of settlements can muster a range of arguments to justify the record, ranging from historical rights and security considerations to the argument that a two-state solution is in any case impossible regardless of what Israel does or doesn't do because of intractable Palestinian rejectionism. It doesn't really matter whether their arguments are intrinsically correct or not. What matters politically is how widely and strongly settlements are opposed abroad and whether *hasbara* alone can reverse opposition to settlements, contain it, or even prevent its further spread.

The answer to the first question seems to be fairly obvious. Foreign hostility to settlements by public opinion (in the West) and by most governments (everywhere in the world – at least on a pro forma basis) is extremely widespread, even among people who in no way share the more extreme views or ultimate aspirations concerning Israel of the BDS hard core. Efforts by settlers and their advocates to deny this phenomenon rather than merely to downplay its intensity or significance inevitably fall flat. And attempts to dispel criticism by arguing after every new announcement of approval of construction plans that settlements are not the real obstacle to peace – whatever the intrinsic merits of the argument may be – have been singularly unsuccessful. Those who object to the occupation/settlements without grounding their position in some intrinsic hostility to Israel per se are not the hard core of the BDS movement, which consists of those hostile to Israel's very existence. They do, however, form the human reserve for the

BDS movement, the ones who can potentially be recruited to endorse some of its actions, to transform it from a marginal curiosity to a significant force, and to become unwitting promoters of BDS' more ambitious objectives.

The answer to the second question, however, is not quite so self-evident. Two points seem noteworthy, however. The first is that the ability of the BDS hard core to eliminate the conceptual distinction between Israel and the Israeli presence in the territories that works to its disadvantage – that is, to make Israel and the territories, especially the settlements, a seamless whole – is very much influenced by what Israeli governments and prominent Israeli individuals and social groupings themselves say and do. Many Israeli statements and actions seem designed to mute the territorial distinction while highlighting the ethnic distinction in the mind of the Israeli authorities. Examples include the financial encouragement given to settlers, the application of Israeli civilian law to Jewish residents of the territories, mischaracterizing the European labeling of products from the settlements and the refusal to apply to them EU-Israel free trade agreements as a boycott of Israel, and the election or appointment of settlers to cabinet positions and diplomatic postings. Given the inevitable publicity involved, the practical effect is to make it more difficult for many people abroad to separate their opposition to such statements and actions from their general support for or at least toleration of Israel *per se*. In other words, the more the settlers and their supporters in the Israeli body politic succeed in entrenching their message, the more they become functional allies in the BDS hard core strategy of using settlements and the territories as a lever to delegitimize and weaken Israel.

Other things being equal, a more sophisticated marketing campaign that properly contextualizes the issue of the occupation/settlements in the broader historical conflict between Jews and Arabs and/or brands Israel as something more (and more positive and appealing) than a single-issue issue might make some headway in reducing receptivity to the BDS message. The latter rationale explains why opponents of BDS expend no little effort on branding Israel as an essential hi-tech partner or – to mention an example from an entirely different sphere of life – as a haven of tolerance for gays and lesbians (an effort that BDS activists try to discount as “pink washing”).

However – and this is the second point – other things are unlikely to be equal. Instead, even if the realities of the situation in the arena (e.g., legal status of the territories, absence of large-scale military conflict) are unchanged, the passage of time is likely to intensify the challenge of confronting BDS.

That is simply a function of demographics in the West. The audiences in the West more receptive to the BDS message are those likely to become more influential (college students) and more numerous (Muslims) with the passage of time. For example, a recent Ipsos poll revealed that one-third of American college students believe that a boycott is a justifiable means of applying political pressure on Israel, far higher than the number among the general population; the equivalent number in Great Britain was 40 percent.⁴ Of course, many students are “deradicalized” after they graduate, and to the extent that that happens, it will mitigate any growth in receptivity to BDS messages as graduates socialized in the intellectual climate of universities in the last decade or two assume an increasingly prominent role in the media, the political class, and general public opinion. Similarly, it is possible that the growth of Muslim populations in Europe will slow if resistance to immigration increases (as seems to be happening as part of a general vitalization of the political right) and growth rates of Muslims already there level off. Such developments could counter what otherwise appears to be a growing challenge of warding off BDS threats in Western societies.

What is to be Done?

Better *hasbara* – the instinctive response of every Israeli government to every political/diplomatic challenge – is not something to be blithely dismissed. After all, if public diplomacy were not important, major global powers like the United States, China, and Russia, far less dependent than Israel on international goodwill, would not invest the huge sums of money they do in order to improve their international image. But in the case of BDS, it is surely incomplete. In fact, there may well not be a complete response in the sense of totally eliminating the problem. However, a more comprehensive response, in the form of policy changes, would undoubtedly have a greater impact than relying on public diplomacy alone.

On its own, foreign disapproval, whether private or governmental, does not necessarily warrant a substantial change in policy. It is only one factor in the overall diplomatic, military, economic, and – yes – domestic political cost-benefit calculus of policy choices and changes. Nor is it always the most critical one. And until now, the overall Israeli calculus has obviously not produced a clear policy reversal, even by governments not notably sympathetic to the cause of the settlers. But the cost of BDS, while clearly tolerable thus far, has also been growing, and there is little to indicate that

that the upward trend line will level off, much less decline, in the foreseeable future. At some point, therefore, the calculus may well change, and a response confined to *hasbara*, though it could delay the arrival of that point for some time, is unlikely to prevent it indefinitely.

Notes

- 1 See, for example, Shlomo Ben Ami, "Israel Unbound," *Project Syndicate*, March 3, 2016, <http://project-syndicate.org/commentary/israel-foreign-policy-opportunities-by-shlomo-ben-ami-2016-03>.
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- 3 "Fareed Zakaria GPS," *CNN*, July 27, 2014, <http://edition.cnn.com/TRANSCRIPTS/1407/27/fzgps.01.html>.
- 4 "Ipsos Survey: One Third of American Students Support Boycotting of Israel," *Jewish Press*, May 30, 2016, <http://www.jewishpress.com/news/breaking-news/ipsos-survey-one-third-of-americans-support-boycotting-israel/2016/0>.

BDS and AAM: More of the Same?

Michal Hatuel-Radoshitzky

One of the main sources of inspiration repeatedly cited by the BDS movement is the Anti-Apartheid Movement (AAM), which worked to abolish South African apartheid.¹ This article draws a comparative analysis between BDS and AAM in light of the rationale that the former is basing its attempt to achieve its goals on the success of the latter. The article begins by relating to the international arena, which provides the backdrop for the activities of both movements. This is followed by a description of the South African case study and the AAM operational infrastructure, and focuses on the similarities and the differences between the two movements. The concluding section emphasizes the central challenge to BDS as highlighted by the comparison to AAM and the danger that this movement currently presents to the State of Israel.

Diplomacy in the Changing International Arena

In 1918 President Wilson set the foundations for a new type of diplomacy in his fourteen-point speech by stating that diplomacy will always proceed openly and in public. Today, almost a century later, information and communication technology (ICT) and social media enable networks of non-state political actors to venture into territory once reserved solely for diplomats. Individuals and groups the world over are now able to organize across borders, relay their messages worldwide, create virtual communities to counter government efforts, and take their cases to the international court of public opinion.²

One of the means at their disposal is “naming and shaming,” i.e., reporting on human rights violations and those responsible for them in the context of conflicts, in the hope that this publicity will restrain them and perhaps push them into finding a solution.³ This practice is aided by the abovementioned ICT-facilitated networked context, and is indicative of a specific form of civil society (soft) power exercised in the international arena,⁴ as opposed to military hard power.

In addition to technological progress, a central driving force behind civil power is the changing of global norms. While killing power remains an advantage in certain wars against certain adversaries, it can be a serious disadvantage in other wars against other adversaries.⁵ Apart from the moral issues surrounding war, adversaries who employ violence have become more susceptible to normative and legal repercussions that may stain their international image through international organs and mechanisms such as the International Criminal Court (ICC) and Responsibility to Protect (R2P), which was adopted by the UN General Assembly in 2005.

Contemporary civil society movements working globally against states can thus be characterized by two trends: significant reinforcement of civil power due to changes in diplomacy and progress in ICT; and increasing legitimization of the intervention of international players in cases of perceived severe human rights violations within the sovereign territory of a state. This is the environment in which BDS activists function today.

AAM operated in an entirely different context. It was established in 1959, strengthened significantly in the 1980s, and culminated in 1994 with the first multiracial democratic elections in South Africa. A central feature of the international arena during the years of AAM’s struggle was its bipolar nature, with the United States and the Soviet Union, the world’s two dominant powers, embroiled in the Cold War. In comparison to the current world order in which the BDS movement operates, which is characterized by wide international involvement in local conflicts, AAM worked in a far less welcoming environment. During the Cold War the international arena was shaped by strategic alliances that were not too concerned with information and human rights violations within the territory of sovereign states. Furthermore, the absence of ICT and mobile phones limited the ability of activists to “name and shame,” to reach out to mass audiences, to assemble across networked contexts, and to distribute provocative materials with the same ease, speed, and efficiency as today.

AAM and Apartheid South Africa

Apartheid in South Africa was an institutionalized system of racism whereby the white minority, de jure and de facto, oppressed a black majority through legal mechanisms that assigned racial groups to different residential and business areas, regulated the acquisition of land, and required all residents to be classified and registered according to their racial characteristics.

In the 1960s, based on South Africa's apartheid policy, the Soviet Union, East European countries, and other African states cut economic ties with it. The West, however, under the leadership of the United States, operated under the paradigm that American interests were best served by supporting or tolerating white minority rule in South Africa.⁶ In the face of increasing American civil action against US relations with South Africa, America adopted a policy of "constructive engagement" toward South Africa, namely, attempting to influence the white government's policy toward the blacks by engaging in quiet diplomacy rather than general sanctions. In 1985, backed by civil society actions against the apartheid regime, a bipartisan concession on partial sanctions was reached in open opposition to the Reagan administration, and in 1986 Republicans joined Democrats to override President Reagan's veto. This enabled the passing of the Comprehensive Anti-Apartheid Act (CAAA), which marked a dramatic shift in American policy and included divestment from and sanctions on South Africa.

After the passing of the CAAA, other countries, including Britain, aligned with the American policy, and an international sanctions regime, monitored by the UN, was imposed on South Africa.⁷ Less than ten years later, in 1994, South Africa held its first multiracial democratic elections, and the government shifted to a black majority. International sanctions were subsequently dropped, and South Africa was once again welcomed by the international community.

AAM and BDS: A Comparative View

In terms of the international, political, and geographical contexts, both Israel and South Africa, i.e., the target states of BDS and AAM, respectively, aspire to be affiliated with the world's liberal international community embodied by the West, and both states perceive themselves to be different and more progressive than other states in their natural, regional surrounding. Simultaneously, Israel and apartheid South Africa's conduct is/was incongruous with the international community's norms and expectations. As such, both

states can be seen as attractive targets for activists striving to bring about a change through “naming and shaming” or other means designed to tarnish states’ images and lead ultimately to their exclusion from the very international community to which importance is related.

In terms of infrastructure and methodology, BDS can be said to have been inspired by and replicated the following six AAM trademark characteristics:

- a. AAM worked to boycott South Africa internationally in many fields, including trade and industry, culture, and sports. BDS activists aspire likewise to boycott Israel in three central realms: academia, the economy, and culture (including sports, as seen in the attempt to oust Israel from FIFA in May 2015).
- b. AAM reached out to people who had never been involved in a formal political organization through the use of the concept of solidarity as a response to an essentially moral issue.⁸ The BDS call to action states that the movement is shaped “in the spirit of international solidarity, moral consistency and resistance to injustice and oppression.”⁹ One illustration of this is the name chosen for the movement’s campaign during the summer of 2014: “Standing in solidarity with our brothers and sisters in Gaza.”¹⁰
- c. AAM constructed transnational networks with the participation of people from more than 100 countries.¹¹ BDS too works in a global network; the movement’s initial call to boycott Israel was translated into seven languages and officially endorsed by pro-Palestinian civil society organizations not only from the Palestinian territories and local Arab states (such as Syria, Lebanon, and Jordan) but also internationally (by organizations active in America, Canada, Austria, Denmark, France, Germany, Italy, Netherlands, Norway, Poland, and Sweden).¹²
- d. AAM was transnational, and activists matched activities and narratives to local contexts of operation.¹³ This is also characteristic of the BDS movement, whose campaigns are often designed to integrate with their local national context. An example of this is the South African BDS campaign, which developed its own website and logo of the South African flag superimposed on the global BDS logo.
- e. AAM activists built coalitions with like-minded organizations such as trade unions, church organizations, local councils, and universities.¹⁴ A look at the signatories of the initial BDS call reveals that it too was endorsed both by large constituencies such as trade unions and associations and by smaller sectorial bodies such as women’s rights groups and professional

associations (from teachers through farmers to dentists)¹⁵ with which the movement cooperates.

- f. AAM launched media-oriented campaigns corresponding to the broadcast media's growing importance during that era.¹⁶ This can be compared to the BDS movement's employment of social media and ICT-related infrastructure in its campaigns. In fact, "media outreach ...based on a professional media strategy" is a central activity of the Palestinian BDS National Committee, the coordinating body for the global BDS campaign.¹⁷

Despite these striking similarities between the two movements on tactical and operational matters, there are three significant strategic differences between them. First, AAM activists framed the discourse of liberation primarily in inclusive terms, seeking to liberate the whole country from the system of racial oppression and not only the oppressed black population.¹⁸ The leadership of the African National Congress (ANC) professed an alternative concept of non-racialism and adopted the inclusive narrative of South Africa as a "rainbow nation," in which all races live together in peace and the whites are freed from the moral shackles of apartheid. Thus, the ANC's nationalism was a conscious attempt to broaden the definition of the nation,¹⁹ and these ideas bestowed on the ANC leadership an aura of pragmatism and reasonableness. Such consideration and awareness of the white population's fears and concerns stands in stark contrast to the goals and narrative adopted by the BDS movement,²⁰ whose three main goals, for example, amount to the annihilation of Israel in its current format as the homeland of the Jewish people. The language used by the movement's activists is awash with hate for Israel and Zionism and hovers between borderline and full-blown anti-Semitism.

Second, while AAM advocated a clear and well-articulated solution to the South African struggle for self-determination in line with the international community's vision – i.e., a new South Africa in which all citizens are equal before the law – BDS has so far failed to define a clear-cut political solution to the Israeli-Palestinian conflict, presenting neither a two-state nor a one-state paradigm. A thorough reading of the movement's three goals, as explained above, rules out the possibility that the movement is advocating a two-state solution. If the movement is in fact in favor of a one-state solution, the fact that such an alternative is not openly expressed would highlight two additional differences between BDS and AAM. First is the necessity to remain vague so as to attract mass support for a political alternative that is

not backed by the international community, the Arab world, or the official Palestinian leadership itself. Second is the clear absence of messaging that addresses the many complications of the one-state political approach. In this respect, the blatant absence of positive messaging advocating tolerance, acceptance of the other, and co-existence (as existed in the case of South Africa) becomes even more problematic.

Third, even though the black population of South Africa was subjected to brutal repression by the white regime, one of the admirable features of the ANC's struggle was their desire to hold the moral high ground and eschew terrorism. For two-thirds of its existence the ANC rejected violence and only adopted armed struggle as a secondary strategy to political mobilization at home and abroad.²¹ While it would be wrong to airbrush ANC leader Nelson Mandela as a pacifist who believed exclusively in non-violent civil disobedience, he seems to have towered above the provocations of the apartheid system and sought political reconciliation with the white regime, for example, in his invitation to the architects of apartheid to return to humanity.²² This approach is the very antithesis of the Palestinian struggle whose strategies include the use of terrorism against Israeli citizens.

Conclusion and Policy Recommendations

Despite the structural and methodological similarities, BDS and AAM differ in both their goals and their strategies. These differences cast doubt on the ability of the BDS movement to enjoy the same success as AAM.

One of the most significant challenges for BDS is its poor moral grounding. The comparison to AAM substantiates this claim on three levels:

- a. Methodologically: the BDS narrative disregards Israel's narrative and security concerns and employs harsh and hateful anti-Zionist language, often peppered with anti-Semitic remarks.
- b. Strategically: there is a severe lack of clarity regarding the BDS movement's desired outcome. While this may be an asset when attracting supporters, it weakens the movement's moral grounding since it does not identify with the political solution endorsed by the official leaderships of the two sides themselves, the Arab world, or the international community (namely, two states for two peoples). This factor becomes more salient in light of the negative messaging employed by BDS, which is in direct contrast to the positive messaging that characterized AAM.

- c. Moral grounding: this relates not to the movement specifically but to the larger struggle that it supports. Although the struggle for an independent Palestinian state is perceived as justified, terrorism that at times accompanies this struggle is not regarded as a legitimate means. Such terrorism, however, is not always denounced by the official Palestinian leadership and is, in fact, supported by the Palestinian custom of naming streets, squares, and schools after the perpetrators of such acts.²³ This policy discredits BDS messaging, particularly against the current backdrop in which Europe appears to be dealing with growing terrorism.

All this, however, is not to say that the BDS movement will stop working towards fulfilling its goals or that Israel is immune to damage in the process. In the current digital age, the work of pro-Palestinian activists is facilitated by both the aforementioned global interventionist trends and the ability of dedicated activists to capture and spread heartbreaking images from the daily drama supplied by the Israeli occupation of the Palestinian territories. While these dramatic images may pale in light of images from the region in general, the international community remains convinced of the connection between the ongoing Israeli-Palestinian conflict and growing extremism in the Middle East and between this latter situation and growing terrorism in Europe.²⁴ This conviction assists BDS attempts to malign Israel internationally.

Thus, although Israel has not to date been substantially harmed by BDS – certainly not even close to the extent of the damage caused to South Africa by AAM – the Israeli leadership should not underestimate the power of civil society in the current international setting. As long as the alternative of an independent Palestinian state does not feature on the political horizon and there are energetic, dedicated BDS activists in the background, Israel loses diplomatic credit. If the passage of time is added to this equation, should other variables remain unchanged, Israel’s international standing is likely to deteriorate – even if the BDS movement fails in its ultimate mission.

Notes

- 1 The BDS call, namely, the “Palestinian Civil Society Call for BDS” published in 2005, specifically notes that it is “inspired by the struggle of South Africans against apartheid,” BDS, July 9, 2005, <https://bdsmovement.net/call>.
- 2 Eytan Gilboa, “Diplomacy in the Media Age: Three Models of Uses and Effects,” *Diplomacy and Statecraft* 12, no. 2 (2001): 1-28; Kristina M. Plavsak, “Communicative Diplomacy for the 3rd Millennium,” *Journal of Political Marketing* 1, nos. 2-3 (2002): 109-22; Gadi Wolfsfeld, Elad Segev, and Tamir Sheafer, “Social Media

- and the Arab Spring: Politics Comes First,” *International Journal of Press/Politics* 18 (2013): 115.
- 3 Andrea Ruggeri and Brian Burgoon, “Human Rights ‘Naming & Shaming’ and Civil War Violence – Proceedings of the 12th Jan Tinbergen European Peace-Science Conference,” *PEPS* 18, no.3 (2012): 1-12.
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 - 5 Ivan Arreguin-Toft, “Unconventional Deterrence – How the Weak Deter the Strong,” in *Complex Deterrence: Strategy in the Global Age*, eds. T. V. Paul, Patrick M. Morgan, and James J. Wirtzl (Chicago: University of Chicago Press, 2009), pp. 204-21.
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 - 7 Millard Arnold, “Engaging South Africa after Apartheid,” *Foreign Policy* 87 (1995):139; Klotz, *Norms in International Relations*.
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 - 13 Skinner, “The Moral Foundations of British Anti-Apartheid Activism”; Thorn, “The Meaning(s) of Solidarity.”
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 - 16 Thorn, “The Meaning(s) of Solidarity.”
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 - 18 Alan Emery and Donald Will, “Liberation Movements, Universal Citizenship and the Resolution of Ethno-National Conflict: ANC Non-Racialism and the Israeli–Palestinian Conflict,” *Third World Quarterly* 35, no. 3 (2014): 447-67; Nelson Mandela, *Long Walk to Freedom* (Randburg: Macdonald Purnell, 1994).
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- 20 The BDS call urges various forms of boycott against Israel “until it meets its obligations under international law by”: 1. “Ending its occupation and colonization of all Arab lands occupied in June 1967 and dismantling the Wall”; 2. “Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality”; and 3. “Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194,” <https://bdsmovement.net/bdsintro>. These goals are discussed elsewhere in this publication and are therefore not related to in detail in this article.
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- 23 Statement by the Quartet Principals on the Release of the Quartet Report, July 1, 2016, p. 4.
- 24 This is apparent from the protocols of UN Security Council discussions: “The attacks [in France] have highlighted the extent to which...more than ever, peace and stability in the Middle East are inseparable from that of Europe” (French Ambassador to the UN, UNSC 7360th meeting, January 15, 2015, p. 31); “the Israeli-Palestinian conflict, which is a basic factor of instability in the entire Middle East” (Russian Ambassador to the UN, UNSC 7430th meeting, April 21, 2015, p. 23).

PART II

Political and Legal Perspectives

The BDS Movement and European Leaders: Mixed Trends and Questions about the Future

Shimon Stein and Gallia Lindenstrauss

The BDS movement, which was founded in 2005, has called upon international civil society to divest from and boycott Israel, similar to the sanctions imposed on apartheid South Africa. The call was intended to assist in achieving the aims of the movement: terminating Israeli control over Palestinian and Arab territory conquered in 1967, destroying the security fence and Israeli settlements in the West Bank, ending Israeli discrimination against its Palestinian citizens, and respecting UN decisions regarding the right of Palestinians to return to their homes.

A number of statements have been made in recent years by senior European leaders about BDS. For example, when German Chancellor Angela Merkel visited Jerusalem in February 2014, she said: “We do not support the demands for a boycott. This is not an option for Germany.”¹ This article examines whether this statement by Merkel reflects a similar trend in other central European countries – the UK, France, and Spain² – and discusses to what extent decision makers are aware of the trends of delegitimization. It also questions whether there are trends that counterbalance the negative influences of delegitimization among decision makers in these countries.

After over a decade of activity, it is fair to say that the BDS movement, whose activity is focused mainly in the Western world, has based itself in the margins of civil society in a number of countries (for example, the UK, Ireland, Sweden, France, and Spain), succeeding from time to time to penetrate the awareness of mainstream civil society. The movement’s agenda

received media attention in the wake of the EU decision to label products from West Bank settlements and to prevent the transfer of money to fund EU activities beyond the Green Line. Among the movement's achievements in Europe were its Apartheid Week activities in London in February 2016, when anti-Israel posters were posted at a number of underground stations, and the decision (later retracted) by the large department store in Berlin, KaDeWe, to remove wine produced in West Bank settlements and the Golan Heights from its shelves following the EU decision in November 2015 to label goods produced in the territories. BDS also takes credit for successes such as the decisions by a number of European corporations to end operations in Israel: the French infrastructure company Veolia, the Irish construction company CRH, and the French cell phone company Orange, as well as the announcement by the British private security company G4S that it will end operations in the future.³

Despite EU declarations that the decision to label products from the territories was a purely technical step,⁴ the move can be seen as an explicitly political act intended to highlight the distinction between Israel and the occupied territories. This act is seen by supporters of BDS and by some in Israel as the imposition of a boycott on Israel or at least a first step in that direction.⁵ However, the European Union, aware of the BDS movement and its goals, has made clear its opposition to BDS and its anti-Israel activities on a number of occasions. Thus, for example, the EU ambassador to Israel, Lars Faaborg-Andersen, during his speech at the Stop the Boycott Conference organized by the newspaper *Yediot Ahronot* in March 2016, said that “the European Union is against BDS, our policy is totally the opposite of BDS, our policy is one of engagement with Israel and we have a long, long track record to prove it.” Regarding the labeling of products made in the settlements, he said: “It is very important to distinguish between BDS and our policy regarding the settlements, which has no connection to BDS.”⁶ Similar statements have been made by European leaders and governments, who distinguish between criticism of Israeli policy on the settlements and the occupied territories and calls and actions intended to boycott Israel.

