

Boycott, Divestment and Sanctions against Israel, in France 2002 - 2010

By Marc Knobel

Marc Knobel is a Scholar of History and Director of Research at the CRIF (Conseil Représentatif des Institutions Juives de France) in Paris, France.

The Palestinian cause is emblematic in more ways than one, mobilizing a multiplicity of solidarities, passions and/or actions. Associations take action to support this cause, as well as maintaining multiple links and contacts among themselves. These groups are essentially on the left or extreme left of the political spectrum and mobilize anti-globalization and alternative issues activists. In addition, they provide constant encouragement to activists to heighten awareness in the media and public opinion. A variety of initiatives are used to achieve this, including recent calls to boycott products “made in Israel.” This document presents the elements necessary to understanding this sensitive issue and to analyzing these associations’ ideological goals, together with the Palestinian Authority.

Arabs and the boycott of Israel

A discussion of boycotts must begin some distance back in time. The boycott of Israel started as a boycott of Zionism, even before the Israeli State was founded. The boycott even has religious roots in various fatwas, and the Arab League imposed a formal boycott of Zionism, and then of Israel, beginning on 2 December 1945.

Jewish products and manufactured goods are considered undesirable by Arab countries. All Arab institutions, organizations, businesses, commissioned agents and individuals are called on to “refuse to trade, distribute or consume Zionist products or manufactured goods.” The boycott, in the form it has taken since 1948, is composed of three facets. The primary boycott forbids direct trading between Israel and the Arab nations. The secondary boycott is directed against companies who do business with Israel. The tertiary boycott includes blacklists of companies who trade with Israel. The boycott’s goal is to hermetically isolate Israel from its neighbors and from the international community. However, marginalizing Israel is a capricious undertaking, and difficult to organize. We can note that one of the measures taken by the League of Arab States to oppose the existence of Israel was the creation of the Office of the Arab Boycott of Israel in Damascus in 1951, whose mission is to publish, twice a year, a list of Israeli and international companies to be targeted by the boycott.

In 1978, the U.S. Congress adopted a law making it possible to prosecute any company participating in a “boycott not imposed by the United States against a country friendly to the United States.” This legislation was in reality aimed at the Arab boycott of Israel. Two European countries adopted similar legislation, with little actual impact: France (in 1977, amended in 1981) and Germany (in 1990). A proposed law was also debated in the Netherlands in 1982, but was not enacted.

After the first Gulf War, the countries of the Gulf Cooperation Council offered to lift the boycott in exchange for a freeze on Israeli “colonization” of the Occupied Territories. In addition, the peace process begun in Madrid in 1991 had a considerable effect on the boycott’s application: Morocco, for example, developed a direct economic relationship with Israel, with trade amounting to a total of \$100 million in 1993.

The Declaration of Principles, signed by Israel and the PLO in September 1993, further accentuated this trend: Qatar (a member of the GCC) began preliminary talks in January 1994 for an agreement worth more than \$1 billion for the export of natural gas to Israel. As soon as the peace treaty between Jordan and Israel was signed in October 1994, the six countries of the Gulf Cooperation Council (Saudi Arabia, Kuwait, Qatar, Bahrain, Oman and the United Arab Emirates) announced their decision to no longer apply the secondary and tertiary levels of the boycott. In fact, these portions of the boycott were already largely ignored. In September of the same year, Morocco and Israel opened liaison offices in their respective capitals, causing Tunisia to follow suit.

More recently, the development of diplomatic relations between Israel and the governments of certain Arab countries has led to a strengthening of the boycott and the rise of grassroots anti-normalization movements organized by professional and student unions, in particular in Egypt and Jordan. In October 2009, representatives from 16 Arab states met in Damascus with the aim of reaffirming the economic boycott of Israel, which had been in place for several decades already, but in a weakened state.

The first calls for a boycott in France (2002 - 2004)

On June 2, 2002, a motion in favor of boycotting Israeli products was unanimously adopted by the oldest pro-Palestinian association in France: the France Palestine Solidarity Association (*Association France Palestine Solidarité*, AFPS). On Saturday, June 15, 2002, the AFPS organized a national meeting on the topic of the boycott. Several calls to boycott were launched by other associations during the same timeframe. One was titled: “Down with the occupation! Down with apartheid! Boycott Israeli products!” This collective call on July 11, 2002 brought together organizations on the far left and alternative political groups.

In April 2002, a call for a moratorium on scientific and cultural relations with Israel was signed in several European countries (Germany, Bulgaria, Cyprus, Denmark, Spain, Finland, France, Great Britain, Ireland, Iceland, Israel, Italy, Norway, Portugal, Sweden, Switzerland). The text called on European academics and researchers to bring pressure to bear on Israeli authorities. Also, as numerous national or European scientific and cultural institutions, and in particular those financed by the European Union or the European Science Foundation, confer on Israel a status equal to that of European countries for the attribution of contracts and grants, the signatories demanded a moratorium on any form of institutional cooperation or material support for Israeli institutions “until Israel abides by UN resolutions and opens serious peace negotiations with the Palestinians, along the lines proposed in many peace plans.” At the end of September 2002, an additional call to “boycott Israeli scientific institutions” was launched in several countries (South Africa, Germany, Austria, Australia, Belgium, Brazil, Canada, China, Cyprus, Denmark, Egypt, United Arab Emirates, United States, France, Finland, Great Britain, Greece, the Netherlands, Ireland, Italy, Japan, Morocco, Mexico, Sweden, Switzerland and Tunisia). One hundred sixty-four French academics and researchers agreed to support the boycott. The text was published on the

website of the Joint Committee for a Just Peace in the Near East (*Coordination des Appels pour une Paix Juste au Proche-Orient*, CAPJPO).