On inaugurating a financing project for medical cooperation between Israel and the UK in February 2015, David Cameron, the former UK prime minister, said: “I have a clear message – Britain opposes boycotts... Israel's place as a homeland for the Jewish people will never rest on hollow resolutions passed by amateur politicians.”⁷ President François Hollande, in a phone

call with Prime Minister Benjamin Netanyahu in July 2015, expressed his strong opposition to boycotting Israel and his desire to maintain the economic relations between France and Israel. This occurred subsequent to an uproar over the remarks of the CEO of Orange, the French cell phone company, in Cairo, stating his decision to end the company's operations in Israel (which took effect in early 2016), seemingly demonstrating the company's capitulation to demands by boycott supporters (despite his later denials).⁸ In the wake of the decision to label settlement products in July 2015, a spokesperson for Angela Merkel said that "there will not be an Israel boycott in Germany. Israeli products will, of course, continue to receive preferential market access."⁹ Nonetheless, Merkel's government responded in the negative when asked whether it sees BDS as anti-Semitic.¹⁰

The BDS movement also engages in extensive activity in Spain. In August 2015 the management of a reggae festival announced (and later retracted after condemnations by politicians) the cancellation of a show in Valencia by the Jewish-American musician Matisyahu due to the activity of a local BDS chapter. Spokespersons for the chapter claimed that the musician refused to clarify his position on a Palestinian state. The Spanish Foreign Ministry condemned the cancellation but noted that Spain supports the establishment of a Palestinian state as a result of bilateral negotiations.¹¹ At the same time, the Spanish government promoted actions that are consistent with those endorsed by the BDS movement in Spain. For example, the Spanish Agency for International Development (an operational arm of the Foreign Ministry) helped subsidize organizations that work to delegitimize Israel.¹² Nonetheless, the former prime minister, Jose Maria Aznar, who in the past had promoted a proposal to expand the NATO alliance to include Israel, Australia, and Japan,¹³ stated in 2010 that if "Israel falls, we [the West] all fall,"¹⁴ and in 2011 the then foreign minister, Trinidad Jimenez, declared that "Israel is the homeland of the Jews."¹⁵

These declarations by Cameron and Jimenez about Israel as the Jewish homeland are unusual. While EU leaders have publically held back from calls to boycott Israel, they have remained quiet on the question of Israel's delegitimization. The European Union has repeatedly declared its support for a two-state solution but refrains from referring to two states for two nations. Even if there is an understanding among EU decision makers that Israel is the state of the Jewish people, they eschew saying so explicitly due, in part, to the lack of consensus on this issue.

There appears to be a disparity between Israel's negative public image in West European countries¹⁶ and the basic commitment of the European political elite to the continued existence of the State of Israel – a commitment that derives from a more pragmatic and complex understanding of the strategic reality. Provided it is not too wide, this disparity currently allows leaders some flexibility. There is, however, concern that if the disparity becomes too wide, the political elite will have difficulty ignoring Israel's negative image. A similar disparity can be seen between the political elite and the advocates of the boycott, who have a not insignificant influence on the mainstream of various population groups. This disparity was illustrated, for example, by the publication of regulations in the UK prohibiting pension funds from basing their investment policy on unrelated matters such as political boycotts. Likewise, regulations were passed prohibiting local governments from acts of boycott in the issuing or awarding of tenders, based on the claim that such actions violate World Trade Organization regulations.¹⁷ It should nonetheless be pointed out that the official justification for these regulations was economic and resulted from international legal considerations and not from opposition to the BDS movement itself.¹⁸ In France, as laws against discrimination already make things difficult for supporters of the BDS movement, new legislation is unnecessary.¹⁹ In Spain too, the media furor surrounding the cancellation of Matisyahu's performance and the condemnation by politicians acted as a boomerang against the BDS movement.²⁰ However, winds of change are blowing in Europe, which can be seen, for example, in the statement by the Dutch foreign minister, Bert Koenders – following similar statements in Sweden and Ireland – that calling for a boycott of Israel is legitimate within the framework of freedom of expression.²¹

The BDS movement operates against the backdrop of much larger burning issues on the European agenda, including the refugee crisis, Brexit, and the EU's economic and political crisis. Competition for public attention is therefore difficult, particularly if no large-scale military offensive breaks out in Gaza. From Israel's perspective, there are both advantages and disadvantages to the weakening of some of the veteran political parties in Europe and the rise of new right-wing populist parties. Some of these right-wing parties, such as France's far-right National Front headed by Marine Le Pen, are currently open to some of Israel's claims.²² But Israel must ask itself whether, in light of the moral dilemmas involved, it is interested in a connection with extreme right-wing parties. In this context it should be noted that the rise in

Islamophobic trends in Europe, which is linked to the refugee crisis, goes hand in hand with the increase in anti-Semitism, with both expressing racism and intolerance.²³ And on the other side of the political spectrum, left-wing parties are also a challenge for Israel. The British Green Party, for example, supports the movement to boycott Israel.²⁴ Likewise, the suspension of a number of British Labour Party members in April-May 2016 due to anti-Semitic statements demonstrates the difficulties facing Israel in its contacts with these kinds of left-wing parties.²⁵

Conclusion

Decision makers in the major European countries – Germany, the UK, France, and Spain – are certainly aware of the delegitimization trends and their implications, as can be seen from their statements regarding Israel. While their public statements seem to reflect a rejection of the movement to boycott Israel and they have taken practical steps against large-scale BDS activities, there is no guarantee that things will not change in the future. The weakening of the “old” politics and the rise of new parties that lack any historic commitment to Israel and show signs of animosity toward Israel may indicate a problematic trend.

Moreover, it can be assumed that the European leadership’s response to delegitimization efforts is connected to their attitudes regarding a feasible and desirable solution to the Israeli-Palestinian conflict. As Israeli skepticism grows about the possibility of a two-state solution, so too will attention to the BDS movement’s calls for a one-state solution with equal rights for all citizens. Even if the claims of BDS supporters do not achieve a significant hold among the political elite, it remains a phenomenon that Israel must address due to its influence in the public sphere. We can, therefore, assume that the (currently) limited negative influence of the BDS movement and its aims on decision makers in Europe would be further minimized by a diplomatic process with the Palestinians toward a two-state solution. Declarations by Israeli politicians rejecting this solution undermine Israel’s legitimacy (which is based on the historic partition decision) and aid those who support a “state of all its citizens.” Active Israeli policy will help European decision makers deal with the criticism leveled at them regarding their stance toward Israel. The continued expansion of the West Bank settlements, on the other hand, is likely to lead to additional EU steps distinguishing more clearly between Israel and the territories.

Notes

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- 17 Henry Mance and John Reed, "Cabinet Embroiled in Battle Over Israeli Goods Boycott," *Financial Times*, February 15, 2016.
- 18 Eylon Aslan-Levy, "Did Britain Just Ban Boycotts of Israel? Not Quite," *Tablet Magazine*, February 23, 2016.
- 19 "French High Court: BDS Activities Guilty of Discrimination," *Times of Israel*, October 23, 2015.
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- 22 Michelle Malka Grossman, "A Far-Right Pro-Israel France? Expert Says This is Where All of Europe is Heading," *Jerusalem Post*, August 12, 2015.
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- 24 "U.K.'s Green Party Leader Backs Israel Boycott," *Haaretz*, April 18, 2015.
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Delegitimization of Israel: The Legal Framework

Pnina Sharvit Baruch and Keren Aviram

Introduction

One of the disturbing trends relating to the delegitimization of Israel is that ideas and messages questioning Israel's very legitimacy are gaining traction within the liberal public in Western countries. This public comprises the academic, political, economic, and cultural elites in most Western countries, and therefore any influences on this population have significant repercussions in all of these spheres. The key question is why and how this process is taking place. When the narrative presented against Israel is examined in depth, it becomes clear that one of the most significant tools employed in the negative labeling of Israel is the use of legal arguments to frame the discussion. Israel is thus portrayed as a constant lawbreaker that systematically violates international law and thus undermines global peace and order.

On the official website the BDS campaign is portrayed as a movement for freedom, justice, and equality. The background to its establishment is explained as Israel's decades-long denial of the Palestinians' fundamental rights and its refusal to comply with international law. Israel is accused of maintaining a regime of "settler colonialism, apartheid and occupation over the Palestinian people" made possible by governments that "fail to hold Israel to account." The goal of the campaign is defined as exerting pressure on Israel "until it complies with international law."¹ This portrayal of Israel as a systematic lawbreaker makes it possible to enlist the liberal public's support for the BDS campaign, because obeying the law and, particularly,

respecting human rights law are fundamental values underlying the liberal democratic concept.

These quotations from the BDS website highlight another aspect of the tactic of the delegitimization campaigners, namely, the use of extreme terms (for example, ethnic cleansing and apartheid) to depict Israel as a country that subverts the most basic norms of international law. This tactic relies on allegations against Israel – some factual and some legal – that are not necessarily completely unfounded but augments them with elements of malice and racism. The mixing of the two levels of allegations makes it difficult to distinguish between legitimate criticism aimed at pressurizing Israel to change its political policy without undermining its right to exist and illegitimate accusations that include defamation and demonization. This makes responding to these allegations even more complicated.

We first address the actual legal allegations and the way they are bolstered by relying on the decisions and rulings of official and non-official bodies in the international arena before turning to Israeli responses.

The Legal Allegations against Israel

The basic legal framing of the claims against Israel presented to liberal audiences around the world is that while Israel purports to be a democracy and a member of the group of developed Western countries, it is, in reality, a country that systematically and continuously violates the most basic rules of democracy. It is therefore incumbent on the Western world to intervene and demand that Israel cease its unacceptable behavior and to ensure this by exerting pressure through isolation, boycotts, and sanctions.

This way of framing the discussion undermines one of the most common counterarguments raised by Israel's supporters, namely, that the situation in Israel is far better than in all other countries in the Middle East and, in fact, in other parts of the world, where there are extreme ongoing violations of basic human rights. The response to such arguments is that because Israel conducts itself as a democracy and demands to be treated as such, it must therefore meet the high standards of legal compliance that are not expected from developing countries. Furthermore, Israel is deemed worse than these countries, because most rogue countries are subject to totalitarian rule, while Israel is a developed country whose leaders, those carrying out its reprehensible policy, were elected by the public.

There are two main groups of allegations made against Israel: the first focuses on violations of Palestinian human rights and the second on Israeli military conduct and use of force.

The Alleged Violation of the Rights of Palestinians

First and foremost, Israel is charged with occupying Palestinian land and is portrayed as the guilty party in a conflict in which the Palestinians are depicted as victims.² The legal claim is that Israel is violating the Palestinians' right to self-determination: the right to determine for themselves how to conduct their lives, free from occupation or rule by a foreign entity. The framing of the conflict thus shifts from a political conflict between two opposing parties over control of disputed territory to a case of human rights violations by Israel – the party committing the violations – against the Palestinians, the victim of the violations. When those in Israel who oppose a two-state solution gain more political power and measures are taken that are perceived as preventing the possibility of implementing this solution (such as expanding settlements in the West Bank), these allegations against Israel are significantly bolstered.

The common perception in the international arena is that the responsibility for the absence of a solution to the conflict lies mainly with Israel. Little attention is paid to arguments concerning the complexity of the conflict and Palestinian responsibility for prolonging it. Given the protracted occupation and the lack of any prospect for ending it, Israel finds it difficult to justify the measures required to tackle concrete security concerns, which often involve the infringement of Palestinians' rights, even when these are based on the authority that is conferred on Israel under the laws of occupation.

While Israel's conduct might warrant a certain level of legitimate criticism, the advocates of delegitimization go much further and present the Israeli occupation as colonialist, racist, aggressive, inhuman, and motivated by revenge and arbitrariness aimed at humiliating and repressing the Palestinian population. Israel is accused of deliberately violating the human rights of innocent citizens with no justification, a depiction that completely ignores or belittles the context of Israel's security actions and needs. For example, measures restricting the Palestinians' freedom of movement, such as closures and roadblocks, are presented as attempts to frighten and humiliate the Palestinians and examples of an apartheid policy – discrimination and segregation on the basis of race – with no mention of their security context.

Alleged War Crimes and Crimes against Humanity

In all matters pertaining to Israeli warfare, especially in the West Bank and the Gaza Strip (although similar contentions have also been raised with regard to the conflict with Hezbollah in Lebanon), two main levels of allegations are made. The first is that Israel has violated the basic obligation to refrain from the use of force (*jus ad bellum*). Israel is accused of using force unjustifiably for the sole purpose of deliberately harming the civilian population. Such accusations, almost defamatory in their nature, consistently ignore the security challenges facing Israel and the difficulties of defending itself against an adversary that operates and takes shelter among civilians in densely populated areas.

The second level of allegations focuses on the way in which Israel operates during the fighting (*jus in bello*). These include accusing Israel of carrying out deliberate attacks on civilians and civilian objects and intentionally causing disproportionate harm. There are also claims that Israel uses banned or questionable weapons. While allegations of the failure to apply the rules of war are inevitable and challenge every military involved in armed conflict the world over, Israel is confronted with groundless charges of deliberately and maliciously committing wide-scale war crimes against innocent civilians. These include fabrications, such as accusing IDF soldiers of deliberately shooting innocent civilians for no reason, and the use of extreme terms, such as ethnic cleansing and even genocide.

Israel is not the only country, and not even the only Western country, to be accused of violating the rules of war. Why, therefore, is Israel perceived as so negative and evil, even in comparison to countries that conform far less or even totally ignore the rules of war? One answer to this question lies in the biased conception of Israel that is created by official and unofficial international organizations and bodies, including judicial and quasi-judicial agencies, which tend to focus on Israel to the exclusion of the rest of the world. An additional reason is the disproportionate international media attention given to Israel, an important aspect that is not, however, dealt with in the current discussion.

Reliance on Decisions and Resolutions by International Bodies

For many years, the various bodies in the international arena have been fertile ground for diplomatic, academic, media, and legal activity against Israel. By targeting Israel and obsessively and disproportionately focusing on its actions,

a narrative of Israel as a more systematic, deliberate, and grave violator of human rights than any other country in the world has been developed, entrenched, and marketed to the global liberal community. Accordingly, Israel is the subject of special supervisory and monitoring mechanisms and kept on the global agenda.³ This is done through endless condemnations of Israel, for example at the UN General Assembly⁴ and the UN Human Rights Council,⁵ which devote a significant number of their resolutions to the situation in Israel, while they are supposed to be discussing the state of human rights in the entire world. In addition, supervisory and monitoring mechanisms have been established specifically for the case of Israel, the most prominent and one-sided being the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967,⁶ as well as several international commissions of inquiry to examine Israel's military operations.⁷ These mechanisms are usually established by means of a one-sided mandate against Israel, which dictates the content of the reports in advance.⁸ The reports, which usually include harsh condemnations of Israel, serve as effective factual and legal infrastructure for attempts to adopt operative measures against Israel in the international arena.⁹

International Judicial Rulings against Israel

The most prominent international judicial body is the International Court of Justice (ICJ). While the ICJ is not authorized to issue rulings against countries without their consent, it has the authority to provide advisory opinions at the request of certain UN agencies. In 2004 it gave an advisory opinion on Israel's separation fence at the request of the UN General Assembly.¹⁰ The opinion, although formally non-binding, is to this day regarded as international confirmation from esteemed judges that Israel's presence in the territories, the founding of settlements there, and its policy toward the Palestinian population constitute illegal behavior, and it carries great weight in the legal campaign against Israel.

Another central judicial body is the International Criminal Court (ICC), which was established in 2002 to prosecute war crimes and crimes against humanity. The prosecutor of the ICC is currently conducting a preliminary examination into possible war crimes by Israel,¹¹ following the decision that Palestine is entitled to join the ICC and to request an investigation of events that have occurred in its territory, i.e., the West Bank and the Gaza Strip. In addition, criminal proceedings can be initiated against Israeli officials and

members of the IDF in various countries under the principle of universal jurisdiction, if their legislation contains an appropriate source of authority.¹² It should be noted that criminal proceedings in the ICC and national courts are subject to the principle of complementarity, whereby proceedings should not be undertaken if the country involved is conducting genuine and effective investigations into the relevant potential war crimes.

Israeli Conduct in the International Legal Theater: Review and Recommendations

Having assessed the allegations made against Israel and the international bodies that serve to substantiate those allegations, we now consider the measures taken or available to Israel or the agencies working on its behalf in the context of the legal campaign being fought against it. We examine Israel's domestic conduct and its impact on international public opinion as well as Israel's actions in the international legal arena and outline recommendations for future action.

Internal Policy

The international legal campaign is directly affected by the policy of the Israeli government and those acting on its behalf. As explained above, the modus operandi of the advocates of delegitimization is to take claims that have a factual and legal basis and to exaggerate and distort the facts (and sometimes also the law) and add groundless defamation. Insofar as the factual basis for the allegations is lacking, it is all the more difficult to persuade the target audience of the truth of the baseless defamation.

The effect of policy decisions on the legal campaign: Policy decisions and steps regarded as genuine attempts to solve the conflict or, at least, to substantially improve the situation of the Palestinians will not necessarily end the campaign of slander and defamation against Israel but will have a direct impact on Israel's ability to deal with legal arguments concerning alleged violations of Palestinians' rights. The potential impact on Israel's legal justifications in the international arena should be one of the considerations taken into account when making policy decisions.

Statements made by public figures: Public statements by members of the government, governmental officials, and members of the security establishment, including senior IDF officers, play a significant role in the legal campaign against Israel. Statements expressing contempt or disregard

for the rule of law or legal restrictions bolster the perception of Israel as a lawbreaking country that does not observe the international rules and can be used against Israel in the framework of the legal debate, sometimes as proof of the intention to break the law. These statements are harmful even when they do not reflect what is actually taking place. For example, when the IDF operates in accordance with the requirements of the laws of war, declarations by senior officials that disproportionate action is justifiable or that the law of war is not relevant to the current reality – due either to political reasons or to a misunderstanding of the legal framework – cause significant harm, even if they do not reflect actual IDF policy. In this context, it appears that there is a need to deepen the knowledge of the public in general and of officeholders and officials in particular concerning specific aspects of the law.

Strengthening the legal system: The high international respect for the Israeli legal system and its advisory, enforcement, and judicial components is one of Israel's most valuable assets for confronting the delegitimization campaign. When the legal system weakens, this directly affects Israel's ability to cope with the international legal campaign against it. An important element in the struggle against delegitimization is the international prestige enjoyed by the Israeli Supreme Court. The access of Palestinians, NGOs, and other petitioners to the Supreme Court and its strict judicial oversight over governmental decisions are an important tool in the response to the legal criticism of Israel. If the Supreme Court was to bow to security or political pressures and approve legally questionable decisions, this would affect its prestige and significantly reduce the ability to rely on it in the international legal campaign.

A second element of great importance is the existence of a proper criminal investigative and enforcement system both in the IDF and outside. This system is essential in order to use the complementarity argument and thus prevent the possibility of any criminal proceedings against Israeli decision makers and members of the IDF in the ICC and in the national courts of other countries. Furthermore, the very existence of investigations against potential improper conduct – investigations that when appropriate lead to criminal or disciplinary measures – strengthen Israel's status as a law-abiding country and facilitate the response to allegations and slander in the international arena.

Managing anti-Israel Allegations and Initiatives in the International Legal Arena

Israel must not neglect the international legal arena and must be involved both during and after the event.

Presenting Israel's position: Regular publications presenting the factual and legal aspects of Israel's stance are important for dealing with the legal campaign in general and preparing for potential judicial proceedings in particular. It should be assumed that such publications are included in the materials examined by the office of the ICC prosecutor when making decisions about opening an investigation. They can also influence academic researchers who are examining relevant issues, such as the use of force or counter-terrorism operations, and are likely to be quoted in studies and articles, thus ensuring long-term representation of Israel's official standpoint.

Cooperating with investigations and examinations by international bodies: In principle, it is in Israel's interest to cooperate with international bodies and certainly worth avoiding a situation in which Israel boycotts them. Israel can thus influence the findings and conclusions of their proceedings. On the other hand, such cooperation might be regarded as Israeli recognition of the legitimacy of the organization making the inquiry and as acceptance of their allegations and findings, especially in cases when it is clear from the outset that the organization and its examination of Israel will be biased and one-sided. The question of whether and to what extent to cooperate with such investigations and inquiries should therefore be decided on a case-by-case basis, balancing the cost of cooperation against the possible benefits. The relevant factors in this decision include the nature of the organization and of the inquiry.

Ways of Influencing the Development of International Law and the International Legal Discourse

One of the important ways of countering the international legal campaign is to affect the creation and interpretation of international legal norms. International law is a dynamic normative system that is constantly adapting to the changes in reality. Its development is influenced inter alia by official state reports, publications by legal experts in public service and in academia, rulings by international tribunals, and important legal articles. This means that Israel can exert influence, directly or through its allies, on the formulation and interpretation of the provisions of international law. This is particularly

important when the existing legal norms are ambiguous or disputed, such as in the case of warfare against non-state actors or cyberwarfare. Such influence can be generated through active participation in meetings of experts and in forums that produce reports and documents purporting to reflect applicable law and also through professional publications in these areas. Official state publications clarifying its position on the applicable law are especially important and can directly impact the development and interpretation of the law, because customary international law, which is one of the main sources of international law, is based on state practice and on *opinio juris*, namely, the belief that an action was carried out by the state as a legal obligation. The latter is deduced from the way states explain the legal aspects governing the situation.

Initiating Legal Measures and Proceedings against BDS

Another field of action, relevant to the legal campaign being waged against Israel, is the initiation of legal measures and proceedings against the BDS movement and its activists. These include executive and legislative measures against actions involving boycotts of Israel and legal proceedings in national courts using local laws. For example, in France, legal proceedings based on French law that outlaws discrimination, hatred, and violence against a person or group due to their origin, race, nationality, or religion have been initiated against parties advocating boycotts of Israeli goods.¹³ Likewise, in the UK, rules and regulations have been published that ban public authorities from imposing boycotts in the framework of contractual obligations for procurement and investments.¹⁴

Such measures are not usually initiated directly by the Israeli government but rather by pro-Israel entities including members of the Jewish community or various NGOs. This allows for greater freedom and flexibility in their actions that have the potential to hamper BDS activities, restrict the movement legally, and make its actions have a potential cost.

Conclusion

The effective handling of the delegitimization campaign against Israel requires an understanding of the legal framework of the discourse, which constitutes one of the main parts of this campaign. It is important to recognize the role played by actors in the international legal arena and the way they use the law to portray Israel as a systematic violator of international law

and human rights against which tough measures should be taken in order to prevent it from undermining global peace and order. An understanding of the legal aspects and the adoption of the right policy, both internally and externally, could help to stop the spread of anti-Israel messages distributed by BDS activists among important Western audiences and also reduce the risk of legal proceedings against Israeli officials.

Notes

- 1 “What is BDS,” BDS, <http://bdsmovement.net/bdsintro>.
- 2 See, for example, how the issue is framed by John Dugard, UN Special Rapporteur on human rights in the territories on behalf of the UN: “The Palestinian Territory, including the West Bank, East Jerusalem and Gaza, remains occupied territory, occupied by Israel. Insofar as there is a ‘victim’ party, it is Palestine as inevitably an occupied party has such a status vis-à-vis the occupier,” Document A/62/275, Section III, August 17, 2007, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N07/463/16/PDF/N0746316.pdf?OpenElement>.
- 3 The 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) in Durban signaled, more than anything else, the emergence of a focused strategy against Israel. More than 1500 NGOs organized to create a campaign depicting Israel as a racist country that habitually violates international human rights and to promote its isolation from the liberal law-abiding democracies. See the WCAR NGO Forum Declaration, September 3, 2001, http://www.humanrightsvoces.org/assets/attachments/documents/durban_ngo_declaration_2001.pdf.
- 4 The number of UN General Assembly resolutions concerning Israel is disproportionate to the number of resolutions relating to any other country in the world. For example, against an average of four or five resolutions at each session against various countries, an average of twenty resolutions per session are passed against Israel. Most of the resolutions against Israel are passed under a special permanent item adopted for the General Assembly agenda in 1974 (“the question of Palestine”) and other permanent items pertaining to the Israeli-Palestinian conflict. In addition, many extreme resolutions against Israel are passed by the special committees established under the sponsorship of the General Assembly.
- 5 The focus of the Human Rights Council on Israel is reflected in the large number of emergency meetings held, almost a third (seven of twenty-four) of which are devoted to assessing Israel’s actions. Furthermore, Israel is marked at Human Rights Council meetings through a permanent item inserted into the Council’s agenda dealing with the state of human rights in Palestine and the territories, while the state of human rights in the rest of the world is discussed under a separate general item.