CAPJPO is run by a former Trotskyist activist of Jewish faith, Olivia Zemor. The CAPJPO's goal, according to its statutes, is "to contribute to the establishment of a just and sustained peace between the Palestinian and Israeli peoples, in particular through the creation of a Palestinian State next to the State of Israel. More specifically, such a State will only be made possible through the implementation in the region of the United Nations principles and resolutions regarding Israeli occupation of Palestinian territories in 1967, as well as of the Geneva Conventions; the creation of an international peacekeeping force; and any expedient measures dictated by regional and international developments with regard to achieving this objective." In reality, CAPJPO stands out for its extremism. Its activists are politically active, very determined, and benefit from numerous connections (left and far-left, alternative movements). CAPJPO thus acts as a pressure group seeking to create a massive wave of hostile public opinion directed towards Israel. It is with this goal that CAPJPO promoted, supported and organized the boycott by sending activists to pick out Israeli products and discard them while chanting hostile slogans and intimidating consumers.

On September 28, 2002, calls for a boycott reached a crescendo in a demonstration organized in Marseille. The Collective for the rights of the Palestinian people (of Marseille), which organized the demonstration, was supported by 150 associations and parties, including the French Green Party (*Les Verts*), the *Ligue Communiste Révolutionnaire* (Fourth International) and the French Communist Party (PCF). The Collective chose September 28 to demonstrate because it was the "anniversary of the second Intifada," and Marseille because this port "is symbolic of trade between the Mediterranean and Europe," and also because one dock, nicknamed "*quai Carmel*" by the dockworkers, is exclusively devoted to the arrival of Israeli fruits and vegetables for distribution in Europe. Since the month of April, Alain Castan, spokesperson for the Marseille Collective, had worked to convince grocers to stop selling Jaffa oranges or Carmel avocados. He wanted September 28 to be the "launch of a national boycott of Israeli products." In addition to Israeli products such as citrus fruits, as well as Gottex clothing, Epilady products, the airline El-Al, Naan and Natafim sprinkler systems, activists demanded the boycott of products manufactured by companies that support Israeli policy: Celio, Levi Strauss, Häagen-Dazs, Sunny Delight, Pepsi Cola. An advertisement was also published in *Le Monde* newspaper (September 25, 2002).

Another initiative was launched by the Civil Campaign for the Protection of the Palestinian People (*Campagne Civile pour la Protection du Peuple Palestinien*, CCIPPP). The CCIPPP has close ties to the far left, and was launched in June 2001 with a civil mission to the Palestinian territories. Soon, the CCIPPP had designed stickers and posters in large numbers to launch this campaign to boycott of Israeli products. Its theme was: "Made in Israel, boycott apartheid!" The CCIPPP was directly inspired by the boycott of South African products that contributed to the end of apartheid. CCIPPP activists believed that a boycott (of Israeli products) was necessary until the full withdrawal of Israeli troops from all the territories, the dismantling of the settlements, and Israeli compliance with UN resolutions.

It is worth noting to what extent the CCIPPP – like the other pro-Palestinian associations – seeks to equate Israel with South Africa. This propagandist comparison reflects the tone of the Durban Anti-racism Conference that took place in South Africa in September 2001. Israel's detractors seek to cover Israel with shame, to dehumanize and isolate the country, and thus to destroy it.

With this purpose, the CCIPPP drafted a list of products to be targeted by the boycott. The CCIPPP then launched a call for financial support from all individuals, organizations and associations in favor of the “decolonization” of Palestine. The CCIPPP called on all these groups to order stickers to put on products from Israel in supermarkets, markets and stores. Other NGOs joined the campaign, in particular Droits Devant!, Droit Au Logement, Confédération paysanne, Union générale des étudiants de Palestine (GUPS-France), Collectif Palestine Marseille, Palestine 33, Evry Palestine and Palestine 12.

The law against the boycott

France is sensitive to boycotts as a general rule, especially when it is directly concerned. In 1997, for example, when Jacques Chirac decided to carry out yet another French atomic test in the Pacific, a boycott was threatened in Australia and New Zealand. French diplomacy worked at every level to prevent French businesses from being subject to a boycott.

With regard to the boycott against Israel, it should be recalled that following the boycott of many French companies, and thanks to significant efforts by the Mouvement pour la Liberté du Commerce (Free Trade Movement) in the late 1970s, which united politicians and jurists of every persuasion, the French parliament adopted law no. 77-574, the “anti-boycott” law of June 7, 1977, in which a boycott was decreed to be a discriminatory economic act. (1)

French legislators thus enacted legal sanctions for any civil servant (article 432-1 of the Penal Code) and more generally, for any person (articles 225-1 and 225-2 of the Penal Code) who adopts, in the economic sphere, behavior inspired by considerations of a discriminatory nature or which tends to foster such discrimination.

A boycott thus became a legal offense according to Article 225-1 ff. of the Penal Code, amended by Law no. 2006-340 of March 23, 2006 - art. 13 (*Journal Officiel de la République Française*, March 24, 2006), which stipulates that:

“Discrimination is any distinction made between individuals based on origin, gender, marital status, pregnancy, physical appearance, surname, state of health, disability, genetic characteristics, lifestyle, sexual orientation, age, political opinions, union activism, or their adherence or non-adherence, real or imagined, to a particular ethnic group, nation, race or religion.

“Discrimination is also any distinction made between legal entities based on the origin, gender, marital status, pregnancy, physical appearance, surname, state of health, disability, genetic characteristics, lifestyle, sexual orientation, age, political opinions, union activism, or the adherence or non-adherence, real or imagined, to a particular ethnic group, nation, race or religion, of the members or of some members of these legal entities.”

Article 225-2 of the Penal Code also stipulates that:

“Discrimination as defined in article 225-1, committed against an individual or a legal entity, is punishable by three years in prison and a fine of €45,000 when it involves:

1° A refusal to provide a good or a service;

2° Limiting the regular exercise of any economic activity;

3° The refusal to hire, sanction or fire someone;

4° Making the provision of a good or service conditional on one of the elements defined in article 225-1;

5° Making a job offer, a request for internship or training within a company conditional on one of the elements defined in article 225-1;

6° Refusing to accept an individual for one of the internships designated in par. 2 of article L. 412-8 of the [French] social security code.

“When discrimination as defined in par. 1 is committed in a public place or in order to limit access to a public place, the punishment is increased to five years in prison and a fine of €75,000.”

Politicians mobilize against the boycott

The powerful reaction by intellectuals, academics and the Jewish community (from 2002 to 2004) in opposition to the pro-Palestinian associations should also be noted. In addition, certain French politicians reacted strongly, as noted for example in an editorial published in *Le Figaro* newspaper (November 1, 2002) on this topic:

“The boycott of Israeli products and of companies accused of Zionism or of collaborating with Israel (the infamous list of which is now public, as if marking them with an economic yellow star) launched in our country this past summer by various public figures and associations, requires us to react.

“Generally of little economic impact (we recall the little-followed campaign against Danone), the insidious process in which a boycott is used against certain global economic trade sectors in the name of human rights makes no sense. Its economic and political effect is opposite that intended, as in the name of solidarity, this process contributes in fact to even further increasing the difficulties experienced in a region of the world which is already riddled with violence and terrorism, exacerbating the economic condition of those, Israeli and Palestinian, whom we are purporting to protect.

“We would not have spoken out about this classic manipulation, if it were not an additional opportunity to lend support to the racist and anti-Semitic ideas which France has long been unable to eliminate. We can disagree with Israeli policies, but the amalgamation of Sharon, Israel, the Jewish people, and global capitalism carries too strong a historical resonance to allow it to develop with impunity.

“The current government has decided to act against the racist and anti-Semitic wave that has swept France since the return of the intifada. This is why we, UMP and UDF members of parliament, firmly demand that the Minister of Justice fully apply the French law on the promotion and practice of boycotts (article 225-2, par. 2 of the Penal Code, article 23 of the law of July 29, 1881). We request that the Ministry take action to prosecute the persons and associations, whatever their reputation, at the origin of this boycott that incites to hatred: There can be no tolerance for the opponents of tolerance.” (2)

In the end, all of these attempts were abandoned in their early phases. However, theoreticians and practitioners of the boycott got to work to achieve better success later on.

Why are Palestinians inspired by the South African example?

After apartheid was codified and legalized in South Africa (1948), a boycott of South African fruits sold abroad was pursued passionately and persistently in many countries, and over a long period of time. The aim, however, was not to significantly impact the South African economy, largely based on gold and diamonds (in 1979, gold exports accounted for 61% of total exports, and oranges and other fruits for only a few percent); nor was there a specific goal (to use the expression coined by Robert Ecuey) of “the disappearance of the State of South Africa.” Rather, the objective was to create a global climate of condemnation, mistrust and anger, which contributed to isolating the South African government. This is what eventually made it possible to define concrete sanctions, imposed by OPEC (an embargo on oil shipments in the early 1970s), the Japanese government (investment embargo, 1979), the United Nations (general embargo, 1981), the U.S. Congress (investment, gold import and arms export embargo, 1986), etc., lasting until the end of apartheid in 1992.

This is the campaign that inspired Omar Barghouti, Palestinian political analyst, resident of Ramallah, (Palestinian) boycott theorist and founding member of the campaign for boycott, divestment and sanctions against Israel (BDS). His argument is based on the model of the civil anti-apartheid boycott in South Africa. According to him, the battle to abolish apartheid can serve as a model for the current struggle for Palestine.

Barghouti says, for example: “The crimes committed in Gaza have given rise in the international community to campaigns to treat Israel as South Africa was treated during apartheid. Without realizing it, Israel has caused the beginning of the end of its regime of colonial occupation and its particular version of apartheid” (*L’Humanité*, March 28, 2008). In 2009, Barghouti elaborated further: “The people who are saying today that we shouldn’t boycott Israeli universities, what were they doing in the 1980s? Didn’t they boycott South African universities? In reality, the South African boycott was a complete boycott of every South African thing and person, not just of its institutions. The Palestinian boycott is against institutions. The people who, in the 1980s, participated in the total boycott of everything South African and of South African apartheid, are the same people who say hypocritically today that we shouldn’t boycott Israel. This is hypocrisy, a double standard, and it’s making an exception for Israel.”

It should be noted that this boycott theorist speaks only with the express authorization of the Palestinian Authority, which fully supports and promotes his activity.

The boycott of Israel at the Paris Book Fair in 2008, and in Turin.

Thirty-nine Israeli authors, including some major figures of Israeli literature such as Amos Oz and David Grossman, were invited to the Paris Book Fair, where Israel was the guest of honor. The event was slated to open on March 13, 2008.

However, two weeks before the opening, a growing number of Arab countries and organizations were calling for a boycott of the Paris Book Fair. The first country to announce its decision was Lebanon, a cornerstone of the French-speaking world in the Middle East, which indicated its intention to boycott the Book Fair (March 14-19) as a protest against

inviting Israel on the occasion of its 60th anniversary of statehood. A Yemeni cultural minister, Faris al-Saqqat, declared that his country would not participate either, at the request of the Arab League. Lively criticism arose in the Arab world condemning the attitude of the book fair organizers, and of the French authorities who had participated in selecting the guest country. The president of the Palestinian Writers' Union, Al-Moutawakel Taha, called on Arab publishing companies to boycott the event, and the president of the Egyptian Writers' Union, Mohamed Salmawy, described the selection of Israel as "unacceptable."

In Rabat, the Islamic Educational, Scientific and Cultural Organization (ISESCO), an offshoot of the Organization of the Islamic Conference (OIC), called on the OIC's 50 member countries to boycott the book fair. Independent Moroccan and Algerian editors desisted. When asked, the national publishers' union (*Syndicat national de l'édition*, SNE), organizer of the event, pointed out that the guest was "Israeli literature," not the Israeli state.