- 6 The Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 was established by a February 19, 1993 resolution of the UN Commission on Human Rights (Resolution 1993/2, UN Doc. E/CN.4/RES/1993/2). There have been six Special Rapporteurs so far. This function of the UN institution has adopted a comprehensive and one-sided attitude toward Israel.
- 7 More commissions of inquiry and commissions to determine the facts about Israel's military actions have been appointed over the past decade by the UN Commission on Human Rights, the UN Human Rights Council, and the UN Secretary General than about any other country.
- 8 The mandate given to the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967 is: "To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967." The duration of this mandate is given as "until the end of the Israeli occupation of those territories." See <http://www.ohchr.org/EN/HRBodies/SP/CountriesMandates/PS/Pages/SRPalestine.aspx>. The various commissions of inquiry established by the Human Rights Council are also defined in one-sided and biased terms. For example, the mandate for the commission of inquiry for the Second Lebanon War in 2006 was: "(a) To investigate the systematic targeting and killings of civilians by Israel in Lebanon; (b) To examine the types of weapons used by Israel and their conformity with international law; and (c) To assess the extent and deadly impact of Israeli attacks on human life, property, critical infrastructure and the environment," Human Rights Council Resolution A/HRC/S-2/L.1 (August 11, 2006), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G06/133/02/PDF/G0613302.pdf?OpenElement>.
- 9 To these reports are added the critical reports of non-governmental human rights organizations, such as Amnesty International and Human Rights Watch, which also carry great weight in the international arena.
- 10 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 IJC 1331, at 136 (July 9, 2004), <http://www.icj-cij.org/en/case/131>.
- 11 The Rome Statute, which established the ICC, also includes a clause designed to turn settlements in the West Bank into a war crime of transferring a population of the occupying country, directly or indirectly, to the occupied territory.
- 12 In some countries, it is possible to institute criminal proceedings in respect to war crimes and crimes against humanity even in the absence of a connection to the country through adoption of the notion of universal jurisdiction into national legislation. In other countries, the authority is limited to proceedings in which some connection to the country exists, such as victims who are citizens or residents of the country. It is also possible to initiate civil proceedings in certain countries in accordance with national legislation.

- 13 The lawsuits were filed by pro-Israel organizations (the National Bureau of Vigilance against Anti-Semitism – BNVCA, Lawyers Without Borders, and Alliance France Israel). For further discussion, see “French BDS Activists Lose High Court Appeal Over Racism Convictions,” *Jewish Telegraph Agency (JTA)*, April 4, 2016, <http://www.jta.org/2016/04/04/news-opinion/world/french-bds-activists-lose-high-court-appeal-over-racism-convictions>. In a verdict handed down on March 30, 2016, the French Appeals Court of Cassation upheld the conviction of seven BDS activists and fined each of them for calling and taking actions outside supermarkets to boycott Israeli goods during demonstrations conducted in 2010. Another verdict by the Court of Cassation upheld the conviction of twelve BDS activists for spreading incitement and discrimination in demonstrations in 2009-2010 outside a supermarket in France and for calling for the boycott of Israeli goods. See “French High Court Confirms BDS Activists’ Discrimination Convictions,” *JTA*, October 23, 2015, <http://www.jta.org/2015/10/23/news-opinion/world/frances-highest-court-confirms-bds-activists-discrimination-convictions>.
- 14 Procurement Policy Note: Ensuring Compliance with Wider International Obligations when Letting Public Contracts, Information Note 01/16 (February 17, 2016), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/500811/PPN_on_wider_international_obligations.pdf. There is also intensive activity against BDS in the United States. For example, legislators in the US House of Representatives and Senate sponsored the Combating BDS Act of 2016, which grants the states federal legal authority to take concrete action against economic warfare directed against Israel, such as cancellation of investments or contracts with agencies boycotting Israel, advocating Israel’s elimination, or imposing sanctions. The law is presently being discussed by various Congressional committees.

The Palestinian Authority, the BDS Movement, and Delegitimization

Liran Ofek

In December 2013, Palestinian Authority Chairman Mahmoud Abbas stated that he does not support a boycott of Israel.¹ Two years later, in a speech before the Greek parliament in Athens, Abbas said that he wants a peace agreement that would connect the Palestinian Authority to Israel rather than a fence separating the two peoples.² Despite these declarations indicating that the Palestinian Authority did not share the same orientation as the BDS movement, its actual policy matched, at least partially, the boycott strategy against Israel, both in the use of delegitimization rhetoric and in the call for boycotts of products. For example, Palestinian Prime Minister Rami Hamdallah signed a cabinet resolution in late March 2016 banning the import of goods made by five Israeli companies into Palestinian markets: Tnuva, Strauss, Tara, Soglowek, and Jafora-Tabori.³ Previous decisions by the Palestinian cabinet also supported a boycott of products. This article examines the use made by the Palestinian Authority of a boycott of products and delegitimization, explains the reasons that have led the Palestinian Authority to adopt these means since 2014, and indicates ways of action likely to help Israel cope with Palestinian use of these sanctions.

The Products Boycott and the Palestinian Authority's Delegitimization Discourse

Since 2014, the Palestine Liberation Organization (PLO) Central Committee has consistently supported an expansion of boycotting activity against Israel

and Jewish communities in Judea and Samaria. The Central Committee's decision on this matter in 2015 emphasized the boycott as an element of popular resistance and also advocated support for the BDS campaign.⁴ Mahmoud al-Aloul, head of the Higher National Committee for the Struggle against Israel's Measures,⁵ asserted that the boycott of products is a response to the "economic and financial siege" that Israel imposed on the Palestinian Authority.⁶ At the same time, the findings of various public opinion surveys indicated a wide gap – 35 percent – between support for the idea of a boycott and its implementation among the Palestinian public. The gap is primarily due to a lack of confidence in local produce and the absence of alternative products in the domestic market⁷ and casts doubt on the will of the Palestinian public to persist in an actual boycott. Indeed, according to a Palestinian study published in November 2015, the damage caused by a boycott in the Palestinian territories amounted to only 1 percent of the volume of the goods traded between the Palestinian Authority and Israel.⁸

Since 2015, Abbas has included rhetorical features of the delegitimization discourse in his speeches, condemning Israel, like the statements made by the BDS movement, as a "colonialist" country that conducts a settlement campaign in contravention of international law and builds a "racist" separation fence. He accuses Israel of violating the agreements it has signed and of assisting the violent acts of religious extremists against the holy places of Islam and Christianity. Abbas also condemns Israel for shooting and murdering non-violent Palestinian demonstrators and murdering children in cold blood.⁹ Israel is portrayed in his speeches as an illegitimate and immoral country that consistently violates basic norms, the principles of international law, and agreements that it has signed, thus "obliging" Abbas to threaten to cancel the agreements signed by the Palestinian Authority and Israel. The Palestinian Authority, on the other hand, is presented as a legitimate and moral actor that respects the norms and principles of international law and enjoys wide international support as the representative of Palestinian rights. In his speeches, Abbas accuses Israel of escalating the political dispute into a violent conflict and demands that the international community act against Israel in a variety of ways to force it to change its illegitimate policy.

Decisions by the Palestinian cabinet and Abbas's speeches are consistent with statements by the BDS movement, and the Palestinian Authority allows the movement to operate from its territory. It does not, however, share its worldview: the Palestinian Authority recognizes Israel's right to exist and is

willing to reach compromises with Israel in the framework of a diplomatic process.¹⁰ It can, furthermore, be argued that relations between the Palestinian Authority and the BDS movement are tense; Omar Barghouti, one of the leaders of the BDS campaign, has even called the Palestinian Authority “a subcontractor of Israel.”¹¹ Nevertheless, the Palestinian Authority regards the boycott movement as a tool for exerting pressure on Israel on the one hand and reducing pressure on its home ground on the other. It can, therefore, be argued that Palestinian institutions have endorsed the movement’s campaign and methods of operation and have created a parallel path that uses the promotion of boycotts and delegitimization rhetoric for its own interests and not those of the boycott movement.

Disappointment with the Political Process and Internal Criticism

Abbas and other senior Palestinian figures repeatedly say that they are interested in an agreement with Israel according to the two-state principle. At the same time, they cast doubt on whether the political process will lead to the establishment of a Palestinian state.¹² The feeling on the Palestinian street is also clear: public opinion surveys conducted in March 2016 by the Palestinian Center for Policy and Survey Research headed by Dr. Khalil Shikaki found that 74 percent did not believe that a Palestinian state would be created next to Israel in the next five years.¹³ Many of the public and opinion leaders have thus argued that the commitment to negotiate a political settlement is preserving an insufferable situation in the Palestinian arena, characterized by bitter political and ideological polarization between the Palestinian movements, particularly the acrimonious rift between the Palestinian Authority leadership and Fatah in the West Bank and Hamas in the Gaza Strip, and by an absence of representative institutions.¹⁴

Disappointment with the prolonged political process is reflected, first and foremost, in severe criticism of Mahmoud Abbas: two-thirds of the Palestinian public are calling for his resignation. They accuse him of being unwilling both to give up on the Oslo Accords and to halt the security coordination with Israel. Abbas is subject to direct criticism from Fatah and PLO members because of his commitment to the accords, which are considered “treason” against Palestinian principles.¹⁵ Criticism of the commitment to a settlement with Israel has also led Palestinian think tanks and research institutes to formulate other political directions, including the “turning point” approach.

The “turning point” approach holds that Palestinian discourse should change from a debate about the political process and the building of national institutions to a debate about national liberation and the realization of rights. Advocates of this approach argue that the former discourse is mistaken for two reasons: first, the Palestinian Authority is under occupation, and there is, therefore, no equality between the two sides in negotiations; and second, the occupation is preventing the practical existence of a Palestinian state, and it is, therefore, futile to discuss the building of institutions. Accordingly, Palestinian discourse should redefine the conflict with Israel as an issue of national liberation and focus on realizing the following goals for all Palestinians, wherever they may be: the right to self-determination, the end of the occupation and the settlement movement, the return of refugees to their homes, and full equal rights for Arab citizens of Israel.¹⁶ In order to achieve these goals, the supporters of this approach advocate a nonviolent struggle with several elements: the initiation of boycotts on a local, regional, and international level; the use of sanctions to isolate Israel; and an appeal to international institutions to put Israeli decision makers and officials on trial for their violation of Palestinian rights.¹⁷ In other words, this approach seeks to pressurize Israel into changing its policy by internationalizing the struggle for Palestinian rights. The initiators and supporters of this approach believe it will help the Palestinian struggle by improving tactical positions in any future rounds of talks and, in particular, by achieving a long-term change in the balance of power against Israel.¹⁸

The “turning point” approach is not an official policy and is not binding on Abbas and the Palestinian leadership. Adopting its discourse, however, confers several advantages. First, like the BDS campaign, this approach seeks to realize Palestinian rights in general and not in an agreement based on the two-state principle.¹⁹ In addition, the adoption of a rhetoric that ignores a political settlement, especially a settlement by the Oslo Accords, is likely to portray Abbas as connected to the prevailing opinions among the Palestinian public. Findings have shown that two-thirds of the Palestinian public (the same proportion that supports Abbas’s resignation) currently want to abandon the Oslo Accords, and a similar proportion support halting security cooperation with Israel, even at the price of an Israeli response such as ending Palestinian police activity in Area B, stopping the issuing of passports and travel documents, and imposing similar sanctions on the West Bank as in the Gaza Strip.²⁰

Support for boycott and delegitimization rhetoric is also likely to enable Abbas to rebuff criticism by Omar Barghouti and the leaders of the BDS campaign in the Palestinian territories, who could be considered political alternatives to Abbas. Endorsement of the idea of abandoning a political settlement and of conducting a campaign for equal rights could indicate that the Palestinian Authority, despite its situation, is the only party capable of representing the Palestinians and of conducting a strategy of a struggle based on principles of national unity, revolution, democracy, and representation.²¹ Delegitimization rhetoric and boycotts are relatively simple methods to apply,²² and the use of negative political labels, such as colonialism, racism, and apartheid, and even the threat to abandon the Oslo Accords do not change the actual balance of power with Israel. The Palestinian Authority, therefore, does not have to pay an oppressive price for using this method.

The Palestinian public supports aggressive actions against Israel such as cancellation of agreements, intensification of the legal campaign against it, affiliation with international institutions and organizations, and even a renewal of violence. Abbas is aware of the public's demands but is unwilling to fully comply due to the intolerable consequences for him. Complete compliance with the public's demands – i.e., the cancellation of existing agreements and aggressive unilateral measures – is likely to put the very existence of the Palestinian Authority under the Oslo Accords in doubt, weaken the Palestinian security agencies, which depend on international funds granted to the PA since its establishment, and rule out almost any possibility of a Palestinian state being established through negotiations. It could even result in the collapse or liquidation of the Palestinian Authority. The rhetoric of delegitimization and the promotion of a boycott on the local level alone might therefore pacify, if only slightly, Palestinian public opinion, without taking any real measures, such as a halt in security coordination and a cancellation of agreements, which would undoubtedly damage the PA and its status. Should these measures prove ineffective, however, they are liable to widen the gap in expectations between the PA leadership and popular Palestinian sentiment, increase criticism of Abbas, and aggravate the conflict between Israel and the PA.

Directions of Israel's Response

Some of the Israeli response to the delegitimization rhetoric and the initiation of boycotts should focus on methods of action already in use: maintaining

overall stability in the Palestinian territories and refuting falsehoods that aim to advance Israel's delegitimization. The maintenance of stability relies on the preservation of existing channels for dialogue and for security and economic coordination with the Palestinian leadership and other parties in the Palestinian Authority. These channels create an organized, consensual, and mutually acceptable mechanism for managing the current situation and constitute a means of delivering messages, recognizing differences, and solving specific problems. They are likely to reduce the chances that either of the parties will take more extreme measures that aggravate the tension on the other side. Israel is also maintaining non-diplomatic channels of communications with the Palestinians. For example, there is economic dialogue between the Israeli minister of finance, Moshe Kahlon, and his Palestinian counterpart, Dr. Shukri Bishara, concerning the package of benefits and incentives for strengthening the Palestinian economy and improving the Palestinians' way of life on the basis of a theoretical assumption that economic improvement will reduce the likelihood of escalation between the two sides.²³ The IDF supports this dialogue and therefore favors the continued issue of permits to 120,000 Palestinians to work in Israel and in the Jewish settlements in the West Bank, even at times of tension between the two sides.²⁴

Concerning the refutation of false allegations that aim to delegitimize Israel, Israel's goal is to sow doubt in the international community and among the Palestinians about the aggressive assertions against Israel. Refutation is a decentralized activity, usually conducted by non-governmental groups, including research institutes, which uses Palestinian surveys and studies that paint a different picture from that portrayed in Abbas's speeches. For example, a survey by the Arab World for Research and Development (AWRAD) published in December 2015 found that Israeli operations in the West Bank were surgical and focused, with only a few percent of those questioned having witnessed the demolition of houses: 85 percent of those questioned in the West Bank had never encountered property damage caused by IDF forces, while 90 percent of those questioned in East Jerusalem had never encountered physical violence by IDF forces.²⁵ These figures contradict remarks by Abbas about the excessive and arbitrary harm of the Palestinians at the hands of the IDF. The use of such information sources to disprove false allegations is always subject to limitations such as the reliability of Palestinian public opinion surveys and other information sources, the political positions of the Palestinian researchers and authors of political

documents, and the objectivity of some of the non-governmental groups in Israel that are researching the PA in order to help the government's rebuttal of false claims. The establishment of a system to combat these allegations is a challenge at the content, organizational, managerial, and political levels and requires coordination and cooperation with non-governmental agencies, and sometimes even their guidance.

At the same time, the aforementioned means to combat the false allegations do not change the current atmosphere, in which the conflict between the parties is perceived as a zero-sum game. Therefore, in addition to the means already employed, Israel should give thorough consideration to possible plans for a change in the current situation that will be advantageous to both sides. This would entail recognition of the gaps between their current positions, an understanding of why both sides have for years consistently violated the agreements they signed, an attempt to define key parameters on which to base possible solutions, and the description of possible scenarios corresponding to each of the solutions. Only a reexamination of the Israeli-Palestinian political process from a historical perspective and the solutions designed during that process could help devise possible mechanisms for future solutions, mechanisms that will have to include components to reduce the Palestinian incentive for initiating boycotts due to Israeli policy and for using delegitimization rhetoric against Israel.

Notes

- 1 Ben Dror Yemini and Assaf Gibor, "Abu Mazen Surprises: 'We Do Not Support Boycott of Israel,'" *NRG*, December 19, 2013, <http://www.nrg.co.il/online/1/ART2/532/565.html>.
- 2 Mahmoud Abbas, "The President's Remarks to the Greek Parliament," PA Chairman's website, December 22, 2015, <http://president.ps/videos.aspx?id=49>.
- 3 Cabinet resolution No. 17/95/03 in 2016: Preventing the Entry of Goods from Five Israeli Companies into the Palestinian Market, Palestinian Government, March 22, 2016.
- 4 27th PLO Central Committee Conference, "The Steadfastness and Popular Resistance Conference," Ramallah, March 2015.
- 5 This entity, which was apparently founded by the Palestinian Authority, promotes, inter alia, a boycott of Israeli products in the Palestinian territories.
- 6 "New Campaign to Boycott Israeli Products in the West Bank," *I24News*, February 24, 2015.
- 7 A poll conducted by An-Najah National University in November 2015 showed that while 84 percent support the idea of a boycott of goods from Israel, only 49

- percent buy Palestinian goods, and 36 percent buy both Israeli and Palestinian merchandise. For further reading, see “Results of Palestinian Public Opinion Survey No. 51,” Center for Public Opinion Surveys and Statistics, An-Najah University, November 2015, <http://www.miftah.org/arabic/Docs/Reports/2015/Other/PalestinianPublicOpinionPollNo51Ar.pdf>.
- 8 Ashraf Badr, “The BDS Global Boycott Movement: Between Exaggeration and Understatement,” Introduction to *General Policy and Strategic Thinking*, Palestinian Center for Policy Research and Strategic Studies, Masarat, November 2015, pp. 61-83, http://www.masarat.ps/sites/default/files/ktb_lbrnmj_ltdryby_lmwfq_llmtbw.pdf.
 - 9 To hear the speeches (in Arabic), see Mahmoud Abbas, “Remarks by the President to the Human Rights Council in Geneva,” PA Chairman’s website, October 28, 2015; Mahmoud Abbas, “Remarks by the President to the Palestinian People,” PA Chairman’s website, October 14, 2015; Mahmoud Abbas, “Remarks by the President at a Meeting with Arab Media Representatives from Israel,” PA Chairman’s website, February 8, 2016; Mahmoud Abbas, “Remarks by the President at the Fifth Emergency Conference of the Organization of Islamic Cooperation, PA Chairman’s website, March 7, 2016, <http://president.ps/videos.aspx?id=49>.
 - 10 “A Comparison between the Positions of the PA and Fatah and the World View of the BDS Campaign,” *The Role of the Palestinians in the BDS Campaign*, Meir Amit Intelligence and Terrorism Information Center, July 29, 2015, pp. 32-33, http://www.terrorism-info.org.il/Data/articles/Art_20851/H_111_15_225790401.pdf.
 - 11 Gillian Slovo, “An Interview with Omar Barghouti,” *Wasafiri* 29, no. 4 (2014): 36-41.
 - 12 For example, Saeb Erekat said in January 2014: “We do not oppose a two-state solution or the political process. We will achieve our rights.” Similarly, Nabil Shaath said in October 2015: “We are always willing to go back to taking part in the diplomatic process, but such participation must be on the basis of conditions that Israel and the US will not accept.” See Saeb Erekat, “The State of the Negotiations and Their Future,” *Third Annual Conference: Strategies of Resistance*, Palestinian Center for Policy Research and Strategic Studies, Masarat, 2014, pp. 109-14, http://www.masarat.ps/sites/default/files/content_files/masarat_3.pdf. See also Nabil Shaath, “Internationalization and Arabization as a Basis for a New Palestinian Strategy,” *The Palestinian Question and the International Dimension: Opportunities and Strategic Requirements*, Palestinian Center for Policy Research and Strategic Studies – Masarat, October 2015, pp. 151-54.
 - 13 Khalil Shikaki, “Palestinian Public Poll No (59),” Palestinian Center for Policy and Survey Research, March 2016, <http://www.pcpsr.org/sites/default/files/poll%2059%20%20fulltext%20English.pdf>.

- 14 "National Unity Document: A Draft Proposal," Palestinian Center for Policy Research and Strategic Studies – Masarat, February 2016, p. 2, http://www.masarat.ps/sites/default/files/wthyq_lwhd.pdf.
- 15 The following is part of Abbas's speech at the 27th PLO Central Committee Conference: "The 'treasonous' Oslo (Accords). We are here because of Oslo, but it is (considered) 'treasonous.' We founded the PA because of 'treasonous' Oslo, and we will be a state (thanks to) this 'treason.'" To hear the speech, see Mahmoud Abbas, "The President's Remarks at the 27th PLO Central Committee Conference: The Steadfastness and Popular Resistance Conference," PA Chairman's website, March 2015, <http://president.ps/videos.aspx?id=49&page=2>.
- 16 "Conditions for Success in a Strategic Turnaround," *Turning Point: Redefining the National Project and Devising a Strategy for Achieve its Goals*, Palestinian Center for Policy Research and Strategic Studies – Masarat, December 2014, pp. 31-32, http://www.masarat.ps/sites/default/files/point_inside_7_1.pdf.
- 17 Ibid, pp. 89-90.
- 18 Hani al-Masri, "Remarks by the Preparatory Committee for the Conference," *The Palestinian Question and the International Dimension: Opportunities and Strategic Demands*, pp. 9-12, http://www.masarat.ps/sites/default/files/conference_file/ktb_lmwtmr_lrb_lmwfq_llmtbw.pdf.
- 19 Amal Ahmad, "Reflections on Palestinian Strategy," *al-Shabaka*, February 2016, <https://al-shabaka.org/commentaries/reflections-on-palestinian-strategy/>.
- 20 Khalil Shikaki, "Palestinian Public Poll No (58)," Palestinian Center for Policy and Survey Research, December 2015, pp. 3-4, <http://www.pcpsr.org/sites/default/files/p58%20full%20Arabic.pdf>.
- 21 Omar al-Barghouti, "The Boycott Israel Movement – BDS," *Journal of Palestine Studies* 25, no. 99 (2014): 20-28, <http://www.palestine-studies.org/sites/default/files/mdf-articles/020-028.pdf>.
- 22 Neta Oren and Daniel Bar-Tal, "The Detrimental Dynamics of Delegitimization in Intractable Conflicts: The Israeli-Palestinian Case," *International Journal of Intercultural Relations* 31, no. 1 (2007): 111-26.
- 23 Nizan Feldman, "Economic Peace: Theory vs. Reality," *Strategic Assessment* 12, no. 3 (2009): 19-28, <http://www.inss.org.il/wp-content/uploads/2017/02/FILE1259657930-1.pdf>.
- 24 Ben Caspit, "Will Economic Aid Rebuild Trust Between Israelis, Palestinians?" *al-Monitor*, February 22, 2016, <http://www.al-monitor.com/pulse/en/originals/2016/02/economic-peace-moshe-kahlon-shukri-bishara-finance-minister.html>.
- 25 "Young Palestinians and the Public Uprising: An Internet Public Opinion Survey of Young Palestinians (age 16-35)," Ramallah, Arab World for Research and Development (AWRAD), December 2015, <http://www.awrad.org/files/server/Online%20youth%20Arabic%20Tables%20online%20dec%202015.pdf>.

Pipelines to Normalization in the BDS Era: The Natural Gas Deals with Egypt and Jordan as a Case Study

Ofir Winter and Eyal Razy-Yanuv

Despite the prominence achieved by the BDS movement in the West in recent years, it has often had difficulty enforcing the principles of boycott, divestment, and sanctions in its “home court” – the Arab world. There are diverse reasons for this. First, the majority of Arab countries do not have any formal relations with Israel. The connections with Israel consist primarily of limited normalization with Egypt and Jordan and dependency relationships with the Palestinian Authority and Hamas, and therefore implementation of the BDS policy has largely remained without any practical significance. Second, the messages and content of the BDS campaign were designed for target audiences in the West, based on a liberal discourse of civil equality and human rights that does not resonate in Arab countries. Third, and most importantly, the regional reality of recent years has created an unprecedented symmetry of economic, security, and political strategic interests between Israel and a number of Arab countries, which has created a counterbalance to the messages of the boycott and blunted their edge.