In response to this firestorm, the French Foreign Affairs Minister defended the invitation of Israel and described the possible boycott of the fair by Arab writers as "extremely regrettable." There was also some controversy around calls to boycott the Turin Book Fair in Italy on May 8-12, at which Israel was also the guest of honor. However, the notion of boycotting the Turin Book Fair provoked indignant reactions from every end of the political spectrum in Italy, in defense of the freedom to write and of free debate. The Italian writer Dario Fo, a Nobel Laureate, pointed out that he was opposed to boycotting the book fair, but that he would have preferred that Palestinian writers also be invited. The same was true for the Paris Book Fair: Egyptian writer Alaa al-Aswany, author of the international bestseller *The Yacoubian Building*, as well as Susan Abulhawa, an American writer of Palestinian origin, strongly condemned the presence of Israel as the guest of honor, while still maintaining their participation in the event.

The Paris Book Fair was opened on March 13 by French president Nicolas Sarkozy and his Israeli counterpart Shimon Peres. Peres deplored the boycott of the fair by several Arab and Muslim countries, judging that "those who choose to boycott are punishing themselves." "I am opposed to book burnings, I am opposed to boycotts of books. All those who say they read books, if they only read the books they agree with, it's a sheer waste of time," said Mr. Peres to the press following an hour-long meeting with Mr. Sarkozy. "Books are made to spark reflection, to help bring ideas together," the Israeli president continued, in Hebrew. "I think we have made a mistake in the East. While the West was conducting research on the East, and learned a great deal, the East was not studying the West and lost much as a result. Those who choose to boycott are punishing themselves," Mr. Peres concluded.

What is the call for boycott, divestment and sanctions (BDS) against Israel?

The call by Palestinian civil society for boycott, divestment and sanctions (BDS) was officially launched in 2005. The campaign was inaugurated on July 9, 2005 by a collective of Palestinian associations, one year after the International Court of Justice (ICJ), in an advisory opinion, declared the wall built in the Palestinian territories to be illegal: "The Palestinian National Committee calls on all those who wish to act in solidarity with Palestine to Boycott, Divestment and Sanctions (BDS campaign) against Israel, as long as this country does not comply with international law."

However, until 2008 its reach was for the most part limited to churches, unions and associations in countries such as South Africa, Great Britain, Canada, Ireland, and Norway,

where Palestinian groups have a strong influence. In the West as a whole, the major parties, unions and civil society networks were indifferent or openly hostile to BDS.

With events in Gaza, the BDS movement spread, reactivated by the Palestinian lobby and the Palestinian Authority. Note should be made, in this context, of a text dated December 27, 2008 and widely distributed in pro-Palestinian milieus in Europe and the United States. This text was presented as a “call from Palestinian civil society,” and titled: “Stop the massacre in Gaza, boycott Israel now!” In reality, the signatories distribute any pro-Palestinian propaganda. It is they who made the boycott of Israel an arm of choice. They even formed a “Palestinian National Committee for Boycott, Divestment and Sanctions (BDS).” (3)

In this violent text, Israel is accused of every evil. In particular, there is mention of “massacres,” “ethnic cleansing,” “famine” (of Palestinians), “indiscriminate bombings,” and “acts of genocide.” The terminology used is particularly savage, and the goal perfectly clear. To promote the boycott of Israel, Palestinian NGOs are trying to equate Israeli actions with those of the Nazis.

Excerpts:

“Israel seems intent to mark the end of its 60th year of existence the same way it has established itself – perpetrating massacres against the Palestinian people. In 1948, the majority of the indigenous Palestinian people were ethnically cleansed from their homes and land, partly through massacres like Deir Yassin; today, the Palestinians in Gaza, most of whom are refugees, do not even have the choice to seek refuge elsewhere. Incarcerated behind ghetto walls and brought to the brink of starvation by the siege, they are easy targets for Israel's indiscriminate bombing.” The text ends with: “Now, more than ever, the Palestinian Boycott, Divestment and Sanctions National Committee (BNC) calls upon international civil society not just to protest and condemn in diverse forms Israel's massacre in Gaza, but also to join and intensify the international Boycott, Divestment and Sanctions (BDS) campaign against Israel to end its impunity and to hold it accountable for its persistent violation of international law and Palestinian rights. Without sustained, effective pressure by people of conscience the world over, Israel will continue with its gradual, rolling acts of genocide against the Palestinians, burying any prospects for a just peace under the blood and rubble of Gaza, Nablus and Jerusalem.”

We believe that this text has had powerful resonance as a wake-up call of sorts for activists. However, the context should not be ignored, nor should we underestimate the impact of the conflict between Hamas and Israel, and in particular its media impact.

Thus, in February 2009, the Stockholm city council announced that the French company Veolia, current operator of the city's subway system, would lose a contract worth €3.5 billion – Veolia is involved in the West Jerusalem tramway construction project. In Durban, the dockworkers' union refused to unload an Israeli cargo ship, echoing similar measures taken in the past against South African ships. A union of Australian dockworkers, a group of progressive American union leaders, decided to support the BDS cause. Hampshire College made an equivalent decision when it announced an end to its investment in six companies profiting from “the Israeli occupation.” This college was the first to divest in South Africa in the 1970s. Even in France, where the boycott was strongly opposed, reputable academics signed a text explicitly supporting BDS.

On January 14, 2009, the following text was posted on the BDS France blog: “The boycott is a non-violent mass movement that requires extensive mobilization. This is why it must be founded on a clear and simple message, which can foster the broadest support. Currently, many boycott initiatives against Israel are being launched in response to the Palestinian call. But the proposed lists are very long, confused, mix Israeli and international companies, and do not prioritize. We propose that specific products and flagship brands be targeted, to cause certain Israeli companies to visibly lose market share. The aim is to have a quantifiable impact, to make the economic decision-makers in Israel suffer from the consequences of the Israeli government’s policies. With this in mind, here are the companies and products we propose to boycott:

Carmel or Top: avocados
Jaffa: oranges and grapefruit
Jordan Valley: fresh dates
TEVA: generic medications
Etc.”