The public discourse that has developed in Egypt and Jordan surrounding the deals to import gas from Israel constitutes a case study of the ability of significant economic and strategic considerations to trump the political and cultural residue of the conflict and the calls for a boycott by the various BDS movements. It illustrates the positive changes that have occurred in the attitudes of both countries toward normalization, even during an ongoing

period of deadlock in the peace process between Israel and the Palestinians. The traditional asymmetric equation, whereby Israel is eager for any symbolic gesture of cooperation, peace, and recognition that Jordan and especially Egypt grudgingly provide, has become somewhat more balanced against the backdrop of the recent regional upheaval. Normalization is no longer exclusively an Israeli interest, nor is it so strictly conditional upon a political agreement. The economic and security challenges and the focus of public discourse in Egypt and Jordan on domestic issues have made relations with Israel a shared interest in its own right. While the natural gas deals have raised public objections in both countries, many voices have supported them as a necessity, and blanket delegitimization of normalization has been replaced by a more open and balanced discussion.

Background: The Natural Gas Deals with Egypt and Jordan

In view of the energy crises experienced by Egypt and Jordan in recent years, the two countries seem to be natural and ready candidates for the import of Israeli natural gas. Egypt and Jordan, each for different reasons, have had growing difficulties maintaining a steady and inexpensive supply of natural gas that meets the needs of their electricity sectors for both industrial and private customers. This difficulty is reflected in frequent power outages and soaring government expenses for the import of natural gas and subsidization of energy products. Israel, for its part, has seen the neighboring markets as attractive customers for three main reasons. First is the relatively low costs of transporting gas over short distances using infrastructure that already partially exists. This availability makes it possible to ensure immediate customers for Israeli gas, which is essential for receiving the initial funding for the enormous investments required to develop the Leviathan gas field. This is particularly important in light of the current funding challenges, which have become starker due to the significant drop in gas prices and the uncertainty about finding enough external gas customers beyond the limited Israeli market. Second is the possibility of liquefying Israeli gas¹ for export to Europe and Asia using the existing facilities in Egypt rather than building new facilities in Israel at an estimated cost of billions of dollars, which would involve a series of complex technical issues surrounding their construction at sea or near the coast. And third is the strategic, “security and geopolitical” importance, to quote Prime Minister Benjamin Netanyahu, that Israel places on establishing energy relations with Egypt and Jordan.² Beyond

the economic value of the deals, Israel sees the export of gas as a means of strengthening the peaceful relations with both countries and stabilizing their regimes. The mutual interest in the gas deals has thus created a win-win situation for Israel and its neighbors. The United States has also encouraged these deals, seeing them as key to increasing stability in the Middle East and consolidating the moderate regional axis.³

The natural gas deal developing between Israel and Egypt signifies a role reversal, with Israel turning from a customer into a potential gas supplier. During the years 2008-2012, it was Egypt that exported natural gas to Israel. However, the recurring explosions of pipelines in Sinai led to a cessation of the gas flow and later to Egypt cancelling the export contract. At the time, the sale of gas to Israel sparked major criticism in Egypt, especially in light of the associated corruption attributed to the Mubarak regime concerning this deal. However, gas production in Egypt has declined in recent years while gas consumption has increased, a trend that has led to shortages and obliged Cairo to seek external sources of gas. According to Tarek el-Molla, Egyptian minister of petroleum and mineral resources, in 2015 Egypt had to import 35-40 percent of its gas needs, mainly for generating electricity. As for the enormous Zohr gas field that Egypt reported in August 2015, the most optimistic forecasts are that it will be possible to produce gas from 2017 but will provide Egypt with energy independence only toward the next decade.⁴

The Tamar and Leviathan groups both signed contracts and long-term memorandums of understanding worth billions of dollars with the Egyptian company Dolphinus in March and November 2015, respectively, for the export of natural gas to Egypt and to destinations in Europe via the liquefaction facilities in Egypt. In December 2015, the Egyptian government announced a freeze on the gas deals with Israel in the wake of an international arbitration ruling obligating the Egyptian gas companies to compensate the Israel Electric Corporation \$1.76 billion over violation of the gas export contract in 2012. The parties began backroom talks in an attempt to settle the debt, and reports in March 2016 stated that they were close to a compromise in which the final compensation would be about half of the amount determined by the arbitration ruling.⁵ Nonetheless, the understandings Egypt reached in early 2017 with the energy companies British Gas and ENI to export gas through the liquefying facilities in its territory put a question mark on the execution of the gas deals with Israel.

Jordan too encountered a gas shortage due to the recurring bombings of the pipelines in Sinai and the cessation of gas flow from Egypt in the wake of the January 25 Revolution in 2011. Egyptian gas was responsible for 80 percent of Jordan's electricity needs, and its replacement with far more expensive fuels at the time (such as diesel, mazut, and liquefied natural gas imported via the Port of Aqaba) raised the price of generating electricity and caused Jordan weekly losses in the millions of dollars. The energy crisis has thus become part of Jordan's prevailing bleak economic reality. Other factors contributing to this crisis include the wave of refugees from Syria, the damage to tourism and foreign capital investments by regional turmoil, and the traditional weaknesses of the Jordanian economy – notably the scarcity of natural resources, lack of agricultural lands, and deep dependence on external aid.⁶

In view of these difficulties, Israel has emerged as a potential gas supplier, and at the beginning of 2013, the Jordanian Ministry of Energy and Mineral Resources reported talks on the import of natural gas from Israel to the Arab Potash factories, a third of whose stocks are owned by the Jordanian government.⁷ In February 2014, a fifteen-year deal worth \$500-700 million was signed between the Tamar group and Jordan, and a year later Israel granted the permit to export the gas.⁸ Jordan's difficulty in achieving a gas import agreement at attractive prices from Arab countries, particularly Qatar, led to an acceleration in the talks on acquiring Israeli gas, which was offered at a much lower price. In September 2014, a memorandum of understanding on the import of Israeli gas was signed between the Jordanian Electric Power Company (JEPCO) and Noble Energy, which operates the Leviathan gas field.⁹ In September 2016, the two sides signed a contract for the provision of gas for fifteen years at an estimated sum of \$10 billion.¹⁰ Officials have projected that implementation of the memorandum of understanding would save the Jordanian government \$100-600 million each year and reduce JEPCO's enormous losses.¹¹ The pipeline from the Tamar field has been operating since early 2017, while the gas from Leviathan is supposed to start flowing in early 2020.¹²

Legitimate Deals or Unacceptable Normalization?

The gas deals with Israel have aroused intense public debate in Egypt and Jordan about their legitimacy, with contradictory positions expressed by ministers, parliamentarians, civil organizations, columnists, and online

commentators. On one side are politicians, intellectuals, and opposition members who oppose any expression of normalization with Israel on ideological and emotional grounds, use arguments charged with suspicion and hostility toward Israel, and succeed in swaying significant portions of public opinion. On the other side is a significant minority led by members of the establishment and intellectuals who understand the economic value of the gas deal with Israel and stand behind the government's policy.

The two camps reflect contradictory trends occurring in both Egypt and Jordan: broad delegitimization of expressions of normalization with Israel alongside growing legitimacy of the internal debate about the nature of connections with Israel, a debate that represents the undermining of the traditional taboo on normalization. Online public opinion polls conducted by leading newspapers in Egypt and Jordan in which readers were asked to state their opinion on the gas import deals with Israel exemplify this schism. While the majority situated themselves in the opposing camp, a significant minority were on the supporting side, and dozens of commenters were undeterred from expressing their positive position using their full names. Even though these are not professional polls reflecting a representative sample of citizens, they nonetheless indicate the division between those who see Israel as a sworn enemy and those who see it as a legitimate business partner. A poll conducted in December 2015 by the popular newspaper *al-Masry al-Youm* found 86 percent against the gas deal with Israel and 14 percent percent in favor.¹³ A questionnaire conducted a year earlier by the Jordanian newspaper *al-Ghad* found around 70 percent against the import of Israeli gas and 30 percent in favor.¹⁴

Egypt and Jordan are two of the first five Arab countries in which BDS branches were established (alongside Morocco, Qatar, and Kuwait).¹⁵ The BDS movement in Jordan was more active than its Egyptian counterpart in the struggle against Israeli gas imports and started a petition calling for the prime minister to cancel the deal and a campaign to pressure members of the Jordanian parliament to take action to prevent it.¹⁶ The opposition was not only from BDS branches but also included broader frameworks of opposition to normalization, most prominently the Jordan National Campaign against the Gas Agreement with the Zionist Entity, an umbrella organization for unions, political parties, and members of parliament with a Facebook page that as of October 2016 received support from tens of thousands of people. This campaign invested extensive effort in placing public pressure

on the Jordanian government to cancel the gas deals with Israel and held public symposiums on the issue.¹⁷ While popular opposition in Egypt to the import of Israeli gas was relatively weak and mainly reflected in the media discourse, in Jordan a number of demonstrations were held, usually with hundreds of participants, most of whom were representatives of Islamist and nationalist movements, members of trade unions, and past and present parliamentarians.¹⁸ The Jordanian campaign called on citizens to turn out their lights for an hour on October 2, 2016 as a sign of solidarity with the struggle to cancel the gas deal. A protest song entitled “We don’t want gas,” which was broadcast on a satirical program on the private Jordanian TV channel *Roya*, received almost 150,000 views within a week.¹⁹

The main arguments against importing gas from Israel have touched on two main areas: politics and economics. Politically, the deals were perceived as an unacceptable expression of normalization and in blatant contradiction to the obligatory Arab solidarity with the Palestinians. Importing gas from Israel, it was claimed, was tantamount to rewarding the country that was committing crimes against the Palestinian people. Even worse, it was purchasing “stolen Palestinian gas” and providing indirect support for the “occupation enterprise” and funding its crimes. Economically, reliance on Israeli gas was presented as a dangerous gateway to turning the Egyptian and Jordanian economies into Israeli hostages. This concern, expressed in slogans such as “the enemy’s gas is occupation,” builds on inherent distrust of Israel and the stereotypes about its alleged malicious conspiracies.²⁰

Despite the anti-normalization majority’s prominence in various media platforms, it did not succeed in bringing more than a few thousand protesters to the streets or recruiting mass support on social media. In contrast, the proponents of the gas deals, who enjoyed the active support of the establishment, were impressive in their determination to defend what was considered by their opponents as “unacceptable normalization.” Official and unofficial spokespersons pointed out the wide interests served by the gas deals with Israel, and assisted the Egyptian and Jordanian governments in upholding the deals despite the opposition. The regimes and their supporters emphasized economic over political considerations as the prevailing criteria in the question of importing gas from Israel. At times, they stated explicitly that the country’s unique economic agenda is more important than the pan-Arab agenda; at other times, they attempted to distance themselves from direct involvement in the controversial normalization and attributed the gas

deals to “private companies” working according to considerations of profit and loss. Either way, commerce with Israel was presented as legitimate in contrast to the traditional inclination to regard normalization and progress in the Israeli-Palestinian peace process as integrated and indivisible processes.

Egypt’s openness to a gas deal with Israel is closely connected to the enormous economic challenges it faces today, including the energy supply crisis. Economic considerations have softened the traditional Egyptian aversion to closer relations with Israel and eased the development of a utilitarian and pragmatic outlook, even if not always accompanied by the spirit of reconciliation. Egyptian foreign policy in the el-Sisi era has espoused developing economic relations with all countries based on mutual interests, and Israel is no exception. Tel Aviv, for example, was mentioned in an Egyptian government document on the topic of foreign commerce as one of the nine Asian cities in which Egypt was working to encourage business connections (alongside Beijing, Jakarta, Sydney, Tokyo, New Delhi, Seoul, Shanghai, and Kuala Lumpur).²¹ Similarly, the Egyptian officials who examined the gas deal with Israel used economic rather than political eyes for their assessment. In January 2015, the current Prime Minister, Sherif Ismail, while serving as the minister of petroleum and mineral resources, called for the decision on Israeli gas imports to be made according to purely material considerations:

Everything comes into consideration: the interest of Egypt, its economic needs, and its leading political and economic role in the region are the matters that will decide importing gas from Israel. Egyptian interests are above all, and we must assess the issue from a strategic point of view.²²

Opponents of the regime called him by the derogatory nickname “the Zionist gas importer,”²³ but this did not deter Tareq el-Molla, the new minister of petroleum and mineral resources, from towing the same line and announcing in October 2015 that he “did not find any flaws in importing gas from Israel, on the condition that it contributes to Egyptian national security and provides added value to the Egyptian economy.”²⁴

As with Egypt, Jordanian support for Israeli gas imports was based on preferring material considerations over reservations regarding normalization. The gas deals were justified prior to their signing by claims that this was a measure that favored economic interests over empty slogans and had the

power to assist the kingdom in diversifying its energy sources. Supporters stated that this was one move among others that would reduce the cost of electricity and encourage Jordanian industry to use gas to increase its competitive potential.²⁵ Dr. Ahmad Hiasat, CEO of JEPSCO, stated in 2014 that there was no room for political falsification in denouncing the gas deal with Israel, at a time when the cumulative losses of the Jordanian electricity market was causing “a crisis threatening its overall stability.”²⁶ Dr. Khaled Kalaldeh, minister of political and parliamentary affairs, added that the Jordanian people need to understand that non-ratification of the gas import agreement with Israel would lead to a rise in electricity prices.²⁷ In deliberations of the Jordanian parliament in December 2014, the minister of petroleum and mineral resources, Dr. Mohammad Hamed, justified the gas deal by reference to JEPSCO’s losses and the low cost of importing local natural gas compared to the high cost of transporting liquid gas over long distances. He mentioned that Noble Energy had signed similar agreements with companies in Egypt and the Palestinian Authority and claimed that JEPSCO was therefore entitled from a political perspective to do the same. He rejected arguments that the deal would turn Jordan into the hostage of “a certain country,” namely, Israel.²⁸

In February 2016 the current minister of energy and mineral resources, Dr. Ibrahim Saif, again swore to the Jordanian parliament that he would protect Jordan’s national interests, diversify its energy sources, and not put the country at the mercy of any one supply source.²⁹ After signing the deal in September 2016, Mohammad al-Momani, minister of state for media affairs and government spokesman, stated that the argument that the gas agreement is tantamount to supporting the Israeli occupation is the “height of superficiality” and is the “politicization” of an economic step meant to reduce government expenses. According to al-Momani, there is nothing in the peace agreement or in the commercial relations between Jordan and Israel that impacts Jordanian opposition to the occupation.³⁰

In an attempt to deflect criticism of normalization, the Egyptian and Jordanian governments emphasized that they did not conduct the gas agreements directly with Israel but rather that the agreements are between non-governmental companies in Egypt and Jordan and the private international companies developing the Israeli gas fields. This minimization of the role of official institutions on both sides has helped the Egyptian and Jordanian governments to bypass the need for parliamentary approval and to deflect

criticism from those opposed to normalization.³¹ It has also hinted at the willingness of the government to give a green light to non-governmental sectors to trade with organizations in Israel in contrast to restrictions that prevailed in the past, primarily in Egypt, which significantly hampered the development of economic normalization relations that were beyond close state scrutiny. In November 2015, after the signing of the agreement in principle between the Leviathan partnership and the Egyptian Dolphinus Holdings, the Egyptian Ministry of Petroleum and Mineral Resources declared that it “was not a party in the agreement but has no opposition to the private sector importing gas [from Israel], providing it is done with the state’s approval and serves national interests.”³² Likewise, Jordanian Minister Hamed declared that his ministry allows all Jordanian companies, public or private, to import gas from any source they like in order to decrease the soaring energy costs and meet growing electricity needs.³³ This framing of the gas deal signed in September 2016 as a deal between American and Jordanian companies was demonstrated by the fact that the economic rationale was defended mainly by spokespersons from JEPSCO and not from the government. The company’s headquarters in Amman subsequently became the focus of protests against the deal.³⁴

Positions advocating the import of gas from Israel and defending the deal from criticism have also emerged in the public discourse in both countries. An article in the Egyptian pro-regime *al-Masry al-Youm* came out against “empty propaganda that harms nations and does not help them” and determined that “importing gas from Israel is not a crime.”³⁵ Khaled al-Berry, editor-in-chief of the independent Egyptian news site *Dot Masr*, called for closer relations with Israel, specifically on the gas matter, in light of the many interests currently shared by the countries. He wrote that “good relations with Israel, against the backdrop of current conditions and alliances in the region, have become a security and cultural necessity.”³⁶ In the same spirit, an article in the Jordanian *ad-Dustour* entitled “Needs Make Prohibitions Permissible,” determined that “Israeli gas may turn out, unfortunately, to be the quickest and most stable source, despite the political and moral difficulties that accompany this kind of decision.”³⁷ A publicist in the Jordanian newspaper *al-Ra’i* attacked those opposing the gas deal, noting that they have no right “to demand that the government, the company Arab Potash, the national electric company, and Jordanian industry adopt a position that would mean economic suicide.”³⁸ A comment posted by Jordanian Mohammad Ahmad

claimed that without a better alternative, Jordan should import gas from anywhere it wants, “even from the devil.”³⁹

After the deal between JEPSCO and Noble Energy was signed, Jordanian journalists and analysts offered additional justifications. These included claims that: opposition to purchasing Israeli gas amounts to a “Don Quixote” position, comparable to fighting windmills;⁴⁰ the position of the Muslim Brotherhood against the deal stems from their desire to drown the Jordanian state in debts and cause it to fall into anarchy, which would allow the Brotherhood to take over;⁴¹ the gas deal enjoys legal validity according to Paragraph 19 of the Israeli-Jordanian peace agreement, which discusses energy cooperation between the two countries;⁴² and the Jordanian government prefers public protests against the gas deal with Israel over the louder protests expected from the opposition should the gas deal not be signed and gas prices rise.⁴³ In an article entitled “I Too Am against Importing Gas from Israel,” Dr. Safwat Haddadin attempted to reconcile the dissonances stemming from the deal with the “Israeli enemy” by differentiating between national feelings and the rationale expected of state leadership:

I am the last person who would justify the decision to purchase gas from Israel. I have never been satisfied with it, and I will keep opposing it forever. However, political decisions do not always need to square with the desires of the people. Many are opposed to the gas deal, just like the peace agreement itself, but national interests required their existence. . . I do not demand that [public] discourse stop or the opposition be silent, quite the opposite. We must all stick to our opinions, but also remember that the official position and the people’s position sometimes do not overlap, and that this is very healthy.⁴⁴

Conclusion

The discourse in Egypt and Jordan on the gas deals with Israel has demonstrated internal disagreements between the regimes and the oppositions, as well as some of the public, surrounding normalization. Moreover, it has demonstrated the limited influence of the international BDS movement on interactions between Israel and its neighbors. The willingness of the Jordanian and Egyptian governments to promote the gas deals despite disagreements and criticism indicates the heavy weight of economic considerations in shaping

relations between the sides at this time. The mutual dependence that has formed between Israel and the two countries and the mutual advantages that the gas deals offer have allowed shared interests to overcome the traditional political and cultural barriers to developing relationships, albeit for only a specific and limited issue. Cooperation between Israel and its neighbors on the gas issue is likely to deepen in the coming years and might extend to include Israeli gas exports to Turkey and the creation of Arab-Israeli partnerships with Cyprus and Greece. At the same time, Israel must take into account that just as the economic consideration served as a trigger to promote the gas deals between Israel and its neighbors, it may in the future serve as grounds to break off relations. This warning, however, is not a rebuke; from the very moment that economic interests become the be-all and end-all of relations between countries, that is the very essence of normal relations.

Notes

- 1 A process in which natural gas is condensed to become LNG (Liquefied Natural Gas) and transported large distances by sea.
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- 12 Hedy Cohen, "Gas Pipeline to Jordan Will Begin Operation in 2017," *Globes*, March 10-11, 2016, <http://www.globes.co.il/news/article.aspx?did=1001109338>.
- 13 Mahmud al-Waqi, "What is the Difference between Exporting Gas to Israel and Importing from Israel?" *al-Masry al-Youm*, December 25, 2015, www.almasryalyoum.com/news/details/862787.
- 14 "Do You Support Importing Israeli Gas?" *al-Ghad*, n.d., <http://goo.gl/zyIKqV>.
- 15 The establishment of the BDS chapter in Egypt was announced on April 20, 2015 at an event in Cairo attended by political parties, student associations, union heads, and civil society organizations. The chapter operates a Facebook page that received some 10,000 likes by November 2016, www.facebook.com/BDSEGYPT/timeline. See also Salma Shukrallah, "Boycott Israel – BDS Egypt Chapter – Launches with Wide Political Support," *Ahram Online*, April 21, 2015, <http://english.ahram.org.eg/NewsContent/1/64/128223/Egypt/Politics-/Boycott-Israel--BDS-Egypt-chapter--launches-with-w.aspx>; Souzan Mansour, "Is Egypt Ready for a BDS Movement?" *Middle East Eye*, May 4, 2015, www.middleeasteye.net/in-depth/features/egypt-ready-bds-movement-122425667. The BDS chapter in Jordan was established in August 2014, and it opposes all forms of normalization between Jordan and Israel on all levels, exposes goods produced in Israel that are sold in Jordan, and pressures international companies operating in Jordan to boycott Israel. It operates a Facebook page that received some 24,000 likes by November 2016, www.facebook.com/BDSJO/timeline.
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PART III

Security Perspectives

The Battle over Consciousness

Zvi Magen

The international public media campaign against Israel has negative implications for the interests of the state. This is because these are not sporadic displays of hostility but rather the deliberate activation of a subversive campaign waged on the level of consciousness that aims to harm the country's image and international standing and undermine its national security. This campaign therefore constitutes a strategic challenge for Israel's existence and requires appropriate responses and defensive measures.

Throughout history, war has comprised far more than just clashes between opposing parties. One of the oldest forms of warfare is subversion, today also called the "battle over consciousness" or the "image-directed campaign." If the primary effort in every war is directed at the enemy's consciousness for the sake of their ultimate surrender, the battle over consciousness, which incorporates a variety of pressure levers, aims to reinforce this effect without the use of violence. Image-directed techniques are operated against different targets: countries, peoples, non-state organizations, and ideological, religious, and political groups. This is, on the whole, an effective means for creating the conditions necessary to destabilize and endanger the national security of the opponent, regardless of the latter's overall military and economic strength.

The Objectives of the Battle over Consciousness

The battle over consciousness can be waged to cause harm to the opponent by interested countries as well as by various local and international organizations with different agendas. In many cases, this method, which can be categorized as one of the asymmetrical methods of warfare, is an

alternative to the inability to deal with an opponent that is far stronger, and it is thus a good solution for military disadvantage. It embodies a range of elements, among them political and economic, and is designed to influence the public in the target state or community and in the international arena. Unlike violent struggle that is characterized by an organized and extensive concentration of state efforts subject to legal and diplomatic restrictions, the advantages of the war on consciousness are availability, unrestricted geographical deployment, and relatively low economic and political costs. For these reasons, and particularly because it involves little risk of an aggressive response, it is regarded as highly effective in many cases.

The anticipated achievements of image-directed warfare include damaging the systems of the opposing country in order to promote policy change; weakening the stability and governance of the opposing country and harming the functioning of its systems of governance, sometimes in a deliberate effort to change the internal power balance and the relationship between the elites; instigating processes of civil disobedience and encouraging the protests of different population groups, while exploiting the accumulation of negative energy (such as protests and public criticism of the government); provoking the demonization of elites or ethnic and religious sectors in the opposing country; and encouraging the delegitimization of the country or other entities in order to mobilize international pressure. Recent relevant examples include Russian activity against opponents in the post-Soviet sphere, particularly in connection with the crisis in Ukraine and in the Middle East and, on the opposing side, the activity of NATO member states against Russia, which aim to undermine political stability in Russia. These efforts have recently become very extensive, including, for example, direct attacks on the Russian president. The cyber realm has become a very useful and effective weapon in the information war, as illustrated in the accusation that Russia used this measure during the 2016 US presidential elections.

Conducting the Battle over Consciousness

Most countries have an interest in promoting their objectives in foreign countries and in the international system. No country has, it seems, ever confessed to subversive activities, either directly or indirectly, in support of non-state opposition entities in the territory of another state. Nonetheless, it is likely that behind any image-directed campaign there are usually state entities, operating for the most part covertly.

The main activity in executing a battle over consciousness focuses on building varied levers of influence among the target audience, which can be operated either as an open or clandestine campaign. The open campaign is carried out mostly in the public domain, both local and global, by visible influential leaders or by various pawns who act unwittingly. It is generally implemented through the media and with advanced technological systems that are readily available and efficient. The open campaign's image-directed activity can be accompanied by direct political and economic pressures. Past examples of such campaigns include the Arab oil embargo, and more recently, the ever-growing boycott of Israeli products and the damage caused to various aspects of Israel's international economic relations with different countries, and the economic sanctions imposed on Russia by the West in order to pressure Russia to withdraw from Crimea and end its Ukrainian involvement.

Clandestine campaigns implement a variety of methods, ranging from tools of propaganda that aim to incite the public to targeted attacks on persons, institutions, and organizations that include the use of violence (so-called "active measures"). The implementation of clandestine campaigns involves dedicated state agents – secret service and state systems – as well as plenty of recruited agents and pawns. Among the methods used in the war on consciousness are also "soft" propaganda, psychological warfare, manipulative tools for deceiving the public, and tendentious use of the media and the public domain, alongside influential individuals in the media, academia, and politics who are either willingly recruited or pressured to join the effort. All of these methods and, in particular, the availability of global media currently provide the consciousness warfare with more effectiveness and influence than in the past.

The organizations specializing in subversive activity are well known by all the superpowers and many other countries. In some countries the battle over consciousness is run by various secret organizations that are part of the national security system and usually operate according to instructions from the political leadership. Likewise, the non-state entities do not engage sporadically in this activity but are managed by designated professional organizations, also controlled by the leadership. In some countries, including superpowers and Middle East countries, various kinds of organizations and public and private reserves are used to fund non-state activities. Russia claims, for example, that the United States conducts extensive covert operations

via a range of models and methods within Russia and areas under Russian influence in order to destabilize Russia and encourage anti-Russian policies in the Former Soviet Union states. The European Union is also known to provide support and assistance to various influential factors in different countries (through entities like the European Endowment for Democracy [EED], an organization that provides financial assistance in different countries, especially to opposition elements, that the European Union is interested in promoting). Many of the NGOs are, consequently, suspected of taking part in hostile consciousness-raising activities, their representatives are often persecuted by the authorities in the host countries, and legislation is passed in order to restrict their ability to act. The most obvious example of such events is in Russia, but occurs in other countries as well. In the past, Israel used consciousness-raising activities in order to curtail the persecution suffered by Jews in the Soviet Union and the Soviet restrictions on their emigration to Israel.

The Consciousness Campaign against Israel

In the ongoing fight against Israel and the Jewish people by hostile countries and other interested parties around the world, all known concepts and methods of consciousness warfare are implemented. The principles of image-directed combat have, in fact, been applied within the framework of anti-Semitic persecution at various times and various places in the past, aimed at the overall demonization of the Jews and the distribution of collective blame against them for all of society's ills. Since the establishment of the State of Israel, anti-Semitic activity has gradually been disguised using semantics: persecution of the Jews is no longer motivated by anti-Semitism but by the desire to fight Zionism. Thus, for example, while the Soviet authorities claimed measures they took were no more than a struggle against Zionism, these actions were accompanied by blatant and aggressive expressions of anti-Semitism. Today too, non-state organized consciousness warfare against Israel and the Jewish people is conducted under a guise of innocence and the claim to be no more than opposition to Israel's ongoing occupation of the territory conquered in the Six Day War. This activity is directed and backed by certain Western countries that aspire to harm Israeli interests and receives active support from countries in the Islamic world in general and the Middle East in particular.

The objective of the consciousness warfare against Israel is to bring about Israel's downfall. It comprises a number of elements all working together: internal subversion within relevant target groups in Israel, aimed at destabilizing the country and its governance; the raising of international pressure against Israel by using image-directed techniques among the public and the establishment in various countries; and image-directed activities against the Jewish people in the Diaspora, activity that in many cases is driven by anti-Semitism. Among the initiators and organizers of these activities are countries and non-state entities that are in conflict with Israel both in the West and in the Arab world and are often directed by hostile states.

The BDS phenomenon is a striking example of the model of a non-state organization, guided and backed by different countries in the context of their battle over consciousness against Israel. The BDS entities are, ultimately, operating only partially as independent bodies; they are mostly associations that are directly or indirectly backed by interested parties such as enemy countries and organizations in the Middle East and ideological anti-Israeli parties in the West from both the extreme left and the extreme right of the political map.

Conclusions

The tools of the battle over consciousness are effective in causing damage to countries and non-state targets without the risk of getting entangled in a violent war. Consequently, this type of warfare, also termed image-directed warfare, poses a threat to the national security interests of any country under attack including, of course, Israel, which is currently in the midst of such an attack. This fighting method has become more effective and intensive than ever due to the development of global media, in particular the meteoric rise of social media. The State of Israel thus faces a real challenge, namely, how to deal with warfare that has the power to promote various negative goals: to destabilize the country, to mobilize international pressure against the country and its interests around the world, and, ultimately, to cause harm to the country's national security.

This challenge requires proper organization of the state's institutions in order to contain it. In addition to the formulation and implementation of a solution within the country's borders, the international public arena – the battleground in the image-directed campaign and the battle over consciousness – must not be neglected and left in the hands of the adversary. In this domain,

it would be appropriate to mobilize, alongside the relevant Israeli parties, Diaspora Jews to assist in campaigning efforts among the local public, in the media and particularly the various social networks, and in organized public activity, both open and covert. All this would be done under the guidance and in full coordination with the relevant state institutions.

In addition to reaching out to the Israeli public consciousness and managing an international public media campaign, management of this issue should involve extensive intelligence work in order to find the players in the field and their puppet masters and to develop tools and methods to neutralize them. This is a complex, arduous, and ongoing task that in order to succeed must be led by a designated command center serving as both a professional body for formulating the tools and methods of operation and an operational headquarters for coordinating and controlling the delegitimization activities around the world. It is therefore recommended that existing infrastructure of public and academic institutions be used and placed at the forefront of Israel's struggle against the ongoing war on consciousness, as public and not state bodies, so that Israel could not be accused of chasing after "innocent" organizations.

The Intelligence Challenge in the Phenomenon of Delegitimization

David Siman-Tov and Kobi Michael

Delegitimization of Israel was identified as a central political and security challenge as early as the Durban Conference in 2001. The significance of this challenge has increased greatly in recent years, especially against the backdrop of formative events such as the deadlock in the peace process, the rounds of violent confrontations in Gaza, the Goldstone Report on Operation Cast Lead, the international legal campaign after Operation Protective Edge, and the international response to the *Mavi Marmara* incident. Another development that has contributed to the momentum of the delegitimization movement is the Palestinian Authority's decision to engage in an international diplomatic struggle and have the international community impose a one-sided arrangement on Israel not reached through negotiations. To this end, the Palestinian Authority seeks to harm Israel's image and undermine its legitimacy. The efforts to delegitimize Israel are reflected in a variety of arenas and include political, legal, and economic battles as well as demonstrations and public protests. In most cases, the perpetrators of delegitimization disguise their goal as criticism of Israeli government policy. Especially prominent in recent years are the activities of the BDS movement, which is characterized by network-based activity by organizations and activists in a number of leading hubs in the Western world and impacts a wide range of areas, from the academic, ideological, and cultural arenas to the economic and other arenas, such as sports.

Since in recent years the challenge of delegitimization has been defined as a national security challenge, the intelligence community must also join the efforts to address the issue, even if it is beyond its traditional, more natural field of operations. In response to the claim that the challenge would be better addressed by the Ministry of Foreign Affairs or NGOs, we contend that certain aspects of BDS activities require continuous, systematic, and covert operations by the intelligence community (including the gathering of intelligence and influence).

The *Mavi Marmara* incident in May 2010 was an important turning point in the approach of the Israeli security establishment, including the intelligence community, toward the delegitimization challenge. The incident proved that the delegitimization campaign can lead to political escalation (in this case between Israel and Turkey) and exact a heavy political toll. The efforts to learn and synchronize the political response to the delegitimization challenge were coordinated at that time by the Ministry of Strategic Affairs, headed by Minister Moshe (“Bogie”) Ya’alon. Both identification of the need for intelligence preparedness and response and the familiarity of the minister and senior ministry staff with the intelligence community aided communication with intelligence echelons, particularly Military Intelligence, and led to the creation in 2011 of a department specializing in the delegitimization issue in the intelligence’s research division. The Ministry of Strategic Affairs allocated a budget to support the creation of this department¹ and developed a format for cooperation between them. The research conducted by the research division is then published according to the distribution regulations of other publications of Military Intelligence and those of the intelligence and terrorism center of the Intelligence Heritage Center. Information is collected by the intelligence collection unit, with an emphasis on open sources (OSINT). While we lack information on the activities of covert intelligence collection bodies of the IDF or other intelligence organizations (the Israel Security Agency and Mossad), we assume that they too will have made certain adjustments, since the nature of this mission is different from their core missions.

This article discusses the main system-wide tasks of the intelligence community regarding the delegitimization challenge, analyzes relevant tensions, difficulties, and problems, and highlights the unique issues that the intelligence community must address. Areas where the Ministry of Foreign Affairs – which is responsible for advocacy efforts, including the positive

branding of Israel – has a comparative advantage are beyond the scope of this article. We address a number of central questions: is delegitimization, in fact, an intelligence challenge? What is the essence of this challenge, and what is its unique nature? How should the intelligence community deal with the intelligence challenge (with an emphasis on ethical issues)? What are the barriers and obstacles facing the intelligence community in dealing with the challenge, and how should it handle them? How should the intelligence community relate to civilian bodies involved in the struggle against delegitimization?

The Main Role of the Intelligence Services

The first role of intelligence is to monitor and analyze the delegitimization phenomenon as a security and strategic challenge. It should be assumed that the phenomenon will change over time, since its advocates are on a learning curve that responds to challenges from Israeli and international systems. The intelligence community must identify these changes and bring them to the attention of the leadership. The intelligence community must work to address the delegitimization challenge together with government ministries, such as the Ministry of Foreign Affairs and the Ministry of Strategic Affairs,² and research institutes such as the Reut Institute³ and the Institute for National Security Studies.⁴

The intelligence response can be classified into three levels: strategic, operational, and conceptual. The strategic level requires characterizing the overall structure of the phenomenon and understanding its rationale, trends, center of activity, and network characteristics. Such insight should create the foundations for understanding the phenomenon and distinguishing between delegitimization efforts and general criticism of Israeli government policy. On the operational level, an intelligence picture must be formed in order to support and guide operative efforts. This picture must include the infrastructures of the organizations, their activists, and their modus operandi as well as their plans of action. The conceptual level requires a deep understanding of the delegitimization phenomenon and its areas of operation in order to create the knowledge infrastructure required to intervene and influence trends that are advantageous to Israel. It is in this sphere of activity that the ethical dilemmas facing the intelligence community emerge. One of these is the fact that the intelligence services are required to influence the object of their research in conjunction with the messages that Israel is trying to

impart. In such cases, there is a danger of surrendering to prejudices that stem from concentrating more on the influence of the research object than other aspects, and this can affect the quality of the research.

There are essential interfaces and interactions between the three levels of intelligence activity. After characterizing the system – namely, forming a clear conceptualization of the phenomenon and its goals and methods – the intelligence community must examine its components and create the knowledge base needed to address the displays of delegitimization and its agents.⁵ Delegitimization must be approached as a network phenomenon in which it is sometimes difficult to identify the leaders and to locate its centers of gravity (global cities that contain a concentration of international media, government and legal institutions, academic institutions, NGOs, and human rights organizations). Messages and actions hostile to Israel emanate from these centers of gravity, and the intelligence community must characterize their methods of operation and their unique characteristics.⁶

In addition, the intelligence agencies are required to provide advance warning about the development of specific anti-Israel delegitimization campaigns, so that they can be prevented or disrupted.⁷ Anti-Israel delegitimization campaigns can be broad and decentralized, such as the apartheid week held at a number of prominent locations around the world, or smaller and more focused, such as protest flotillas or flyovers. Both types demand intelligence for location and for guidance in order to prevent or minimize their influence, using the various bodies and mechanisms at Israel's disposal.⁸ Special emphasis should be placed on social networks, which serve as convenient and efficient platforms for disseminating messages, organizing delegitimization activities, fundraising, and recruiting supporters and activists.⁹

Prevention and disruption can be implemented through a variety of means and methods in which intelligence plays a central role, including:

- a. Maligning and incriminating delegitimization activists for their collaboration with terrorist organizations and with organizations and countries that violate human rights;
- b. Exposing their methods of fundraising and the dubious validity of their resources;
- c. Disclosing information on the personal histories of delegitimization activists that includes breaking the law or contravening accepted Western norms;

- d. Coordinating with friendly countries, governments, and intelligence organizations in order to prevent activities (e.g., collaborating with the local governments to stop flotillas sailing from Greece or Cyprus);
- e. Actively sabotaging delegitimization activities (e.g., legal battles against anti-Israel activists and protests and counter-demonstrations against delegitimization actions while they are taking place).

The intelligence community must develop the ability to distinguish between the activists and leaders of the delegitimization campaign¹⁰ and the supporters. While the former constitute the ideological, militant, and organizational hard core, the latter include many who do not necessarily distinguish between criticism of Israeli government policy and actual delegitimization. An intelligence infrastructure is required that is able to vilify the former while working with the latter in order to identify potential discussion partners with whom diplomatic and other relevant bodies (such as Jewish groups or other organizations that identify with Israel) can develop channels of dialogue and persuasion.

Analyzing the Challenge: The Problems, Difficulties, and Uniqueness of Providing an Intelligence Response

The intelligence community must be persuaded to recognize the importance of the issue at hand and to invest in the necessary intelligence collection, research, and technology. The allocation of a few researchers is not enough; without investment in additional intelligence-gathering efforts and technological resources, the researchers will have no relative advantage over civilian bodies that receive their information from open sources alone. This challenge is not trivial, since it seemingly contradicts the traditional areas in which the intelligence community operates – army, security, and policy – and involves consumers who are not their usual “clienteles” (such as the army, decision makers, and other intelligence organizations). Some of the coordinators of this intelligence on delegitimization will need, with the necessary adjustments, to assist state and non-state organizations that are not actually security organizations but whose contribution may prove essential and irreplaceable.

It is not easy to allocate the appropriate resources and create intelligence outputs for bodies that are outside of the security and intelligence communities. It entails a conceptual shift within the entire intelligence community due also to the need to allocate resources for an intelligence review of civil

society organizations, be they in the Palestinian Authority or in Europe and the United States. These organizations are not traditionally defined as a security threat and are not usually a high priority for intelligence coverage; in most cases, the intelligence community has limited access to them and lacks knowledge and experience dealing with them.

The intelligence community must, therefore, develop connections with civilian bodies in order both to collect and develop information and to learn and promote an integrative approach. Israeli intelligence agencies must learn the corresponding system that deals with that same challenge – a complex system that includes government ministries, research institutes, private entities in Israel, and Jewish organizations outside of Israel. The “using-a-network-to-fight-a-network” principle should, it seems, be applied by creating connections with civilian bodies in order to develop intelligence that is also based on non-classified sources and by passing this intelligence on so that these civilian bodies can make operative use of it.¹¹ It is important to note that some of the civilian bodies may not want to be in direct contact with Israeli intelligence agencies due to their emphasis on being independent and their assumption that being identified as Israeli agents or representatives would harm their public standing and their ability to influence. Moreover, even if the bodies do want to cooperate, language gaps and gaps between military and civilian culture will need to be bridged.

In order to fulfill the principle of integrative intelligence activity, the intelligence community, along with other governmental and private parties, must examine what its comparative advantage is and where to focus covert political efforts. In certain centers of activity, such as American university campuses, it would not be appropriate for the intelligence community to develop independent capabilities; rather, it should depend on civilian organizations for whom universities are their natural environment. On the other hand, there are civilian bodies that are eager for quality intelligence that only the intelligence community can develop. It must arrange for the transfer of intelligence to such bodies and create special integrative mechanisms to ensure that its assessments are conveyed to the relevant parties in a timely manner.

Technology offers many opportunities for creating net-based connections between intelligence bodies and civilian bodies, but the main obstacles to such integration are conceptual, procedural, and security. In addition, the intelligence community will need to improve its ability to “launder” classified

intelligence products and allow them to reach the relevant organizations that are partners in the struggle against delegitimization. The tension between maintaining the security of sources and fully using intelligence for action exists in many other areas. In the case of the battle against delegitimization, however, it is greater, because most of the clients of intelligence products are civilian bodies, which lack the tradition of maintaining the security of their sources.

The intelligence community must also acquire and develop special areas of knowledge for the intelligence campaign against delegitimization. These areas differ according to developments on the other side, and the leaders of intelligence efforts must thus identify them, particularly those that are not their natural territory. One example is the legal domain, a central element of the delegitimization campaign. The intelligence community must develop knowledge on international and local law in the relevant countries and involve legal advisors in order to research the phenomenon and direct intelligence collection efforts accordingly. This also applies to the economic, cultural, and media domains.

Ethics: Between Intelligence and Policy

There are those who maintain that there is a gap between the delegitimization campaign's true strength and its apparent strength, and that the phenomenon is magnified by grouping the true delegitimization advocates with those who harshly and virulently criticize Israeli government policy and seek to bring about change in its approach to the Israeli-Palestinian conflict. It is important to emphasize that as harsh and virulent as they may be, these critics do not reject the State of Israel's right to exist as the nation-state of the Jewish people or Israel's right to defend itself.¹² This magnification of the delegitimization phenomena, whether intentional or not, serves the interests of a government policy that does not advance the peace process, since it helps to blur the distinctions between the two groups and intensifies the sense of threat in a way that encourages the preservation of the existing policy. Under these conditions, the intelligence community could face an ethical dilemma involving the leadership. It must therefore describe the strategic challenge as it understands it, challenge the worldview of the decision makers, and not make the intelligence efforts fit one specific policy. It should, likewise, dedicate resources to verify the phenomenon, even if the

result of the research is to disprove it or to present an intelligence picture that is not consistent with the leadership's policy.

As with all other strategic challenges, the intelligence community encounters dilemmas regarding its interpretations, influence, and even implementation of policies and is required to express opinions about the relevance of government strategy and policy. In the case of addressing delegitimization, this is even more necessary, since it must provide material that will assist with advocacy, ideological activity, and psychological warfare. This could create tension between the way the intelligence community analyzes material from a systematic perspective and the "products" it is asked to generate, which may seem to have been "ordered"; the intelligence community may even extol the policy and thus lose the ability to criticize it.¹³

Another challenge is the concern that intelligence assessments of the delegitimization phenomenon could be used for political purposes, especially if left-wing Israeli organizations are directly or indirectly involved in the delegitimization campaign. The intelligence community would thus find itself in an ethical dilemma not found when dealing with traditional adversaries in the Middle East. Indeed, there have been voices of criticism in the Ministry of Foreign Affairs about the involvement of the intelligence community in general and the army in particular in this issue, since there is a basic disagreement about the concept of delegitimization and about what is considered legitimate criticism of government policy and what is not.¹⁴ There has been similar criticism of the added value of Military Intelligence's involvement with the delegitimization phenomenon. However, as the scope of the phenomenon becomes clear, it becomes increasingly apparent that the intelligence agencies can have a significant contribution with particular regard to covert intelligence collection, systematic understanding, focused research, and influence.

Conclusion

The delegitimization phenomenon is a new national security challenge for Israel, and once identified as such, the intelligence community must provide an appropriate response. Intelligence agencies must assess it, as they do all other strategic phenomena that are based on a changing and learning system, and point out the varying dynamics to decision makers and to those involved in operative actions. The intelligence agencies must determine whether delegitimization is one monolithic challenge or whether

it is a range of challenges, some of which do not oppose the existence of Israel but rather criticize its national policies. This issue reveals the ethical tension facing the intelligence community: on the one hand, it must deliver the goods asked of it (in other words, it must serve the government's policy), but it is also required to challenge the worldview of the leadership. There are those who claim that putting all of those who oppose Israel in the same basket of delegitimization serves the interests of those who are not interested in initiating a peace process; the intelligence community must be aware of this claim.

The central intelligence tasks are to identify and characterize the delegitimization phenomenon using a comprehensive and strategic perspective, to relate to the operational level with specific systems and public displays, to assist in the prevention or disruption of these actions, and to operate on the level of consciousness, which it is also capable of influencing. The intelligence community must describe the delegitimization system and its main players – key figures and bodies and the connections between them – and the ways in which messages are transmitted online between the participants. A focus on key figures is also required in order to take action that will thwart their campaigning efforts.

One of the main challenges is the need for combined action with civilian bodies that are partners in knowledge development, including research institutes and the operative bodies who make use of the information. To this end, mechanisms must be developed for the quick release of intelligence material without damaging the security of the sources.

Notes

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- 2 Major Ofer, "The Campaign to Delegitimize the IDF's Actions," *Maarachot* 434, December 2010.
- 3 *Israel's Delegitimization Challenge: Building a Political Firewall*, Reut Institute, February 2010. English version, March 2010, available at <http://reut-institute.org/data/uploads/PDFVer/20100310%20Delegitimacy%20Eng.pdf>.
- 4 Yehuda Ben Meir and Owen Alterman, "The Delegitimization Threat: Roots, Manifestation, and Containment," in *Strategic Survey for Israel 2011*, eds. Anat Kurz and Shlomo Brom (Tel Aviv: Institute for National Security Studies, 2011), pp. 121-37, <http://www.inss.org.il/wp-content/uploads/2017/03/The-delegitimization-threat.pdf>.

- 5 An example of such coverage is the analysis of BNC (BDS National Committee) in Ramallah, which presents itself as the leadership of the BDS campaign, Meir Amit Intelligence Heritage Center, October 22, 2015, http://www.terrorism-info.org.il/Data/articles/Art_20893/H_187_15_906019859.pdf, or more comprehensive coverage that analyzes “The Place of the Palestinians in the BDS Campaign,” July 29, 2015, <http://www.terrorism-info.org.il/he/20851/>.
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- 12 Doron Matza, “Delegitimization: The Left as a Blind Goat,” Molad website, November 30, 2015.
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Delegitimization of Israel: A Nuclear Dimension?

Emily B. Landau

Introduction

The delegitimization movement, whose aim is to launch an international boycott of Israel, justifies its actions on the basis that Israel has occupied Palestinian land and oppresses the Palestinian people. The movement's focus on the Israeli-Palestinian conflict has over the past few years fostered the sense among some that if the occupation were to come to an end, then the delegitimization movement would disappear, or at least its core rationale would be severely weakened. But events in recent years have made it clear that some (it is not clear quite how many) of those who have jumped on the delegitimization bandwagon are far more anti-Israel than they are pro-Palestinian. Moreover, anti-Semitic under- and over-tones have been evident in their activities and rhetoric, especially during and since the events of Operation Protective Edge in the summer of 2014.

One need look no further than the UN organs to appreciate that the attempt to delegitimize Israel goes beyond the issue of the occupation. Israel is accused of being a serial violator of human rights, including gay rights and the rights of women, while the UN routinely adopts resolutions that single out Israel for condemnation with no mention of other states that have far worse human rights records. For example, in early 2015 Israel was the only country denounced for violating women's rights by a commission on the status of women.¹ In another notable instance of stark UN bias against Israel, a November 2015 resolution focused on the Golan Heights. Thus,

in the midst of the ongoing carnage in a bloody civil war that was already ripping through Syria for almost five years, the resolution stipulated that Israel was the problem: “the continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region.”²² The blatant hypocrisy of such UN decisions underscores that there is something deeper and more pervasive at stake.

Delegitimizing Israel: Beyond the Israeli-Palestinian Context

It is no simple matter to capture the essence of the delegitimization movement – its underlying rationale as well as its make-up, organization, and basis of support. The amorphous nature of the movement – which is expressed in its grassroots organizations alongside official international organizations – and the fact that the anti-Israel discourse characterizing it takes place in the media, among prominent artists, and in institutions of higher learning makes it difficult to pin down. There seems to be a hard core of committed anti-Israel activists and enthusiasts and a broader, more diverse group that surrounds that core. The peripheral supporters might be just going along for the ride and therefore may be less committed to the cause; on the other hand, they might be using the movement as a convenient cover for their own deep-seated anti-Israel and/or anti-Semitic sentiments.