On January 10, Naomi Klein published an article explaining this strategy in the British newspaper *The Guardian* (January 10, 2009): “The best strategy to end the increasingly bloody occupation is for Israel to become the target of the kind of global movement that put an end to apartheid in South Africa.” In addition, a world action day had been designated a few weeks earlier during the World Social Forum in Belém, Brazil, to relaunch the BDS campaign. On October 5, 2009, the BDS France blog published a list of signatories of the call and the charter of the BDS France Campaign. The following day, a new list was published on its website. The French Communist Party (PCF), the MRAP (Movement against racism and for friendship between peoples), the Green Party and the Human Rights League joined the call by the “National collective for a just and sustainable peace between Palestinian and Israelis” for BDS.

Some Jews support BDS, but progressive Jews and Israelis oppose it!

The BDS campaign is promoted and supported by Jewish intellectuals, who thus lend it credence and a free hand. Who can label the BDS call to boycott Israel as anti-Semitic, when it receives support from Jews and Israelis?

First example: More than 500 Israelis (4) petitioned in favor of supporting the boycott of Israeli products or of Israeli universities. In this petition, the signatories (Jews and Arabs) explain that: “Israel’s destructive and criminal policies will not stop without massive pressure from the international community. However, outside of a few relatively weak official criticisms, the international community has neglected to act. The United States support Israeli violence, while Europe, even as it issues some critical statements, is not ready to seriously retract the “gift” it gave Israel in the form of preferred status for its relations with the European Union. In the past however, the world knew how to combat criminal policies. The boycott of South Africa was effective, but Israel is treated with kid gloves: Its trade relations are flourishing, academic and cultural cooperation continues and intensifies with diplomatic support...”

Take the example of another open letter: “The memory of the Holocaust does not excuse crimes committed today.” The undersigned, who are all American academics (5), attempt to

deflect any accusation of anti-Semitism with the following fallacious arguments: “It is no more anti-Semitic to boycott Israel to end the occupation than it was anti-white to boycott South Africa to end apartheid. Social justice movements have often called for boycotts or divestment, whether against the military regime in Burma or the government of Sudan. Wise or not, such calls are in no way discriminatory.” Further, they add: “The Holocaust was one of the most horrific events in modern history. It is a dishonor to its victims to use its memory as a bludgeon to silence principled critics of Israel’s unconscionable treatment of Palestinians.”

Along the same lines, the French Jewish Union for Peace (*Union Française des Juifs pour la Paix*, UFJP) – which goes so far as to support Hamas – published a roughly equivalent text, titled “Gaza: No crimes in our name” and reprinted in the French Communist Party newspaper (January 28, 2009). These activists express their support for the boycott of Israel. Excerpts: “The Palestinian NGOs and Israeli anti-colonial movements have launched a global campaign for ‘BDS’ (boycott, divestment, sanctions) as long as the rights of the Palestinian people are being violated... This campaign must be expanded, like the one that helped hasten the end of the South African apartheid regime. To bring an end to the occupation, the settlements, the crimes, the UJFP calls on associations, unions, political groups, to join this civil boycott. Now as we begin to see media coverage of the European parliamentary elections, we should focus on asking all the candidates to commit to sanctions, the repeal of the associative agreement, and the end of all military cooperation.”

This minority, however, while certainly vocal – and seeking the destruction of the State of Israel – in no way represents the opinion of the majority, particularly the Israeli progressives and “pacifists” who are wholly opposed to the boycott of Israel, and who, at the same time, are working towards reopening the peace process between Israelis and Palestinians.

Let us take another example. David Chemla of Shalom Archav France published an article in the major evening newspaper *Le Monde* (March 10, 2008) intended to respond to the controversial (Muslim) intellectual Tariq Ramadan. In the pages of *Le Monde* (February 28), Tariq Ramadan claimed not to deny the existence of Israel, and not to call for its destruction. “Certainly, it is not the presence of an Israeli (arms) stand at the Bourget Exhibition Center (near Paris), which draws crowds of arms dealers, including Arab, that he condemns, but rather Israel’s presence as the guest of honor this year, its 60th in existence, at the Paris Book Fair. Of course, books do represent a more formidable weapon for ensuring a country’s security than its airplanes and tanks,” wrote David Chemla.

“Nowhere, it is true, does Mr. Ramadan write that he condemns Israel’s existence. He limits himself to ‘recalling the sixty years of colonization’ that are a part of its history. If, according to him, Israel has occupied a territory and colonized a people for sixty years, and not forty, is this not a fundamental challenge to its right to exist? On what territory does he recognize Israel’s right to exist today? By adding his voice to the voices of those who, in Turin, called for a boycott of Israel, or who, in Paris, criticized its presence at the book fair, Mr. Ramadan is in fact, contrary to what he claims, attacking this country’s culture as a whole. What does literature convey, if not a language and an identity? A language first of all, the language in which the writers invited to represent Israel were required to write, as defined by the selection criteria set out by the National Book Center (*Centre national du livre*). And contrary to what Mr. Ramadan and those he supports claim, Arab Israeli writers were not excluded, as demonstrated by the presence of Sayed Kashua and Naim Araidi in the delegation. A multi-faceted identity, then, like the country itself, which is in no way defined as the negation of the Other, the Palestinian, as evidenced by most of the invited authors’ works. Therein, no doubt,

lies the stunning paradox of the position championed by Mr. Ramadan: Most of these writers are among the greatest advocates for the Palestinian cause in Israeli society. Many of them speak out for those who, for many years, have campaigned for an end to the occupation and the creation of a Palestinian state on Israel's border, some even calling for negotiations with Hamas to bring an end to the tragic and bloody conflict in the streets of Gaza and Sderot. However, as my Palestinian friends have often told me, certain defenders of the Palestinian cause abroad are more maximalist than the Palestinians themselves. Mr. Ramadan does not deny Israel the right to exist, he limits himself to contesting its right to a territory, a language and an identity!"