Even with these dilemmas about how to define the phenomenon, it is hard to miss the atmosphere of intense opposition and expressions of hatred toward Israel that are apparent in BDS demonstrations and boycotts, in social media, and on college campuses in the US and Europe. Considering how deeply entrenched the delegitimization trends have become, it is doubtful whether the movement would disappear even were peace to be achieved between Israel and the Palestinians. There is at least an equal probability that the determined and well-organized delegitimization activists would turn elsewhere, targeting other issues, such as the plight of the Arab minority living in Israel. Regarding the latter, while Israel can certainly do more to improve the situation, it is also true that as long as Israel is defined as a Jewish and democratic state, the tensions are not likely to disappear. It is indeed difficult to envision how the issue would be resolved to the satisfaction of Israel’s detractors, and it is far more likely that it will continue to provide fertile ground for their anti-Israel cause.

There are likely to be other areas, beyond the purview of the Israel-Palestinian conflict, where a profoundly anti-Israel stance might continue to solidify and reverberate. This article briefly considers the likelihood of Israel's policies and positions on WMD/nuclear arms control issues becoming a more central focus of anti-Israel sentiments and movements. It discusses current trends and poses the question whether the nuclear realm – in particular, Israel's policy of nuclear ambiguity in the context of global nuclear nonproliferation efforts – could be the target of the ongoing efforts to delegitimize Israel. Two specific cases will be examined in which anti-Israel stances have surfaced in recent years: first, surrounding the twelve-year effort to stop Iran from attaining a military nuclear capability, and second, surrounding the efforts from 2010 to 2015 to convene a conference on a Weapons of Mass Destruction Free Zone (WMDFZ) for the Middle East. The goal is to assess the likelihood of these trends congealing into a meaningful anti-Israel stance – namely, the delegitimization of Israel via WMD issues. Because there is a basis for such claims, as well as emerging trends, this is an interesting and largely unexplored aspect of the overall delegitimization phenomenon that is worthy of consideration.

Iran Nuclear Crisis and Debate

In the context of the debate over how best to curb Iran's military nuclear ambitions, a new trend has emerged over the past decade that pointed an accusing finger at Israel in the nuclear realm, no less than Iran, sometimes going so far as to assert that it is in fact Israel that is the problem and not Iran.³ For at least two decades, Iran has been trying to deflect attention from itself and from suspicions that it ever advanced a military nuclear program (a fact finally confirmed in the IAEA report of December 2015). One strategy has been to emphasize that it is Israel that is the sole nuclear threat in the region and that it is this threat that must be the focus of international attention.⁴ For years it seemed that no one was picking up on this narrative: Israel's policy of nuclear ambiguity did not raise particular concern in nonproliferation debates, and there was a sense of widespread, albeit implicit, understanding that not only does Israel have existential concerns that justify maintaining a nuclear deterrent but that Israel has proven to be a very responsible and restrained (if assumed) nuclear player.

But more recently – and in the context of discussions focused on Iran – a shift has occurred, and Israel's nuclear stance is now up for debate. The

idea that Israel suddenly poses a nuclear threat has gained some traction in the wider international debate, although it is still not widespread. For the Israel critics, the differences between Israel and Iran in the nuclear realm boil down to the fact that Iran is a member of the NPT and does not possess nuclear weapons, while Israel remains outside the Treaty and is assumed to have an arsenal of nuclear weapons. This narrative either ignores or distorts other meaningful differences between the two states that provide essential context: for example, the fact that Israel is defensively oriented in the nuclear realm and has a solid forty plus-year record of restraint and responsibility, whereas Iran joined the NPT only to use it later as a cover for violating the commitment that it made when it joined, namely, never to work on a military nuclear capability. Iran has been deceiving the international community for decades, while aggressively provoking its neighbors and openly rejecting Israel's right to exist as a sovereign state in the Middle East. Ignoring these salient differences between the two states, detractors still ask why Iran is challenged by the international community when it is Israel that actually possesses nuclear weapons, making it the "true" regional menace.

What we see on the Iranian nuclear front is an emerging pattern that is quite similar to the one that fuels attacks on Israel regarding the Palestinian issue, namely, that Israel is presented as the guilty party, the Iranians (like the Palestinians) are blameless, and the complex realities on the ground are ignored. As in the Palestinian context, this comes down to an anti-Israel stance rather than genuine concern for nuclear disarmament. Even if people do not adhere to the view that Israel is a so-called nuclear menace, it has become quite commonplace to question why Israel is "allowed" to have what Iran is denied.

WMDFZ Conference for the Middle East

In the 2010 NPT Review Conference (RevCon) the idea emerged of holding a WMDFZ conference for the Middle East before the end of 2012. From the time of this conference to the time of the follow-up conference five years later (2015), attempts were made, unsuccessfully, to set an agenda and a date for this WMDFZ conference. But these discussions also turned into a new arena for raising complaints against Israel in the nuclear realm. In fact, the WMDFZ initiative has a much longer history, with the idea first introduced and included in the final consensus document of the NPT RevCon as early as 1995. The 1995 initiative was spearheaded by Egypt, following

its disappointment with the Arms Control and Regional Security (ACRS) talks of the early 1990s. Egypt had hoped ACRS would focus on Israel's assumed nuclear capability, and when that did not happen, Egypt turned to the NPT framework. This was presented as a regional initiative, but for Egypt, the main concern was getting Israel to join the NPT and dismantling whatever military nuclear capability it had.⁵

From that time, Egypt continued to wage its diplomatic campaign against Israel in the nuclear realm. But the decision that was included in the 2010 RevCon final document created new impetus for this agenda, especially as the event dovetailed with President Obama's disarmament agenda, presented in a speech in Prague in April 2009.⁶ In the ensuing discussions over whether and when to hold a conference, Israel was increasingly singled out by Egypt and other states in the Middle East as the major obstacle to setting a date for the event, even though the resolution that was adopted had stipulated that the convening of the conference must be freely arrived at by the regional parties.

The focus on Israel fueled sentiments that Israel – the so-called nuclear state – was not cooperating with an agenda supported by all other states in the region. Significantly, however, after the parties had failed by late 2012 to convene a conference, the Finnish facilitator, Ambassador Jaakko Laajava, worked tirelessly to hold informal discussions among the Middle East parties with the aim of setting an agenda for the conference.⁷ While Israel cooperated fully with this informal process of agenda-setting in a series of meetings that took place during 2013 and 2014, the Arab participants were less consistent and committed, and Iran came only to the first meeting. Still, it was Israel that was accused of not cooperating with the others and of defying this new regional WMD arms control dynamic.

Discussion

Having set forth the general parameters of the Iran nuclear crisis and the issues surrounding the discussion of a WMDFZ, and in particular the way Israel has been targeted in the nuclear realm, it becomes clear that Israel's nuclear program has of late become a topic of public debate in a way that breaks with past tendencies, especially vis-à-vis the Iran nuclear crisis. But how likely is it that these trends will turn into a more meaningful and widespread phenomenon? There is no single answer to this question.

Of the two main areas, criticism of Israel in the context of the Iran nuclear crisis has provided more fertile ground for delegitimization trends than the

WMDFZ issue. In fact, the major criticism of Israel regarding the WMDFZ has been voiced at official state levels and has been much less visible in unofficial, non-expert circles and discussions. Interestingly, while the WMDFZ dynamic unfolded in tandem with the intensification of the nuclear crisis with Iran, the process was, for the most part, discussed separately. Moreover, even though Israel was a direct participant in developments regarding the WMDFZ conference and could therefore have been assumed to become a more prominent target of criticism, this did not ultimately happen. The complaints that were leveled against Israel in the broader public debate were mainly confined to debate over the Iran nuclear crisis.

The relative lack of appeal of the WMDFZ initiative can be explained by the following three factors: first, it is a topic that is virtually unknown beyond the expert community; second, within that expert community it is well known that Israel actually took a positive stance toward Ambassador Laajava's efforts to initiate informal talks with the aim of carving out a conference agenda; and finally, at the 2015 NPT RevCon, Egypt overplayed its hand with a new and very harsh proposal that targeted Israel in a way that the previous document had not, and this led the United States, Britain, and Canada to withhold support for the RevCon final document.⁸ It also became clear that some of the other Arab states did not necessarily support Egypt's new proposal. As a result, the WMDFZ conference idea has been taken off the NPT agenda until at least 2020. While the Iran nuclear crisis has provided more opportunities for Israel's delegitimization, here too it is likely that with the announcement of the Joint Comprehensive Plan of Action (JCPOA) in July 2015 and the reduction in attention to the Iran nuclear issue, the references to Israel will also lose their potency. The issue is partially dependent on Israel's actions; Israel should not be the one standing at the forefront against a nuclear Iran, as it is in the interest of all the global and regional powers to prevent this outcome. It is possible that the decision by Israel's prime minister, Benjamin Netanyahu, to emphasize this struggle, for example in his speeches at the United Nations, has paradoxically contributed to putting Israel in the spotlight.

An interesting question remains whether delegitimization trends that emerged in the nuclear realm have been fueled and intensified by the delegitimization movement in the Israeli-Palestinian arena. Here, the answer seems to be in the affirmative, as the different aspects of the overall phenomenon tend to feed off of each other. In other words, if it starts to

be politically acceptable to bash Israel in one context, it is therefore much easier to create and disseminate a damning case against it in another, and Israel becomes fair game for biased and hypocritical critique. Indeed, there is a dangerous normative dimension to the phenomenon when it becomes acceptable and even commonplace to harshly and often unfairly criticize Israel in any and all discussions – be it in the UN, the media, or “polite conversation” at respectable dinner parties.

As long as the Israel-Palestine question assumes center stage, there is no need for another full-blown anti-Israel campaign, and therefore, for this reason too, the nuclear issue is likely to remain relatively contained, at least for the time being. Nevertheless, the new trends that have emerged of late in nuclear debates should not be ignored or brushed aside. The seeds have been sown and will be easier to exploit if and when the issue resurfaces in the future.

Notes

- 1 “Israel Singled Out at the UN for Women’s Right Violations,” *Times of Israel*, March 21, 2015, <http://www.timesofisrael.com/israel-singled-out-at-un-for-womens-right-violations/>.
- 2 UN Watch, “UN Adopts 6 Resolutions on Israel, 0 on Rest of World,” November 25, 2015, <https://www.unwatch.org/un-adopts-6-resolutions-on-israel-0-on-rest-of-world/>.
- 3 A good example is David Morrison, “The Elephant in the Room: Israel’s Nuclear Weapons,” *Electronic Intifada*, June 28, 2009. Morrison was described as “a political officer for the Ireland Palestine Solidarity Campaign,” in an article that hinted at the possible shift from the Palestinian sphere to the nuclear one. See also Julian Borger, “The Truth About Israel’s Secret Nuclear Arsenal,” *The Guardian*, January 15, 2014; Lamis Adoni, “Israel: The Real Nuclear Threat in the Middle East,” *The New Arab*, April 3, 2015; Bruce Riedel, “Israel, Not Iran, Started Middle East Nuclear Arms Race,” *al-Monitor*, July 29, 2015; Kit O’Connell, “Iran Has 0 Nukes While Israel’s 80 Nuclear Weapons are Real Threat to Peace,” *MintPress News*, August 21, 2015; and Walter L Hixon, “Israel Says Iran’s Lying about its Nuclear Program? That’s Rich,” *History News Network*, October 7, 2015.
- 4 See Emily B. Landau, “If Iran Then Israel? Competing Nuclear Norms in the Middle East,” *Strategic Assessment* 12, no. 3 (2009), especially pp. 98-100.
- 5 See Emily B. Landau, “Egypt, Israel, and the WMD/FZ Conference for the Middle East: Setting the Record Straight,” *Israel Journal of Foreign Affairs* 7, no. 1 (2013): 13-16.
- 6 Ibid.

- 7 See Emily B. Landau and Shimon Stein, “NPT RevCon 2015: Considerations for Convening a WMDFZ Conference,” *INSS Insight* No. 691, April 27, 2015.
- 8 Emily B. Landau and Shimon Stein, “2015 NPT RevCon: WMDFZ Conference off the Table, For Now,” *INSS Insight* No. 705, June 3, 2015.

PART IV

Public and Communications Perspectives

Uneconomic Relationships: Israel's Relations with International Non-Governmental Organizations¹

Einav Yogev

In April 2016, Amnesty International published an announcement expressing concern about the safety and freedom of Palestinian human rights defenders active in the BDS movement, in particular Omar Barghouti, leader of the movement. Amnesty International sees Barghouti and other BDS activists as human rights activists who devote their time to non-violent and legitimate civilian activity designed to make Israel take responsibility for its ongoing violations of international law and human rights in the Palestinian territories and against its Palestinian citizens.² The announcement was published following public statements by Ministers Yisrael Katz, Gilad Erdan, and Aryeh Deri that Israel should engage in “targeted civil eliminations” against the boycott movement and threaten to deprive Omar Barghouti in particular of his basic rights as a permanent resident of Israel.³ According to Amnesty International, the statements by senior cabinet ministers constitute an escalation in a series of incendiary statements and threats by Israeli parties with whom human rights defenders and BDS operatives, headed by Barghouti, are forced to deal. Amnesty International alleged that there was a concrete threat to the human rights defenders’ freedom of expression and action due, inter alia, to the choice of words that hinted at the controversial policy of “targeted killings.”

The importance of the support to BDS operatives and Omar Barghouti by Amnesty International, one of the world’s oldest and most important human rights organizations, cannot be overstated. While in Israel the ideology and

methods of the BDS movement are regarded as denying the natural rights of the Jewish people to self-determination in their own country, Amnesty International gives BDS operatives full support as human rights activists, justifying and morally validating their actions and ideas. This expression of support testifies to the polarization between the Israeli public and a leading non-governmental international player like Amnesty International. While the organization has attracted widespread criticism and negative exposure in the Israeli media and public opinion in recent years, it enjoys high professional standing and wide legitimacy throughout the world and among decision makers, and in this vein was awarded the Nobel Peace Prize in 1977.

This gap between the Israeli framing of BDS ideology and actions and Amnesty International's announcement of support, and the division between the dismissal and criticism of Amnesty International in Israeli public opinion and the organization's high international credibility, highlight the chasm that has developed in recent decades between Israel and many of the important international non-governmental organizations (NGOs) across the political spectrum. This is not a healthy situation for Israel, as these NGOs have great influence on Israel's international standing and on the delegitimization campaign. This article discusses the changes in the NGOs' status, their range of influence, and especially, the way they have operated in the international theater over the past twenty years. It examines how a positive change in the conception and policy of international NGOs toward Israel can be achieved, thus reducing their contribution to the delegitimization discourse.

Changes in the Modus Operandi of NGOs in the International Arena

The influence of international NGOs has grown since the end of the Cold War. While international relations were formerly the realm of diplomats, officials, and decision makers of the various countries, today there is a diverse group of players that cannot be ignored, including international NGOs. These organizations have moved from the sidelines to center stage in global politics and exert their power and influence in all aspects of international relations and the formation of international policy. They focus on local and international issues, including the war on poverty; the protection of human rights; the provision of physical security to all persons regardless of gender, sex, race, nationality, or religion; environmental protection; and universal access to health care and medical treatment. This focus at both

the local and global level has given these organizations a positive image in the international community. Very few countries relate to them with the suspicions and criticisms that frequently shape the approach to countries or corporations.

The changes in the world's political array of forces have also impacted the international NGOs' concept of action. When they were founded in the early or mid-twentieth century, organizations such as Oxfam, Care International, Amnesty International, Save the Children, World Vision International, Médecins Sans Frontières (Doctors Without Borders), and Human Rights Watch were careful to stick to apolitical policies, seeking mainly to ease the suffering of individuals or groups regardless of their political inclinations. In their actions, these organizations frequently declared that they were apolitical and sought to promote universal concepts that transcended nationality and local political complexities. This *modus operandi* lent them credibility and helped establish their reputation as entities that surpass politics and culture. With the changes in the world order, however, some of these organizations realized that in order to bring about a sustainable change in global priorities with respect to the issues on their agenda, they had to be actively and publicly involved in the political domain. Rejecting the idea that poverty, inequality, hunger, and disease are necessary and unchangeable conditions, these organizations claim that we now have the means and the technology to end the evils afflicting humanity. It is, they assert, political interests, and not forces of nature or unconscious decisions, that bring about these evils, and thus political interests and the business and political playing fields cannot be ignored if the organizations wish to achieve sustainable development and equality.

It was this insight that caused a change in the NGOs' operational concept. They realized that they had to alter their mode of operation and began to occupy the front of the political stage in four ways. First, they became increasingly aware of the way in which they lend assistance so as not to unintentionally create inequality and unfair social distribution or duplicate the existing balance of power in the societies in which they are working; in other words, they try not to focus their help only on the stronger elements and leave the weaker elements in the fringes. Second, they have become aware of the importance of people and groups taking part in the decision making that affects the decentralization and distribution of the existing resources. Consequently, they have started to scrutinize who is responsible for this

distribution and who are the winners and losers. Third, they have come to realize that in order to create a world without poverty, hunger, and disease, people must have control over their own lives, independent of mediation and politics, particularly in matters affecting their basic rights such as welfare, education, and health. The organizations realized that in order to achieve this independence, there is a need to create an appropriate public mood and relevant mechanisms. And lastly, they grasped the importance of a sustainable process, namely, that all the changes they are seeking must be maintained long term. They looked to achieve this sustainability by devising conventions, law, and policy. This has led to the formation of teams of lobbyists, lawyers, accountants, and volunteers who send mail, make telephone calls, visit decision makers, and publicize their worldviews in social media.⁴

Another aspect contributing to the status of these NGOs and giving them great influence is that they have, over the years, spread to many different countries where they have established branches and perfected their capabilities in many areas, including fundraising, financial management, human resources, program development, provision of humanitarian aid, communications and marketing, and general campaign management. In fact, in the past twenty years, these organizations have grown to such an extent that they now fit the definition of international non-governmental confederations, because their budgets and resources are sometimes equal to those of intergovernmental institutions.⁵ The term “confederation” refers to umbrella organizations that incorporate many local branches that all act for the sake of a common goal to which every member is committed. Each branch can determine its own local priorities, principles of action, and long- and short-term goals, and, in certain cases, even develop internal codes of behavior and norms that conform to the area in which it operates. This growth and expansion facilitates access to large and diverse groups. Furthermore, this organizational structure allows these NGOs and their branches to benefit from the budget of the international organizational confederation on which they depend and which they represent and to cooperate, when necessary, with similar organizations or with those with common goals. Due to the high degree of legitimacy and credibility enjoyed by these organizations among all the large developed countries, they benefit from cooperation with many governments and from financial and public resources allocations. These capabilities and the widespread connections they have developed enable the organizations to raise money

and recruit aid from the public, governments, and the business sector more rapidly and effectively than in the past for the purpose of carrying out their plans of action. Their power and influence in shaping decision making in these areas is derived from these capabilities.

The International NGOs and Israel

At the time of the establishment of the State of Israel and in its early years, some of these leading NGOs had a positive attitude toward Israel; they mobilized to help the young country out of a feeling of commitment and mission following the revelations of the horrors of the Holocaust and out of an affinity for the socialist ideology underlying the state's institutions. For example, Care International has operated in Israel since its founding in 1948,⁶ while in 1964 Amnesty International established in Israel one of its first branches outside the UK.⁷ The picture began to change after the Six Day War, a change that has become more pronounced with the prolonged occupation of the territories, the collapse of the peace process, and the spread of the Jewish settlements in Judea and Samaria. Motivated by the attempt to meet international standards while opposing human rights violations, the organizations began to shift most of their activity toward dealing with the distress of the Palestinian people, who were perceived as being in urgent need of assistance. Some even transferred their offices to East Jerusalem. This change in the stance of many international NGOs inevitably affected the perception among activists and supporters of the Jewish state and its needs, in comparison to the dire humanitarian situation of the Palestinians. The plight of the Palestinians was also measured empirically by agencies such as the World Bank, and this provided the organizations with the rationale for focusing their efforts on supporting and stabilizing the Palestinians.⁸ This shift, which was expressed in the alienation of the organizations and their supporters from events in Israel, also led to the prevailing perception in Israel that these NGOs only represent the interests of the Palestinians.

Another issue that has added to the gap between the Israeli public and the international NGOs, which hinders their ability to serve as credible agents of change and mediation between the conflicted parties, is the impression (particularly by Israelis) that the organizations fail to grasp the complexity of the security and civilian challenges facing Israel in the Middle East and to understand the feelings of Israelis. The reports published by these organizations tend to include one-dimensional analyses of Israel's policies

that ignore Israeli feelings of alienation, estrangement, suspicion, and lack of trust, following years of trauma caused by terrorist attacks and security threats. If this disregard for the Israeli public's trauma were not enough, the NGOs repeatedly accuse Israel of adopting excessively harsh security measures, at a time when the international community is silent about the threats posed by nearby events, such as the Arab Spring and the civil war in Syria. In the eyes of Israelis, this approach does not convey credibility or demonstrate the ability to serve as a bridge for dialogue. Accordingly, the organizations repeatedly fail in their efforts to create a dialogue with large sectors of the Israeli public and to enlist public support for a real change in attitudes toward the other side. As a result, their well-intended actions often lead to the strengthening of extremist voices in Israel society.

In recent years, these NGOs have played a key role in shaping the discourse against Israel's actions in the territories and the Jewish settlements. They have been active in the political and civilian sphere – some deliberately and some less so – in calling for a boycott of Israel and its delegitimization. For example, in 2014, actress Scarlett Johansson, a goodwill ambassador for Oxfam, took part in an advertisement for SodaStream, which at the time had a factory in Judea and Samaria, and BDS and other pro-Palestinian organizations put pressure on Oxfam to cut its ties with the actress. BDS asserted that as an organization seeking to promote human rights and combat global poverty, Oxfam could not cooperate with “goodwill ambassadors” who were promoting a company active in Jewish settlements in Judea and Samaria and responsible for maintaining the Palestinians' poverty and prolonged economic dependence on Israel. The incident escalated when Oxfam endorsed the arguments of the BDS operatives and halted its cooperation with Johansson. It should be noted that Oxfam concentrates on providing aid to residents of the Gaza Strip and on issuing reports about the damage caused there by its isolation, blaming Israel for their plight and totally ignoring the role of the Hamas government.⁹ Human Rights Watch, which sometimes refers to the area between Jordan and the Mediterranean Sea as Palestine with no mention of Israel, has published many reports criticizing Israel disproportionately. This bias became so pronounced such that Robert Bernstein, the organization's founder, published an article in the *New York Times* as early as 2009 rejecting the organization he had founded, accusing it of going astray and of betraying its purpose as an organization fighting equally and justly for human rights.¹⁰

Despite these and many other examples of political bias, it should be noted that some of the criticism of Israel by NGOs reflects international criticism of Israel's policy in the territories and the Jewish settlements located there since 1967 and should not be interpreted as a separate politically-motivated desire to boycott or destroy Israel or as pure anti-Semitism. There is a strong tendency in Israel toward a superficial and over-generalized discourse concerning these organizations. First and foremost, the Israeli public ignores the fact that the NGOs repeatedly state that what stands between them and Israel are the Jewish settlements in Judea and Samaria, which they allege are in violation of international law, and the continuation of the occupation, which constitutes an ongoing and especially harmful violation of the Palestinians' human rights. This criticism is no different from the past and present criticism by almost all heads of state, including Israel's allies. Furthermore, the Israeli public tends to label almost all of the organizations as part of a pro-Palestinian, anti-Semitic campaign that aims to undermine the existence of Israel as the nation-state of the Jewish people.

This one-dimensional portrayal of a complex and very influential sector is not true and not confined to Israel; it also characterizes statements and articles by opinion makers, academics, decision makers, and media figures who support Israel. This, for example, is the approach of books reviewing the activity and behavior of international NGOs in Israel and the territories published in recent years.¹¹ Likewise, some documentaries and television reports have focused exclusively on the negative aspect of the activity of the human rights organizations operating in Israel and the territories. Statements or initiatives by the organizations seeking to express their commitment to the Israeli public and their promotion of a just solution for both sides do not have much effect on the public,¹² and their image as ill-wishers is thereby maintained and enhanced in public opinion. Influenced by this hostile public atmosphere toward international NGOs and their local counterparts, especially human rights organizations, in July 2016 the Knesset passed the NGO Law, which requires local NGOs receiving more than 50 percent of their total budget from foreign countries to state the identity of the donor countries. In addition, in any public appeal or discussion in which a protocol is written, representatives of those organizations must declare that their financing comes from foreign countries. Prior to these measures were scathing and incendiary statements from civil and media entities concerning the NGOs' involvement and contribution to the delegitimization

campaign aimed at encouraging anti-Israel boycotts.¹³ In this intensive public discourse, however, decision makers in Israel neglected the fact that some of the local NGOs are recognized by international NGOs, even if they are not funded by them, and are regarded as reliable and representative of the prevailing mood in Israel. Of the twenty-seven NGOs affected by the new law, twenty-five are human rights organizations, and throughout the entire legislative process they received support from major international NGOs such as Amnesty International, Doctors Without Borders, and Human Rights Watch, as well as from many world leaders. Some of these organizations even expressed solidarity with the Israeli NGOs by addressing a letter to the Knesset Constitution, Law, and Justice Committee demanding that the law be stopped, arguing that the proposal was damaging to Israeli democracy and was aimed at “marking certain organizations as illegitimate and imposing disproportionate restrictions on them that will detract from their activity... and will also undermine the principles of democracy and universal values by limiting freedom of expression and association in Israel.”¹⁴

The ongoing hostility in Israel toward the international NGOs has rendered this domain open to an increase in the number of activists in the delegitimization movement; in other words, Israel’s policy of ignoring this important domain of Western liberal public opinion has contributed to the success of BDS operatives and delegitimization ideologists. By adopting the terminology of human rights and universal justice, BDS operatives are working within the international NGOs as universal human rights activists seeking to promote the freedom of expression and restoration of the rights of, in their words, dispossessed Palestinians. The so-called liberal discourse adopted by BDS activists blurs the complexity of the Israeli-Palestinian conflict and conceals the movement’s true goal, namely, to put an end to Israel as the national home for the Jews. Israel is completely unrepresented in this discourse, which facilitates its portrayal as an enemy of liberal values and a colonial and imperialistic country. While the NGOs usually refrain in conflict regions from intervening in the core issues involving security, nationalism, or identity, this is not the case regarding the Israeli-Palestinian conflict. And thus, this local conflict – undoubtedly complicated but marginal to the challenges of the twenty-first century – has become a key element in the international struggle for human rights and the implementation of universal socioeconomic rights.

Recommendations

Despite the desire to prevent foreign parties from exploiting the agenda of combating poverty and human rights for the purpose of interfering in internal policy and attacking Israel, the growing importance of international NGOs in the international arena makes it impossible to completely separate these organizations' attitudes toward Israel from Israeli official policy. Similarly, persecution and delegitimization of international NGOs and legislation against them or their representatives in Israel only play into the hands of those seeking to defame Israel and damage its international standing. Therefore, in order to address the gaps between Israel and the international NGOs, Israel should create the space for an alternative discourse with these organizations, which will help enhance Israel's legitimacy in the international domain and facilitate cooperation that may be productive not only to the two sides but also to parties seeking to promote a just and sustainable solution to the conflict.

As a first step in formulating new relations with NGOs, Israel should make a clear distinction between two types of organizations: those that work exclusively to promote the Palestinian agenda and narrative while ignoring or rejecting the Jewish-Israeli narrative, and those that seek to promote a global agenda dedicated to issues of health and universal access to medicine, human rights, the environment and sustainable development, equal opportunities for women and men, the elimination of discrimination, and especially, the struggle against prevailing poverty and socioeconomic inequality. This distinction will make it possible to determine with which organizations Israel can cooperate in various humanitarian and technological initiatives for the sake of both the advancement of a humanitarian dialogue between Israel and the Palestinians through a third party and the development and assistance in other countries, and thus bolster Israel's standing as a positive force for global progress and development.

The second step that Israel should take is a critical assessment of the Israeli discourse in which anti-Israeli statements receive far more media coverage and make a far greater impact than other statements about Israel by NGOs. As shown above, as a result of this public bias, the response of Israeli decision makers and the Israel public to the policy of the international NGOs to date has been the well-known saying, "attack is the best form defense." This policy, however, does not serve Israel or its international standing and ignores the complexity of the environment in which the international organizations operate – a theater that is very familiar to the BDS movement. However,

because these organizations are international confederations, it must be understood that one branch is not the same as another and that connections and collaborations can be created at a number of levels and in a number of regions, taking advantage of Israel's achievements in technology, medicine, and agriculture to deal with the contemporary challenges. Reinforcement of Israel's standing in the provision of foreign aid to developing regions will facilitate cooperation with international NGOs in order to achieve sustainable solutions, not only in Israel but all over the world, while at the same time merging interests in combating worldwide terrorism, poverty, and hunger. Initiatives along these lines already exist, but they should be further developed and expanded. This will foster new channels of communication and better understanding between the parties, even if it does not reduce the scope of criticism leveled against Israel as long as the political process is deadlocked.

In an era in which many democratic countries face great economic, political, and security instability, the rise of international non-governmental players cannot be ignored, whether these are terrorist organizations on the one hand, or civil society organizations on the other. While Israel has taken care to prepare itself for violent conflicts with non-state terrorist players, this is not the case in the international civilian arena. The result has been the ongoing deterioration of Israel's status in countries that are among its important allies. The Israeli government would be wise to take proper note of the power of the various organizations operating and exerting influence in the international domain, to map interests and common interfaces, and to act in order to create collaborations that will both strengthen Israel and make a significant contribution to the international community, which is currently facing innumerable challenges.

Notes

- 1 The title of this article is taken from the book by Yariv Itzkovich, *Uneconomic Relationships: The Dark Side of Interpersonal Interactions in Organizations*, published in Hebrew (Tel Aviv: Resling, 2015).
- 2 "Israeli Government Must Cease Intimidation of Human Rights Defenders, Protect Them from Attacks," Amnesty International, April 12, 2016, <https://www.amnestyusa.org/press-releases/israeli-government-must-cease-intimidation-of-human-rights-defenders-protect-them-from-attacks/>.
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- 4 Peter Bell, "The Role of Global NGOs in World Politics: The Case of International Relief and Development NGOs," Princeton University Lecture, February 24, 2010, <https://www.youtube.com/watch?v=s5wEDGO676A>. See also Bill Morton, "An Overview of International NGOs in Development Cooperation, in Working with Civil Society in Foreign Aid," UNDP, 2011, <https://goo.gl/H5NKGK>.
- 5 Bell, "The Role of Global NGO's in World Politics."
- 6 Ibid.
- 7 Amnesty International Israel, <http://www.amnesty.org.il>.
- 8 Bell, "The Role of Global NGO's in World Politics."
- 9 Oxfam, "Crisis in Gaza," July 3, 2015, <http://goo.gl/JST8DL>.
- 10 Robert Bernstein, "Rights Watchdog, Lost in the Mideast," *New York Times*, October 19, 2009, http://www.nytimes.com/2009/10/20/opinion/20bernstein.html?_r=2&m.
- 11 For example, see the publications by the NGO Monitor organization, which has received official endorsement and which clearly publishes only the anti-Israel biases of these organizations, thereby painting a partial picture of what goes within them: Tuvia Tenenbom, *Catch the Jew* (Jerusalem: Gefen Publishing, 2015); Ben-Dror Yemini, *Industry of Lies* (Tel Aviv: Yediot Ahronot Publishers, 2014); and various websites, e.g., Uri Perednik, "Amnesty International vs. Israel," *Mida*, May 12, 2014.
- 12 For example, Oxfam's Middle East media manager, Jennifer Abrahamson, said: "I think there have been many misconceptions about Oxfam's relationship with Israel. We have worked in the country with both Jewish and Arab people and our mission is always only to help those suffering from injustice and poverty. We are obviously delighted to forge this new relationship with the Reform Movement. We share similar values, and I hope people will become more aware of the work we are doing with Israeli civil society." See Jessica Elgot, "Oxfam Works in Israel to 'Alter the Balance,'" *Jewish Chronicle*, November 2, 2010, <http://www.thejc.com/news/uk-news/40531/oxfam-works-israel-alter-balance%E2%80%99>.
- 13 "Report of the Planted Moles," Im Tirtzu movement, 2015; Akiva Bigman, "A Boycott is a Boycott is a Boycott: The New Israel Fund and BDS," *Mida*, June 1, 2014, <https://goo.gl/kNk13W>; Arik Greenstein, "B'Tselem as a Hamas Mouthpiece," *Mida*, August 19, 2014, <https://goo.gl/wgyZiD>.
- 14 Tal Shalev, "A Foreign Agent in the Ministry of Defense: Sharp Confrontation in Debate on NGOs Law," *Walla!*, May 25, 2016, <http://news.walla.co.il/item/2964451>; "Israel: Law Targets Human Rights Groups: Hefty Fines for Organizations that Don't Comply," Human Rights Watch, July 13, 2016, <https://www.hrw.org/news/2016/07/13/Israel-law-targets-human-rights-groups>.

The Israeli Community in the United States: An Untapped Asset

Avner Golov

Diplomacy has two main forms: classic diplomacy, which is based on channels of communication between state officials, and public diplomacy, in which official and unofficial parties from one state create relationships with civil society organizations and different population groups from another state in order to indirectly influence the policy of their government.¹ Take for example the United States, Israel's most important strategic ally: alongside the official channels of communication that Israel has with the administration, Congress, and various individual states, Israel operates a public diplomacy system whose goal is to promote Israeli messages within American society and thus maximize its influence over American decision makers. Two main groups are known for the connection they have developed with Israel and their supportive attitude toward the state: the Jewish community (despite the recent trend among some of the younger generation and among left-liberal circles of becoming more distant from Israel),² and pro-Israel Christian communities, especially Evangelicals and Protestant pro-Israel Christians. These groups have a central role in the struggle against the campaign to delegitimize Israel in the United States. Analysis of pro-Israel activities demonstrates that in the context of this struggle, these communities are, surprisingly, far more dominant than the Israeli community in the United States (a sub-group of the Jewish community).³ This article offers an analysis of the obstacles preventing the Israeli community from fulfilling its advocacy potential and presents the inherent advantages in mobilizing this community

for the struggle against the threat of delegitimization. The purpose of this analysis is to provide a snapshot of reality, based on meetings held with experts and pro-Israel activists over the past two years. The article ends with three policy recommendations whose aim is to utilize the potential of this advocacy asset.

The Israeli-American Community

According to different estimates, the Israeli community in the United States numbers between 200,000 and 800,000 people.⁴ It is concentrated in the big cities – New York, Los Angeles, Miami, Boston, and Chicago – and is very varied, comprising students, families who have moved from Israel to America, families with Israeli parents and children who were born and raised in the United States, and others. Over the years the Israeli community has developed organizations that are active in different sectors, in particular academia and the business world. In addressing the campaign to delegitimize Israel, the Israeli-American community must cope with five obstacles that may explain their unfulfilled potential as Israel advocates.

Lack of an Umbrella Organization

The wide distribution and varied characteristics of the Israelis who live in the United States have made it difficult to create a communal umbrella organization. This situation has affected the Israeli community's ability to address the needs of the community effectively and comprehensively and deal with the threat of Israel's delegitimization. However, the experiences of the second generation, which include encounters with anti-Israel activity, have increased the parent generation's awareness of the need for an umbrella organization in order to cope with such activity. In recent years the Israeli-American Council (IAC) was established to serve as an umbrella organization for the different communities and fill a void in the leadership of the Israeli-American community.⁵ One of the organization's recent initiatives was to launch a campaign against delegitimization. In addition, a new organization called Israeli-American Nexus (IAX) started to promote legislation against the BDS movement in different states.⁶ Another initiative, ACT.il, was designed together with the Interdisciplinary Center at Herzliya to create a network of media rooms operating in different communities in the world against anti-Israel social media activities. The first rooms to operate are in Boston and New Jersey.⁷ IAC seeks overall to represent the interests of the

Israeli-American community and to become an umbrella organization that maximizes the public relations potential of the community.

The Question of Who is Responsible

There is a feeling among Israelis who live in the United States that they are unable to cope with the delegitimization threat both because of its scope and because it is a problem that is the responsibility of the Israeli government. A common argument is that it is for the Israeli Foreign Ministry, as the most present and active official Israeli body in the United States and the one responsible for Israel's advocacy policy, and not the Israeli-American community, to address this threat. The reasons for this attitude seem to lie in the absence of community leadership, cultural characteristics originating in Israeli society, and primarily, the view that the government is responsible for a wide range of areas, particularly when talking of a threat that has clear political and security characteristics.

Legal Status

Many of the Israelis living in the United States have temporary status as students or researchers or status as immigrants who have not yet received residency certification or citizenship. This status is extremely sensitive as it is not stable. In the case of students or researchers, their presence in the United States is dependent on the approval of their department and university. In the case of immigrants, controversial behavior could harm their chances of receiving permanent residency or citizenship. This fragile status deters people from participating in public activity of a political nature. This factor is especially critical among Israelis in academia (faculty members, researchers, or students) – the arena that currently poses the biggest challenge for Israel advocacy.

The Professional and Personal Price

Another deterrent for Israelis considering joining the struggle against anti-Israel activity is the personal price they might have to pay for their participation. Public identification with Israel and participation in political arguments may, for example, undermine their professional standing or affect work relations. Siding with Israel, along with condemning and attacking anti-Israel activity, could also single out Israelis and their families and cause them to be ostracized by neighbors, non-Israeli community members, or

friends from their children's schools or after-school activities. There have been reports of attacks that have harmed Israeli families' sense of personal security, but these have not yet been collected as part of an organized study and their frequency is unclear. In the absence of an ability to guarantee their professional and personal security in the face of these threats, many Israelis claim that they would rather refrain from political discussions, even when they are exposed to anti-Israel messages.

Absence of Advocacy Tools

There is a feeling among Israelis that they do not have the tools to deal with anti-Israel claims or with difficult questions relating to Israeli policy. One major problem is the lack of access to facts and figures that could refute or undermine anti-Israel claims. Furthermore, there is a feeling of lacking the communication skills necessary to conduct a sensitive discussion in accordance with American social codes. Thus, for example, Israelis find it difficult to cope with extreme accusations of Israeli genocide against the Palestinians, Israeli apartheid in the Palestinian territories, and other charges. Some state that they are unsuccessful in getting their message across and that arguments sometimes turn into fierce debates. A lack of confidence in their ability to change the other person's views and the fear of getting involved in a personal debate and harming personal relationships are other factors deterring Israelis who are bothered by anti-Israel activity.

Despite these obstacles and taking them into consideration, Israel must develop a strategy that addresses this challenge and encourage the involvement of the Israeli community in the United States in the struggle against the delegitimization campaign. This community can contribute three unique elements to the struggle: credibility, the ability to bridge between societies, and the promotion of the "Israeli story" in the context of the Israeli-Palestinian conflict.

Credibility: Israelis in America are usually seen as a credible source of information about events in Israel and Israeli policy. Contrary to their feelings, they have a great advantage over the rest of the pro-Israel communities when it comes to knowledge of events in their country and an understanding of the cultural and regional context by virtue of their familiarity with the region and the fact that they tend to follow Israeli news sources. It is clear from conversations with leaders of pro-Israel activity that the pro-Israel

camp in the United States attributes great credibility to Israelis, as do those who do not have fixed opinions about Israeli policy. However, it should be noted that the credibility of Israeli-Americans depends on their ability to be seen as authentic and not as spokespeople for the Israeli government. This aspect is especially critical in discussions with groups of activists on campus – those who support Israel as well as those who are involved in anti-Israel activity but who are not as yet extremists. These campus-based groups tend, in general, to oppose the establishment and venerate activity based on personal initiative and preservation of authenticity.

Bridging the gaps between societies: The Israeli establishment is neither responsible for nor suited to the task of bringing together Israeli and American society. This is a task for civilians. No one is more suited to the task than Israelis in the United States who are familiar with the social and cultural codes of both societies and can bridge the gaps between them. When it comes to advocacy, this bridge has two goals. First, American society must get to know Israeli society in all its different aspects. Branding surveys have indicated the dominance of the security and religious aspects in American conceptions of Israel and ignorance of all others. As a result, the vast majority of the American public, including university students and faculty, do not take an interest in Israel or see the issue as relevant to their lives.⁸ Consequently, the pro-Israel camp loses out on groups that might take an interest in Israeli society in other areas, such as the environment, hi-tech, business, entrepreneurial initiatives, and medicine, and thus improve Israel's image among these groups. By expanding the scope of the discussion on Israel and enriching its social context through content that is tailored to large sectors of the American public, we can undermine the negative image that anti-Israel organizations seek to disseminate in American society, including issues connected to Israeli policy toward the Palestinians. This may even enable recruitment of new groups that are not currently involved in the struggle that could act as a shield against anti-Israel activity in the future. Businesspeople and students who are currently exposed mainly to political, security, or religious discussions might be attracted to Israel's social diversity, technological success, or culture of innovation. Such exposure could offer them alternative sources of information to those providing negative information about Israel, which they could then access when facing political questions too.

A second goal of bridging the gap between the two societies is to create among Americans a feeling of identification with Israeli society by showing

the similarities between them and by overturning the image of a militant, religious, and alienated society that has shown up in the branding surveys. This too could create a psychological shield that undermines anti-Israel propaganda, or at least encourages people to check this negative information against other more reliable sources.

Promoting the “Israeli story” in the context of the Israeli-Palestinian conflict: In the specific discussion on Israeli policy toward the Palestinians, the Israeli community in the United States can provide the Israeli angle and thus help change the framing of the existing discussion, especially in liberal circles. These circles, which emphasize the issue of human rights and the Israeli policy of building settlements in the West Bank, form the support base for anti-Israel activity.⁹ The Israeli perspective includes liberal elements alongside ones of national security and thus offers the discussion a broader and more complex analysis than the prevalent simplistic liberal approach that presents Israel mainly in a negative light. Due to the obstacles described earlier, the Israeli story is minimized precisely in the places where the discussion takes place and from where the conceptual basis for anti-Israel activity is propagated, for example, the academic domain and liberal political circles. In presenting the Israeli story and the complexity of the Israeli-Palestinian issue, Israeli Americans can alter the discussion currently taking place and influence the opinions of the younger generation on and off campus.

Promotion of the Israeli story by NGOs can enable dialogue with those who criticize Israeli policy but do not hold extreme opinions such as opposing the existence of Israel. This dialogue becomes more problematic when it involves the official Israeli establishment, whose ability to engage in public discussion with its critics is far more limited than NGOs due to the latter’s political flexibility. In addition, critics of the Israeli government seem to find it easier to engage in open dialogue with non-official Israeli parties. This dialogue is critical in order to enable areas of consensus between pro-Israel groups and liberal groups that are not hostile to Israel but are critical of its policy, and to enable the latter to express their opinions without being dragged into extreme anti-Israel activity. It is, in addition, important to hold this kind of dialogue with organizations and individuals from within the Jewish community who support the campaign to boycott Israel from a belief that they are doing what is best for the State of Israel or furthering the Jewish concept of *tikkun olam* (repairing the world). The Israeli American

community can serve as a bridge between the State of Israel and those groups and individuals within the Jewish community and thus combine forces with Jews who support the existence of the State of Israel against those who oppose it, while maintaining the right to discuss and criticize Israel's policies.

Policy Recommendations

This analysis leads to three policy recommendations that aim to maximize the potential of the Israeli community in the United States for dealing with the threat of delegitimization: reinforcement of the Israeli presence, provision of tools for getting Israel's message across, and mechanisms of cooperation with the Jewish community.

First, in order to give wider expression to Israeli positions and dilemmas in discussions conducted in the United States about issues connected to Israel, the Israeli presence in places where liberal American public opinion is shaped must be enhanced. For example, programs that send Israeli academics, researchers, and lecturers to campuses must be expanded. Unlike students, this group is more permanent in the academic field and tends to enjoy some political latitude under the principle of academic freedom. One ongoing example of such activity is the Israel Institute.¹⁰ Connections must be made between Israelis and the relevant faculties and departments, ideally those not dealing with Israel's security policy but with less politically sensitive topics. The professional connection can serve later on as a basis for presenting the Israeli narrative on politically charged issues. For example, Israeli businesspeople can address students of business administration, Israeli doctors can lecture at medical and biology schools, Israeli female entrepreneurs can meet with women's groups. There must, of course, also be dialogue on political and security issues alongside attempts to present the Israeli discourse and connect it to the liberal discourse.

The promotion of pro-Israel efforts requires a plan for Israeli preparedness on campuses. To this end, a network of Israeli faculty members who teach at American universities is essential. There is currently almost no official connection among Israeli faculty members, nor has the State of Israel developed effective channels for staying in contact with Israeli faculty members. Creating an Israeli network would increase the Israeli presence on campuses and put the State of Israel in direct contact with its "ambassadors" – the Israeli professors and researchers who work at American universities. An Israeli academic framework of this kind could facilitate the coordination of pro-

Israel activities among different universities and enable direct professional and logistical state support. Reinforcing the Israeli presence on campuses both quantitatively and qualitatively could help address anti-Israel activity and, in the long term, contribute to changing the balance of power within American academia between those who are willing to listen and consider the Israeli story, even if they are also critical of Israeli policy, and those who support the delegitimization of the State of Israel.

Young Jews active in American Jewish youth movements are another important target audience, since this is a group that has not yet been exposed to massive anti-Israel activity and has, on the whole, yet to form an opinion. We must initiate dialogue with this community with the aim of presenting the Israeli story and preparing those who are interested to lead the struggle against anti-Israel activity and confront the anti-Israel claims they will be exposed to at a university. Even if all of these young people do not, ultimately, become ardent supporters of Israel, it will at least reduce the risk of their being sucked into the anti-Israel camp.

Second, we must train Israeli activists in channeling their presence in the promotion of pro-Israel activity. As mentioned above, many Israelis are not confident in their ability to respond to anti-Israel activity; they don't know how to bridge the cultural differences or knowledge gaps between the Israeli community and the American liberal community. In order to make the Israeli story accessible, we must train Israelis to deal with difficult questions on political and security matters and with anti-Israel activity and, in particular, provide them with tools for developing an effective system for conveying the message to liberals. It is most important to keep in constant communication with these activists in order to improve their tools and maximize the effectiveness of pro-Israel activity.

Finally, it is important that the Israeli-American community work in coordination and cooperation with the rest of the Jewish community with its clear numerical advantage and the fluency of some of its members in the liberal discourse. A mechanism should be established for coordinating pro-Israel activity on two levels: the strategic level – by coordinating, within the framework of overall Israeli policy, activity between these two communities, for example, holding frequent meetings with the leaderships of both; and the tactical level – by creating mixed local leadership groups to maximize the power of the two communities to cope with the anti-Israel challenge. A central challenge will be how to integrate American Jewish activists so

that they feel comfortable operating within a single advocacy system and action plan with the Israeli community. It is therefore important that these groups be established on a local basis, with activity that suits the specific characteristics of the activists.

These recommendations do not constitute the basis for a comprehensive solution to the threat of delegitimization facing Israel in the United States. It is a strategic threat that requires a strategic response. Still, the recommendations and the analysis at their core may stimulate thinking about a course of action that can address the obstacles preventing the fulfillment of the advocacy potential of the Israeli community in the United States in order to maximize their inherent advantages.

Notes

- 1 Moran Yarchi, Gadi Wolfsfeld, Tamir Sheafer, and Shaul R. Shenhav, "Promoting Stories about Terrorism to the International News Media: A Study of Public Diplomacy," *Media, War & Conflict* 6, no. 3 (2013): 264; Eytan Gilboa, "Searching for a Theory of Public Diplomacy," *Annals of the American Academy of Political and Social Science* 616 (2008): 56-58; Costas M. Constantinou, Pauline Kerr, and Paul Sharp, "Public Diplomacy," in *The SAGE Handbook of Diplomacy* (London: SAGE, 2016), pp. 440-45, <http://sk.sagepub.com/Reference/the-sage-handbook-of-diplomacy>.
- 2 See the Pew Research Center, "Connection With and Attitudes Toward Israel," in *A Portrait of Jewish Americans*, pp. 81-94, <http://www.pewforum.org/2013/10/01/chapter-5-connection-with-and-attitudes-towards-israel/>.
- 3 For example, see, "Israel on Campus Coalition (ICC) 2014-2015 Campus Trends Report," *ICC Reports*, 2015, <https://israelcc.org/icc-2014-2015-campus-trends-report/>. This finding also came up in conversations with leaders of pro-Israel activity – both Israelis and non-Israelis.
- 4 According to the last population census conducted in 2000, 106,839 Israelis lived in the United States. In the absence of a more recent census, different researchers have offered different estimates regarding the community's growth over the past fifteen years. See, for example, Haim Handwerker, "How Many Israelis Live in America Anyway?" *Haaretz*, June 20, 2014, <http://www.haaretz.com/jewish/features/premium-1.599966>.
- 5 The organization existed under a different name and format from 2007 to 2013. See <http://www.israeliamerican.org>.
- 6 In recent months IAX has been working to promote legislation prohibiting the activity of the BDS movement in California. See <http://goo.gl/QtKPo4>.
- 7 For more information, see the initiative's website: <http://act-il.com/>.