The Greens, the far left and the French Communist Party support the boycott against Israel

Everyone knows that indignation and compassion have malleable borders, especially where Israel is concerned. Since 2008, the Israeli boycotters' club continues.

Examples:

Seen on the Greens' website: "The Greens have decided to support this important legal battle to the end, and call on public opinion to demand that the Israeli government be judged at last for its ongoing policies and actions violating human rights in Palestine. This latest injustice motivates the Greens, members of the National Collective for a just and sustainable peace in the Middle East, to participate in the BDS (Boycott, Divestment and Sanctions) campaign, until Israel consents to submit to international law." (Press release, October 15, 2009, by Djamila Sonzogni, Green Party spokesperson.)

"No Israeli merchandise on French soil, no interaction with Israeli institutions of any kind," openly and brazenly declared a statement by the New Anti-capitalist Party (Fourth International), dated October 16, 2009. And *Rouge* (mouthpiece of the same party) reads: "Our first task is to show our concrete political solidarity with the Palestinian resistance: civil missions, delegations, partnerships, pairings, participation in the National Collective and its unified approach. The second is to show solidarity for Israeli anti-colonialists and those who refuse their armed service. They are the proof that this conflict is neither ethnic nor religious, but rather political. The third is to situate this fight in the framework of the international struggle against imperialist policies in the Middle East, by working in particular against NATO and its initiatives. Finally, we must participate in a campaign which has long been in existence and which must now grow, the campaign for boycott, divestment and sanctions (BDS). We must boycott Israeli products, by targeting those products that are clearly identifiable. We know how effective the boycott against South Africa was in the era of apartheid. Palestinian NGOs and Israeli anti-colonialists demand this of us. We must denounce French and multinational companies, such as Alstom or Veolia, that take part in colonization. Associative agreements between the European Union and Israel must be condemned. The Israeli leadership must be prosecuted for war crimes." (Roger Devaneuse, "Active solidarity with the Palestinians," *Rouge* no. 2285, 02/05/2009)

On October 8, 2009, the president of the Representative Council of French Jewish Institutions (CRIF) deplored the French Communist Party's (PCF) signature of the call for the BDS France campaign. The BDS supports the call for sanctions against Israel. In this context, Richard Prasquier (CRIF president) stated that the CRIF is particularly concerned by the fact

that, rather than promoting dialogue between all parties, the PCF supported calls for a boycott which is both reprehensible and in violation of the penal code. At the same time, the Movement against Racism and for Friendship between Peoples (MRAP), closely aligned with the PCF, published a twelve-page brochure on its website aimed at convincing elected officials to support the boycott of Israel, and including a list of the parliamentary representatives who belong to the France-Israel friendship group.

In her response to the CRIF, the PCF National Secretary wrote that this letter had disappointed the party, because Marie-George Buffet thought the CRIF would be “more inclined to accept the dramatic reality of events in the Near East.” She further described “a unilateral attitude (by the CRIF) that is incomprehensible,” and wrote that the call for BDS is solely directed against “occupation and settlement.”

This shorthand approach by the PCF is highly questionable. Take the example of Agrexco, an Israeli company that exports fruits and vegetables from Israel around the world, and is thus a preferred target for French boycotters. Agrexco invited journalists from the agricultural magazine *Végétale* to see for themselves, however, that 99% of its Israeli export production is grown on land inside the Green Line, or within the territory that Israel held before the 1967 Six Day War. As for the remaining 1% of Israeli export production, it is grown on Palestinian territory, and thus from land cultivated by Israeli farmers.

In her letter, Ms Buffet added that the European Union had strongly reminded Israeli authorities of the need to ensure traceability of their exports. However, she feigned ignorance of the fact that Israeli products from these territories are inventoried separately, and go through a separate customs process under European regulations. These regulations are in fact applicable in all European Union ports, and not just in France. We can return here to the above-cited example of Agrexco. This company has been marketing products cultivated by Palestinian farmers under the Coral label, and with separate documentation, for some thirty years (strawberries and cut flowers). And the Palestinian farmers benefit from the same logistics and marketing services as Israeli farmers (6).

Above all, however, the PCF National Secretary refused to acknowledge one point of particular importance: That the boycott is illegal, as a boycott is nothing but a form of discrimination. And yet, an elected official from her own party had been prosecuted for wanting to boycott Israeli products.

The European Court of Human Rights recalls that to boycott is to incite to discrimination

Summary of the facts: On October 3, 2002, during a city council meeting which was open to the press, Jean-Claude Willem, communist mayor of Seclin (in the north of France) announced his intention of asking his administration to boycott Israeli products within the city limits. He characterized his decision as a protest against the policies of the Israeli government towards the Palestinian people. Representatives of the Jewish community in the Nord department pressed charges, and the public prosecutor decided to bring charges of national, racial and religious discrimination, based on articles 23 and 24 of the July 29, 1881 law on the press. Acquitted by the criminal court of the city of Lille, Mr. Willem was condemned on appeal on September 11, 2003 to a fine of €1,000. His final appeal was rejected.

In these proceedings, the European Court of Human Rights issued its chamber judgment on July 16, 2009 re. Willem v. France (application n° 10883/05, submitted to the European Court of Human Rights on March 17, 2005) concerning the condemnation of the mayor of Seclin for inciting to boycott Israeli products.

Mr. Willem felt that his call to boycott was part of the broader political debate on the Israeli-Palestinian conflict and undeniably in the public interest. His condemnation would be, in his view, a violation of his freedom of expression according to article 10 of the Convention. However, the Court concluded, by six votes to one, that article 10 of the European Convention on Human Rights (freedom of expression) was not violated.

The Court found that restricting the petitioner's freedom of expression was allowed for in articles 23 and 24 of the 1881 law on the press, and was motivated by a legitimate goal, that of protecting the rights of Israeli businesses. The Court recalled that a restriction of freedom of expression, in particular that of an elected official, is allowable under the Convention if found to be "necessary to a democratic society." Like the French jurisdictions, the Court found that Mr. Willem had not been condemned for his political opinions, but rather for inciting to discriminatory action. The Court also noted that, under French law, the petitioner was barred from taking the place of the legitimate governmental authorities in decreeing the boycott of products originating from a foreign country and, in addition, that the punishment inflicted was relatively modest. It concluded therefore that the contested restriction was appropriate to the legitimate objective pursued, and that there was no violation of article 10.