- 8 For analyses by BAV Consulting that present country branding metrics and measure the performance of the Israeli campaign, see Scott Siff, “Brand Israel: Its Evolving Impacts On The Country’s Political Credibility,” BAV Consulting, <http://bavconsulting.com/brand-israel-its-evolving-impacts-on-the-countrys-political-credibility/>. Another example is the study carried out by the Israeli consul general, Ido Aharoni, “How to Market a Country,” *YouTube*, August 22, 2012, <https://www.youtube.com/watch?v=mUpybNIXLb8>. This phenomenon is also strengthened by a 2016 WPP study that examines Israeli metrics in a wider international perspective. For further reading, see Joanna Landau, “Sometimes You Need to See the Cup as Half Empty,” *Walla News*, March 2, 2016, <http://news.walla.co.il/item/2939998>. For an analysis regarding academic faculty, see Samuel M. Edelman, “An Israel on Campus Coalition White Paper: Mapping the Territory Facing Pro-Israel Academics on Colleges and Universities in the United States,” *Israel on Campus Coalition’s White Paper*, 2014.
- 9 Israel on Campus Coalition, “2014-2015 Campus Trends Report”; David Bernstein, Todd Young, Matthew Ackerman, Sean Savage, Avi Fuld, and Eli Shaubi, *A Burning Campus? Rethinking Israel Advocacy at America’s Universities and Colleges*, The David Project, 2012; Dan Fefferman, “University Campuses in the U.S. and the Delegitimization of Israel – in Perspective,” Jewish People Policy Institute, October 25, 2015, pp. 67-88.
- 10 See <http://israelinstitute.org/>.

BDS and *Yediot Ahronot*: “Fighting the Boycott”

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On March 28, 2016, Israel’s national newspaper *Yediot Ahronot* (in cooperation with *Ynet*, the online edition of the paper) held an international conference dealing with the BDS (Boycott, Divestment, and Sanctions) efforts launched against Israel in the international arena. The conference, which was accompanied by a wide campaign, was attended by President Reuven Rivlin, decision makers and policymakers, and key figures from the cultural, economic, academic, and legal fields. *Yediot Ahronot*’s organization of this conference reflects the recent trend of media outlets attempting to broaden their public influence beyond their traditional role of providing information and commentary. They do this, for example, by holding large public conferences, such as the “Israel Conference on Peace,” organized by *Haaretz* and the “Israel Business Conference,” organized by *Globes*.

This article examines the coverage of the BDS phenomenon in *Yediot Ahronot* and its possible implications. *Yediot Ahronot* was selected for three central reasons: first, because the newspaper took on itself a leading role in the campaign against BDS; second, because the newspaper’s coverage of BDS was substantially greater than that of other printed press outlets;¹ and third, because *Yediot Ahronot* is one of Israel’s most widely circulated newspapers.² The research includes all items dealing with BDS in the informative and commentary dimensions (i.e., news stories, features, commentaries, and opinion pieces)³ printed in the news pages, the daily supplement, and the weekend supplement sections. The study was conducted on a daily basis during the year preceding the conference, i.e., from March 2015 until the end of March 2016. A total of 200 media items were found in *Yediot*

Ahronot during this study period. By conducting qualitative and quantitative analyses, we assessed the extent to which BDS was part of *Yediot Ahronot*'s agenda, the different subtopics that were prioritized, and the way in which the phenomenon was framed.

Coverage of BDS in *Yediot Ahronot* 2015-2016: Two Landmarks

Prior to June 2015 the global BDS campaign against Israel was virtually absent from the Israeli media agenda (apart from a random survey of the subject in *Haaretz*), despite the fact that academics, civil society organizations, and Diaspora Jewish communities had highlighted the phenomenon far earlier and warned of its inherent dangers. The current study found that in the year before the March 2016 conference, *Yediot Ahronot* dealt with BDS in only two main time periods: June 2015 and January-March 2016.

June 2015

On June 1, 2015, *Yediot Ahronot* launched a campaign to increase awareness of the BDS phenomenon. In this month alone, the newspaper published eighty items dealing with the issue. In contrast, in the preceding three months (March, April, and May 2015), an average of two items per month were published. The campaign initially focused on the Palestinian Authority's call for a vote in FIFA, the international soccer association, on suspending Israel from the organization. The intensive coverage during this month included media items of various types (news stories, articles, and features) written by a wide range of journalists. Most of the items were featured prominently on the newspaper's front pages under large and flamboyant headlines, for example, "Genuine Alarm," "Emergency Situation," "Double-Edged Boycott," "The Cry of the Academy," "An Existential Threat," and "The Burning Home Front." All these headlines highlighted the issue as warranting immediate and urgent attention. All items dealing with BDS were categorized under the same general headline, "Fighting the Boycott," which was accompanied by a special logo comprising a white Star of David against a blue background that gradually morphs into black. The use of a special logo testifies to the importance the newspaper attributed to the BDS phenomenon in comparison to other issues covered during the same time period.

Even issues with marginal connection to BDS featured under the "Fighting the Boycott" general headline. For example, the headline "We'll Never Join a Boycott of Israel"⁴ was attached to a feature in the financial supplement of the

paper interviewing the president of a Canadian corporation's transportation division who was looking to take part in the construction of the Tel Aviv underground railway.

In July-August 2015, BDS gradually faded from *Yediot Ahronot*'s agenda (with an average of about ten items per month). The main issue covered during that period was the nuclear agreement with Iran and the findings of the Locker Commission that examined Israel's defense budget. From September 2015 to January 2016, coverage relating to BDS almost entirely disappeared (with an average of one to four items a month), with the Palestinian terror attacks becoming central to the newspaper's agenda.

January-March 2016

The second landmark also had a clear starting point. On January 26, 2016, *Yediot Ahronot* launched another campaign aimed at combating BDS, this time including an international conference on the topic. As with the first landmark, BDS coverage was accompanied by a special logo that differed slightly from the previous logo but with some similar features. There were a similar number of items dealing with the issue as in June 2015 (i.e., approximately eighty), the majority appearing in the days leading up to the newspaper's conference on the issue and in the ensuing two days. On the eve of the conference, the newspaper devoted an entire weekend supplement to BDS, and on the day of the conference a special magazine covering the issue was published (forty items appeared during these two days alone).

In contrast to the first landmark, in which BDS received extensive and prominent coverage, during the second period the coverage was not especially conspicuous. Most of the items dealing with BDS took the form of opinion pieces published in the newspaper's inside pages with only a few short news items, informative reports, and features relating to the issue. Almost all the opinion pieces dealing with BDS were written by one journalist, Ben-Dror Yemini, who dealt with the boycott consistently in commentaries accompanying news items, opinion pieces, and his regular column in the weekend magazine.

Interestingly, the second landmark occurred at the height of a period filled with terror attacks that dominated the main headlines. This makes the newspaper's decision to continue to report on BDS even more salient. Furthermore, in contrast to the FIFA affair, which prompted the coverage in June 2015, there was no seminal event between January and March 2016

that placed the issue on Israel's public agenda. In general, we found no correlation between the multitude of global initiatives promoted by BDS supporters in different fields and the number of items published in the newspaper and their prominence (for example, initiatives by a number of professional unions and faculty members at different universities in support of BDS went unmentioned).

Media Framing: The BDS Phenomenon and the Israeli-Palestinian Conflict

The title of the BDS Call, published in 2005 and endorsed by 170 pro-Palestinian civil society organizations, states that Israel should be boycotted, divested from, and sanctioned until it complies with international law and the universal principles of human rights. The same call fleshed out the three goals of the BDS campaign. The first is an end to the Israeli occupation of all Arab lands and the dismantling of the "Wall" (known by Israelis as the "security barrier" or the "separation fence"). The wording of this goal remains strategically vague concerning Israel's legitimate borders. The second goal is the achievement of full equal rights for the Arab citizens of Israel. By stating this as a goal, the BDS advocates thus insinuated that Arab citizens of Israel do not enjoy the same legal rights as Jewish citizens. The third goal refers to the Palestinian refugees' "right of return."⁵

Two different and contradictory narratives have developed in Israel in relation to the BDS campaign. On the one hand, according to the narrative that characterizes the political left, even if the BDS campaign includes anti-Semitic undertones, it nonetheless draws legitimacy for its continued existence from the widespread international opposition to Israel's continued occupation of the Palestinian territories. This approach asserts that the prolonged Israeli-Palestinian conflict and Israel's policies vis-à-vis the occupied territories enable the boycott campaign to gain traction and make headway due to the international support for the establishment of an independent Palestinian state. On the other hand, according to the narrative of Israel's political right, BDS is no more than a new form of anti-Semitism camouflaged as anti-Zionism, resting on nothing other than pure hatred for Jews that dates back to the days of Abraham and the phrase from the Passover Haggadah that "in every generation, they rise up against us to destroy us."

A content analysis of *Yediot Ahronot's* coverage of BDS finds framing that is more compatible with the Israeli right-wing narrative and an almost

total lack of connection between international calls to boycott Israel and the Israeli-Palestinian conflict. There is almost no criticism of Israeli policies on the conflict or of the absence of a diplomatic horizon for its resolution. This finding is particularly salient in light of the fact that during a large part of the study period, terrorist attacks against Israelis were becoming increasingly frequent (the “lone wolf intifada”) as part of the Palestinian opposition to the prolonged diplomatic stalemate. In contrast, the ongoing and prominent narrative used by the newspaper to explain the phenomenon included words and phrases such as “anti-Semitism,” “a nation that dwells apart,” and “the entire world is against us”; in other words, the boycott against Israel is the result of Jew-hatred and blatant anti-Semitism.

This framing pattern comprised three main characteristics:

- a. The wording of the headlines of news stories and opinion pieces. For example, the main headline chosen for a news report covering developments about the SodaStream issue⁶ was “SodaStream Alone in the Fight against BDS.”⁷ Other headlines included: “Hatred of Jews”⁸ and “BDS is a Threat to Israel’s Very Existence.”⁹ The items’ content included statements such as: “the new anti-Semitism is a result of the horrifying propaganda against Israel,”¹⁰ and “anti-Semitism grows...not because of what Israel does but because of the lies against Israel.”¹¹
- b. The division of those active in this sphere as either “hostile” or “friendly” toward Israel. Those portrayed as “friendly” were highlighted in headlines such as: “Support from Hollywood: Roseanne at the Anti-BDS Conference”¹² and “Santana Unfazed by BDS.”¹³ Those who criticized Israel’s policy, on the other hand, such as Amos Oz, Alon Liel, and the Breaking the Silence organization, were framed as the people’s enemy; for example, in relating to Breaking the Silence, it was written: “When they collaborate with BDS and when they receive money from groups that support BDS...they are a party to fostering hatred.”¹⁴
- c. The emphasis that BDS serves to unite the Jewish people and its leaders. Examples include the headline “United against the Boycott” and the sub-heading stating that senior political figures who participated in the newspaper’s anti-BDS conference “did not always agree on what needs to be done, but all shared the same goal.”¹⁵ Another headline featured a quote from the president of the World Jewish Congress, Ron Lauder, who said, “BDS is helping us. They have succeeded in uniting the entire Jewish people in defense of Israel.”¹⁶ These findings are in line with the

results of a public opinion poll showing that 63 percent of the Jewish Israeli public believes that “the whole world is against us”¹⁷ and 76 percent believe that anti-Semitism is widespread and on the rise.¹⁸

Alongside the dominant framing, throughout the entire one-year period only a few of the 200 items that covered BDS-related issues used the narrative described above as typical of the political left. Such articles argued that “in order to have a genuine discussion about the boycott movement, one needs to neutralize the thick and poisonous smokescreen placed by the government... which has caused a blurring of concepts...such that it is difficult to understand which of those who hate us believe in what,”¹⁹ and “it is convenient to think that every criticism of Israel is motivated by anti-Semitism, because that relieves us of the need to confront our actions and our failures.”²⁰ Another writer stated that “the main problem in the fight against the boycott is not the marketing but the product,”²¹ and yet another concluded that “Israel has not yet invented the pill that will enable Europeans to digest its policies on the Palestinian territories.”²²

Subthemes in the Coverage of the BDS Phenomenon

In both of the *Yediot Ahronot* landmark periods examined for this research, the coverage of the BDS phenomenon focused on three different fields: economic, academic, and cultural. In the economic arena, there was extensive coverage of the CEO of Orange Telecommunications, who stated that were it up to him his company would divest from Israel (a statement he retracted shortly afterwards), the cases of SodaStream and the Ahava cosmetics company, which moved their plants to sites inside the Green Line, and a lawsuit filed against Israeli banks and companies in a US court for allegedly helping to build Jewish settlements in Judea and Samaria. In the academic arena, the newspaper reported on promotion of the boycott against Israel by groups of students on hundreds of American campuses, anti-Semitic incidents on American campuses, the vote by the British National Union of Students (NUS) in favor of BDS, the signing of a petition by Italian academics calling for the suspension of all academic agreements with Israeli universities, and initiatives by pro-Israel students on campuses throughout the UK to combat what is termed “Israeli Apartheid Week.” In the cultural arena, most of the coverage during the June 2015 landmark period included the aforementioned FIFA issue and the case of the Louvre Museum, which did not approve a tour for an Israeli group but approved an identical request by a fictitious group

from Abu Dhabi. During the second landmark period there were reports of performances by international artists planning to visit Israel despite BDS efforts to deter them.

These were also the three fields to which panels were devoted in *Yediot Ahronot*'s March 2016 conference. Panel titles included "The Cost of the Boycott," "The Faculty of Hatred," and "Pulling the Boycott off the Stage."

Conspicuously absent was attention to the legislative aspect that the pro-Israel side has promoted (successfully in certain cases) in combating BDS. During the research period, success in this area was achieved in the UK; however, the only report we could find about this legislative aspect concerned pro-Israel activity that took place in Spain.

Conclusion

It appears that in 2015 there was a transformation in Israel's approach toward the BDS phenomenon. Although the BDS campaign had been in existence for several years, it was only in 2015 that the Israeli government allocated a significant increase in the resources channeled toward dealing with this phenomenon. It is thus fair to assume that *Yediot Ahronot* contributed to the pressure exerted on the Israeli government to deal with the phenomenon on the state level. We suggest that the newspaper's impact in this respect is relevant primarily regarding the first landmark (June 2015), when the intensive media coverage played an important role in identifying and characterizing the global BDS campaign and placing it on the Israeli public agenda.

The public discussion that emerged following the extensive BDS-related media coverage of the two landmarks identified has both advantages and disadvantages. An obvious advantage is the informative aspect of the coverage that exposed a large part of the Israeli public that does not consume foreign media and is not in contact with Diaspora Jewry to the global BDS campaign launched against Israel. Public opinion surveys have indicated that the Israeli public regards BDS as a relatively minor threat in comparison to others.²³ It can thus be assumed that if not for the intensive media coverage, large sections of the Israeli public would remain unaware of the phenomenon and its developments. One major disadvantage, which is worth curbing, is that extensive coverage of BDS sows panic among the Israeli public and does not always provide a true reflection of reality. One tactic employed by BDS activists is to claim responsibility for developments that are not directly related to their actions (for example, the EU decision to label Israeli

products from the territories) and to falsely inflate their number of supporters. When lent prominence by the Israeli press, these “victories” are validated and given exaggerated importance.

The balance between Israel’s public and discreet efforts to deal with the boycott campaign corresponds with the conference organized by *Yediot Ahronot* under the banner of “Fighting the Boycott” during the second landmark. As opposed to the *Haaretz*-initiated conference on Israeli-Palestinian peace, noteworthy in its ability to serve Israeli interests in the international diplomatic arena, the conference focusing on the BDS phenomenon is likely to have contributed to the very public stir that BDS supporters strive to create. Even if there was an advantage to a one-time conference like this in March 2016 – in order to recruit support and resources, facilitate the networking of relevant players researching and addressing the phenomenon through different channels, and promote practical ideas for combating it – making such a public conference the newspaper’s annual flagship conference is not recommended.

Finally, *Yediot Ahronot*’s framing of BDS as completely disconnected from the diplomatic stalemate and from Israel’s policies on the Israeli-Palestinian conflict leaves those striving to counter the phenomenon and minimize its damage with a depleted toolbox. Although part of the BDS phenomenon indisputably feeds off anti-Semitic sources, depicting the entire campaign as purely anti-Semitic ignores the complex reality and thereby weakens the newspaper’s ability to contribute toward combating the challenge.

Notes

- 1 This finding is derived from an earlier study that examined the number of items about BDS published in *Haaretz* and *Israel Hayom*.
- 2 According to a TGI half-year survey, newspaper circulation in Israel as of July 2015 was: *Yediot Ahronot* – 35.2 percent, *Israel Hayom* – 40.8 percent, and on weekends, *Yediot Ahronot* – 36.9 percent, *Israel Hayom* – 38.2 percent. See Li-or Averbach, “TGI: *Israel Hayom* Most Widely Read Newspaper in Israel, *Yediot Ahronot* Losing Ground,” *Globes*, July 22, 2015, <http://www.globes.co.il/news/article.aspx?did=1001054909>.
- 3 All items with any mention of BDS from the following sections were assessed: the news pages – usually the front and back cover pages of the daily newspaper – which comprise current updates and commentary; the daily “24 Hours” supplement with stories and reports from behind the news; various sections that do not necessarily deal with breaking news; and the Shabbat Supplement, which replaces the daily supplement in the weekend edition and contains stories, interviews, and commentaries

relating to the previous week's news. Two main types of newspaper items were examined: news stories – basic, usually brief, journalistic items consisting mainly of information, most frequently used for handling new events; and articles – longer items that combine news and commentary and have a wider focus. See Yechezkel Limor and Rafi Man, *Journalism: Reporting, Writing, and Editing* (Tel Aviv: Open University, 1997).

- 4 Ofer Petersburg, "We'll Never Join a Boycott of Israel," *Yediot Ahronot* financial supplement, July 1, 2015.
- 5 "Palestinian Civil Society Call for BDS," BDS, <https://bdsmovement.net/call>.
- 6 The Israeli SodaStream factory in Maale Adumim, targeted by the BDS movement, was eventually relocated within the Green Line, forcing it to lay off dozens of Palestinian workers.
- 7 Ariela Ringel Hoffman, "SodaStream, Alone in the Fight against BDS," *Ynet*, February 17, 2016, <http://www.ynetnews.com/articles/0,7340,L-4766549,00.html>.
- 8 Hanoach Daum, "Hatred of Jews," *Yediot Ahronot*, June 5, 2016.
- 9 Ben-Dror Yemini, "BDS is a Threat to Israel's Very Existence," *Ynet*, June 1, 2015, <http://www.ynetnews.com/articles/0,7340,L-4663436,00.html>.
- 10 Ben-Dror Yemini, "It's Hamas, not Israel," *Yediot Ahronot* weekend supplement, February 26, 2016.
- 11 Ben-Dror Yemini, "The Apartheid Myth," *Ynet*, January 29, 2016, <http://www.ynetnews.com/articles/0,7340,L-4759526,00.html>.
- 12 Itamar Eichner, "Support from Hollywood: Roseanne at the Anti-BDS Conference," *Yediot Ahronot*, February 6, 2016.
- 13 Daniel Betini, "Santana Unfazed by BDS," *Yediot Ahronot*, March 22, 2016.
- 14 Yemini, "It's Hamas, not Israel."
- 15 Itamar Eichner, "United Against the Boycott," *Yediot Ahronot*, March 29, 2016.
- 16 Tzipi Shmilovitz, "BDS is Helping Us. They Have Succeeded in Uniting the Entire Jewish People in Defense of Israel," *Yediot Ahronot*, March 25, 2016.
- 17 Peace Index, Israeli Institute of Democracy, August 2014, [http://www.peaceindex.org/files/Peace_Index_August_%202014-Eng\(1\).pdf](http://www.peaceindex.org/files/Peace_Index_August_%202014-Eng(1).pdf).
- 18 *The Israel Survey*, Pew Research Center, 2016, http://www.pewforum.org/files/2016/03/israel_survey_overview.hebrew_final.pdf.
- 19 Sima Kadmon, "A Great Deal of Schadenfreude," *Yediot Ahronot* weekend supplement, March 25, 2016.
- 20 Nahum Barnea, "Double-Edged Boycott," *Yediot Ahronot* weekend supplement, June 5, 2016.
- 21 Ronen Bergman, "Six Lies They Told Me about the Anti-Israel Boycott," *Ynet*, June 10, 2015, <http://www.ynetnews.com/articles/0,7340,L-4666784,00.html>.
- 22 Yaniv Halili, "The Boycott Has Been Banned, Not Stopped," *Yediot Ahronot*, February 23, 2016.

- 23 Twelve percent of Israelis regard BDS as an external threat currently facing Israel. See the 2015-2016 annual survey of the Institute for National Security Studies, <https://www.youtube.com/watch?v=KDN3AwKsyUg>.

Contributors

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INSS Memoranda, August 2016–Present

- No. 169, September 2017, Einav Yogev and Gallia Lindenstrauss, eds., *The Delegitimization Phenomenon: Challenges and Responses*.
- No. 168, September 2017, Carmit Valensi, Udi Dekel, and Anat Kurz, eds., *Syria: From a State to a Hybrid System: Implications for Israel* [Hebrew].
- No. 167, July 2017, Udi Dekel, Gabi Siboni, and Omer Einav, eds., *The Quiet Decade: In the Aftermath of the Second Lebanon War, 2006-2016*.
- No. 166, July 2017, Yehuda Greenfield-Gilat, *The Palestinian Refugees: The Israeli Interest* [Hebrew].
- No. 165, June 2017, Dan Weinstock and Meir Elran, *Securing the Electrical System in Israel: Proposing a Grand Strategy*.
- No. 164, February 2017, Einav Yogev and Gallia Lindenstrauss, eds., *The Delegitimization Phenomenon: Challenges and Responses* [Hebrew].
- No. 163, February 2017, Nizan Feldman, *In the Shadow of Delegitimization: Israel's Sensitivity to Economic Sanctions*.
- No. 162, November 2016, Yoel Guzansky, *Between Resilience and Revolution: The Stability of the Gulf Monarchies* [Hebrew].
- No. 161, November 2016, Udi Dekel, Gabi Siboni, and Omer Einav, eds., *The Quiet Decade: In the Aftermath of the Second Lebanon War, 2006–2016* [Hebrew].
- No. 160, November 2016, Pnina Sharvit Baruch, *The Report of the Human Rights Council Commission of Inquiry of the 2014 Operation in the Gaza Strip – A Critical Analysis* [Hebrew].
- No. 159, September 2016, Meir Elran and Gabi Sheffer, eds., *Military Service in Israel: Challenges and Ramifications*.
- No. 158, September 2016, Doron Matza, *Patterns of Resistance among Israel's Arab-Palestinian Minority: A Historical Review and a Look to the Future* [Hebrew].
- No. 157, August 2016, Emily B. Landau and Anat Kurz, eds., *Arms Control and Strategic Stability in the Middle East and Europe* [Hebrew].
- No. 156, August 2016, Udi Dekel, Nir Boms, and Ofir Winter, *Syria's New Map and New Actors: Challenges and Opportunities for Israel*.

Since its establishment, Israel has confronted a host of boycotts and movements that both sought to challenge its very existence and opposed any normalization of relations. In a similar vein, over the past decade the Israeli government and various non-governmental institutions have become increasingly preoccupied with a phenomenon coined “the delegitimization of Israel,” viewed primarily as a non-violent protest movement calling for the international boycott and isolation of the State of Israel. Since then, questions regarding what constitutes delegitimization and the seriousness of the threat posed by the movement have occupied Israeli foreign policymakers and NGOs alike. In parallel, the information and social media revolutions, the growing impact of public opinion on decision makers in countries considered allies of Israel, and the expansion of the delegitimization movement into many new arenas have added to the complexity of the challenge.

The Delegitimization Phenomenon: Challenges and Responses presents an analysis of the threat that the delegitimization and BDS (boycott, divestment, and sanctions) campaigns pose to Israel, a discussion of their manifestations in various fields, and an examination of the dilemmas they present to Israel’s decision makers. The articles compiled here aim to encourage extensive deliberation about the issue of delegitimization by examining its overall implications for security, strategy, and policy. They likewise provide insights for policymakers regarding Israel’s position in the international arena in the face of the delegitimization efforts.

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