A test: the boycott of Agrexco at the port of Sète

The condemnation of the communist mayor of Seclin did not prevent pro-Palestinian activists from further pushing the legal boundaries.

In this context, we should recall what has been happening in the south of France over the past few months. The state-funded regional institution "Port sud de France" which operates the port of Sète (in the south of France) chose, following deliberation, the GF GROUP company to manage new merchandise transport. At the same time, the Israeli company Agrexco, which exports its fruits and vegetables throughout Europe, decided to move its shipping from Marseille to Sète. According to a press release from the Languedoc-Roussillon region (September 25, 2009), the operator was showing its recognition of the region's efforts (€200 million invested in ten years) to make Sète into a major Mediterranean port between Genoa and Barcelona. However, pro-Palestinian coalitions, interest groups and lobbies were quick to react. The Agrexco move provoked violent reactions, which we detail below. We believe that the activism against Agrexco serves as a symbol and a test of the intensity of the boycott.

- On July 17, 2009, Jean-Claude Lefort, president of the France-Palestine Solidarity Association (AFPS), questioned the group presidents in the Senate about the Agrexco implantation.
- Beginning on July 17, through July 28, activists from the New Anti-capitalist Party (Fourth International), the Civil Campaign for the Protection of the Palestinian People (CCIPPP) and the Cimade organized their 153rd Mission to Ramallah, titled "AGREXCO," in order to seek the participation of the Palestinians in creating a common strategy against this implantation. During this mission, the Agriculture Minister for the Palestinian Authority denounced Agrexco's practices and the establishment of Agrexco/Carmel in Sète.

- In August 2009, Jean-Jacques Candelier, PCF representative for the Nord department, questioned the Minister for Foreign and European Affairs at the National Assembly about the Agrexco move.
- In September, Sylvain Pastor, Green representative on the Languedoc-Roussillon Regional Council, according to a report in the *Midi Libre* newspaper dated September 28, called the representatives in the regional parliament “collaborators with Israel” in the context of Agrexco’s plans to relocate to the port of Sète.
- At a meeting on Thursday, October 1, 2009 at Cimade headquarters in Béziers, this city’s left and far-left organizations decided to create a “Béziers Coalition against Agrexco.”
- On October 2, The France Palestine Solidarity Association posted an online petition against the implantation.
- On Thursday, October 8 at 11:30 a.m., the members of this coalition gathered in the square in front of Béziers City Hall.
- The 9th, the members of this coalition invaded the *Maison de la Région* (regional business center) in Béziers, together with activists.
- On October 10, the “Eight hours for Palestine, against Agrexco and for employment” event was organized in Montpellier.
- On October 10, the BDS France campaign group demonstrated in front of a Carrefour hypermarket in Saint-Denis (near Paris), in support of the Coalition against Agrexco.
- The Collective 66 Peace and Justice in Palestine received three Palestinian farmers from a Palestinian agricultural union, on October 12 and 13, to protest against the Agrexco implantation.
- A meeting was organized on Monday, October 12. On the 13th, militants accompanied these Palestinian union activists to Estagel, where they were received by representatives of the Farmers’ Confederation at their vineyard.
- In November, a delegation from Cimade and the CCIPPP traveled to Pisa (in Italy) to participate in the creation of the Italian "*Coalizione contro l’Agrexco/Carmel*" a few days later.
- Mid-November, the ECCP (European coordinating committee for Palestine) and the BDS France Campaign decided to make the struggle against Agrexco the central activity of the BDS France campaign. The movement received the support of Via Campesina, an international movement of millions of small farmers, of the Israeli AIC (Alternative Information Center) associations, and of the “Coalition of Women for Peace” encountered during the CCIPPP “Agrexco” missions, for the Coalition against Agrexco/Carmel.

A recent text published by the CCIPPP states that “conditions are in place to bring together all these forces and launch the first European initiative against Agrexco/Carmel - Sète. It has been decided that this first initiative will be directed against the ‘Languedoc-Roussillon regional centers’ in Milan, Brussels and London, because the Regional Council and its president carry the responsibility for choosing Agrexco and for making Israel the ‘economic ally of the region.’ Additional initiatives will follow, and not only in France, directly targeting all Agrexco/Carmel locations and the GF Group if it persists in its decision to maintain Agrexco as an export client at the Sète fruit terminal, and to work with Agrexco/Carmel and export its products to Vado (Italy), Fos (France), Valencia (Spain), Brussels, London, etc. Furthermore, the coalition’s expansion continues at the regional level, creating a network whose past and future initiatives will have significant impact.”

These calls for a boycott are problematic. They ultimately threaten the efforts of all those who work tirelessly to increase trade and to develop synergies between France and Israel in the social and natural sciences. This would be a tragic consequence, ethically and scientifically untenable, especially given the caliber of Israeli scientists. We should measure the economic and scientific consequences of such a boycott. Are we aware, for example, that the scanning devices used in Marseille hospitals are Israeli?

Boycott against Israel: what is the CRIF doing?

Pro-Palestinian activists devote considerable energies to attempting to bring their cause to the media, but the Representative Council of French Jewish Institutions (CRIF) is devoting equally great efforts to publicly denouncing the illegal nature of calls to boycott. Since 2002-2003, the CRIF has been implementing a broad campaign directed at public opinion, decision-makers, associations and the public authorities to condemn the boycott campaigns affecting Israel. Different messages are communicated to the various ministerial authorities with whom the CRIF meets.

- We share our great concern about the violent boycott initiatives planned against Israeli products.
- We request that the authorities intervene at the first signs of a boycott.
- We remind them that according to articles 225-1 and 225-2 of the Penal Code, boycotts are completely illegal and should be punished under the law.
- We declare again that the government must firmly demonstrate its dedication to free trade, which is a hallmark of a free society.
- We also question them: Should we deprive ourselves of generic medications from the TEVA company, of electronic components for our computers, of science and technologies developed by Israel?
- We then continue to warn of the dangers of these rash campaigns. If they continue, will we next be subject to book burnings (of Israeli books) or vandalizing of kosher butcher shops?
- Finally, the CRIF supports the France-Israel Chamber of Commerce and Lawyers Without Borders in their decision to bring legal action against groups choosing to boycott Israel, for discrimination based on adherence to a nation/country (article 225-1 of the Penal Code).

Provisional conclusion

We must now consider an appropriate form of response. Petitions could be organized along the lines of a statement which was recently published by three French physicians. These physicians had contacted professors of medicine and other healthcare personnel. Hundreds of doctors expressed their refusal to participate in an institutional boycott. This excellent initiative unfortunately received inadequate media coverage.

The website Desinfos.com has reproduced a Nazi poster from the 1930s on the internet. In the foreground is an S.A. soldier standing guard in front of a Jewish store. At the top of the photo is a slanted banner, on which is written: "Jewish business! Whoever buys here will be photographed." In the center top of the photo is a caricature of a Jew in a red circle and the caption: "Those who buy from Jews are traitors to their people." Inscribed in a rectangle to the left of the soldier is: "Germans! Protect yourselves from insidious Jewish propaganda. Only buy in German stores!" And finally, a caption at the lower left of the photo reads: "Germans! Take care! Don't buy from Jews!"

What does the approach chosen by these leftist associations show? That they wish to collectively punish Israel and its workers – and only Israel – while remaining silent about and blind to the faults of the Palestinian Authority, the crimes perpetrated by Hamas, the Palestinians' strategic choices, the violence and terrorism that is directed towards Israel?

With this double standard, they can only confuse, disgust and push away the Israelis and all those who have long been devoted to the pursuit of Israeli-Palestinian and Israeli-Arab reconciliation.

A boycott is a coward's choice: Pro-Palestinian associations could instead implement educational projects with joint Israeli-Palestinian teams. A boycott is a coward's choice: Pro-Palestinian associations could instead promote publications in specialized and scientific journals, including contributions from both communities. A boycott is a coward's choice: Pro-Palestinian associations could instead organize international conferences for Israelis and Palestinians to find their way back to dialogue.

Given current conditions, we cannot remain indifferent to the current boycott, which is inappropriate, immoral and disgraceful. Because it is directed towards Israeli products, we must consistently raise awareness of the various ways of helping Israel. Everything possible must be done to promote, support and purchase Israeli products.

Marc Knobel

Notes:

1: http://www.lepost.fr/article/2009/08/18/1660770_le-boycott-des-produits-israeliens-est-illegal.html

2. This statement was signed by Claude Goasguen, Jacques-Alain Benesti, Roland Blum, Bernard Brochant, Charles Cova, Olivier Dassault, Daniel Gard, Jean-Pierre Giran, Pierre Heriaud, Maryse Joissains, Geneviève Lévy, Alain Madelin, Hervé Mariton, Josette Pons, Eric Raoult, Jérôme Riviere, Rudy Salles, Michèle Tabarot, Jean-Sébastien Vialatte, members of parliament.

3. The committee includes the following organizations: Council of National and Islamic Forces in Palestine; General Union of Palestinian Workers; Palestinian General Federation of Trade Unions; Palestinian Non-Governmental Organizations' Network (PNGO); Federation of Independent Trade Unions; Union of Palestinian Charitable Organizations; Global Palestine Right of Return Coalition; Occupied Palestine and Golan Heights Advocacy Initiative (OPGAI); General Union of Palestinian Women; Palestinian Farmers Union (PFU);

Grassroots Palestinian Anti-Apartheid Wall Campaign (STW); Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI); National Committee to Commemorate the Nakba; Civic Coalition for the Defense of Palestinian Rights in Jerusalem (CCDPRJ); Coalition for Jerusalem; and Palestinian Economic Monitor.

4: http://www.humanite.fr/IMG/doc/appeal_to_international_community_French.doc

5 : Michael Albert, ZNet, USA; Phyllis Bennis, Institute for Policy Studies, USA; Ellen Cantarow, writer, USA; Noam Chomsky, professor emeritus MIT, USA; Lawrence Davidson, West Chester University, USA; Louis Kampf, professor emeritus MIT, USA; Joanne Landy, Campaign for Peace & Democracy, USA; Marvin Mandell, co-editor, *New Politics*, USA; Stephen R. Shalom, William Paterson University, USA; Stephen Soldz, co-founder, Coalition for an Ethical Psychology, USA; Howard Zinn, professor emeritus Boston University, USA.

6: In this context we should also recall how things can fluctuate. It seems useful to remember that a new agricultural agreement between Israel and the European Union was just signed in Brussels in November 2009, updating their original agreement (from 1970 and already updated on several previous occasions) to reflect significant changes in response to needs expressed on both sides, and resulting from long negotiations with the Israeli ministries of Agriculture, Employment, Trade and Industry. This agreement is the governmental response to the boycott, improving both parties' access to markets, particularly for agricultural production, 95% of which is exempted from any customs taxes or tariffs. This unprecedented liberalization concerns the entire sector of produce and fresh foods, of which some 80% will be exempt from all customs restrictions. Ambassador to the European Union Ran Curiel represented Israel, and the EU was represented by the Swedish ambassador Christian Danielsson, whose country currently presides the Union. This agricultural agreement is one of the major agreements in place between Israel and the EU countries, alongside the EU-Israel Cooperative Agreement, the EU-Israel Action Plan within the European Neighborhood Policy (ENP), the Euro-Mediterranean Partnership, or Israel's participation in many European programs through numerous agencies, including for example the 7th Framework Program for Research and Technological Development.

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