

# Boycott Watch

...So you can decide for yourself what the truth is.  
13938A Cedar Rd #253 216-319-0688  
Cleveland, Ohio 44118 www.boycottwatch.org

July 20, 2004

## **SENT VIA OVERNIGHT SERVICE**

Mr. Dexter M. Price  
Director, Office of Antiboycott Compliance  
United States Department of Commerce  
14<sup>th</sup> Street & Constitution Avenue, N.W.  
Washington, D.C. 20230

Dear Mr. Price

In November 2003, I sent you a letter outlining how the Israel divestment campaign against Israel is an illegal foreign boycott campaign being spread in the United States. Since that time, I contacted your office and was told that you are "seriously considering the theories proposed" in the Boycott Watch letter. As a supplement to that letter, Boycott Watch now presents you with recently discovered proof that the divestment campaign is in fact a function of the Arab League boycott of Israel.

On May 3, 2002, Asia Times published an article titled "Arabs Reach for Economic Weapon" about the Arab boycott of Israel (See appendix A). The article states that Arab League countries have "agreed unanimously to reactivate an economic blockade of Israel." A blockade is a step beyond a boycott – it is total economic isolation. This is significant because it shows that the Arab boycott of Israel is not only alive and well, but also that it has a larger objective, i.e., Israel's total economic isolation.

The article states: "The boycott is planned at three levels. Primary boycott requires member states of the Arab League to refrain from doing business with Israel. That will not apply to Egypt and Jordan, who have peace treaties with Israel. At the secondary level it prohibits trade with companies that have a branch, agency, factory or plant in Israel. Finally, the so-called tertiary boycott is against firms and countries that do business with Israel indirectly, or have some Israeli links."

Secondary and tertiary boycotts against Israel are not recent advents, but have been in place for a long time and were reinforced at the Arab League's May 2003 meeting. As an example, Burger King, a US based company, gave into demands by Arabs to halt the construction of a restaurant in Israel because the location of the store was not acceptable

to Arabs (See appendix B). Burger King's adherence to the Arab Boycott did not, however, satisfy the demands of the Arab boycott. A leading Arab boycott of Israel promoter is an organization called "BIG, the Boycott Israeli Goods campaign" (<http://www.bigcampaign.org>) which boasts the support of the Palestine Solidarity Campaign, lists companies that they call for a boycott against. Burger King is on that list even though Burger King complied with the Arab boycott demands (See appendix C).

The Asia Times article continues by quoting Ahmed Khazaa, who heads the Damascus based Central Boycott Office, as follows: "The participants expressed their conviction that economic boycott of Israel and expanding [the boycott's] geographical boundaries..." The full extent of this expansion is not yet known, but a possible example of this expansion can be seen at the [www.BoycottUSA.org](http://www.BoycottUSA.org), a pro-Saddam Hussein web site that is anti-US and supports boycotts against US companies that do business with Israel.

Khazaa was not the only official to openly call for an international expansion of the Arab boycott of Israel. The Asia Times article further quotes Syrian delegate Mohammed Ajami as saying "officials also agreed on working to expand the boycott to encourage Islamic and European countries sympathetic to the Palestinian cause to adopt similar measures." This once again goes beyond a primary boycott of Israel by Arabs. In a May 10, 2004 article in The Star (Malaysia), governments were weighing a request by the Palestinian Ambassador to Malaysia Ahmad Al Farra to suspend trade and political ties with Israel. (See appendix D) This signifies a deliberate and specific effort on behalf of the Palestinian Authority to conduct global economic warfare against Israel while publicly claiming to negotiate in good faith for a peaceful settlement to its disputes with Israel.

Although the peace negotiations are a political matter that are not under your auspices, it is evident that the Palestinian Authority is conducting overt global economic warfare against Israel that is extending in to the United States in the form of boycotts and divestment campaigns which are within your enforcement jurisdiction. The divestment/boycott campaign against Israel was initiated by Palestinian Authority consultant and agent, Francis Boyle, who has admitted to having started the divestment/boycott campaign as detailed by Boyle himself in his January 2002 article entitled "Law and Disorder in the Middle East," and as detailed in the Boycott Watch letter of November 2003. (See appendix E)

In our November 2003 letter, Boycott Watch established that divestment is a form of boycott. We have now further established how the Arab League is expanding its boycott of Israel even to companies that have complied with its demands, such as the continued boycott of Burger King. Boycott Watch believes that these secondary and tertiary boycotts are being used to intimidate companies from even considering doing business with Israel.

The secondary and tertiary campaigns are now also aimed at US companies and their product distribution around the world, which is therefore now directed to hurting the US

economy as well. It is now more vital than ever for the Office of Antiboycott Compliance to find that the divestment campaign is in fact an illegal boycott, and we urge you to make that determination and act on it. We additionally ask you to find the following:

- 1) Universities which provide services including event space and other materials to student organizations sponsoring divestment/boycott activities against Israel are in violation of the US antiboycott laws.
- 2) US persons, including those on college campuses, who promote the divestment/boycott campaign against Israel have violated the US antiboycott laws.
- 3) US based internet domain names, those ending in .com, .net, .org, .us, .info, .biz, .edu and others, that are being used to promote the Arab boycott in the United States must terminate, as these US named sites are operating in violation of the US antiboycott laws.
- 4) US Internet Service Providers that host such sites are violating US antiboycott laws for aiding in the promotion of illegal boycotts.
- 5) Businesses and non-profit organizations engaged in efforts to promote the divestment/boycott campaign against Israel are in violation of US antiboycott laws.
- 6) Universities and government agencies such as states and municipalities that participate in the divestment/boycott campaign against Israel are in violation of US antiboycott laws.

The divestment/boycott campaign against Israel has expanded from economic warfare against Israel only, to threats of a blockade, and to secondary and tertiary targets of US business that have business dealings with Israel. The Arab boycott of Israel is no longer just a simple primary boycott. A new urgency exists to stop the proliferation of the Arab boycott of Israel campaign and its divestment element before it continues to spread and further damage US businesses. Boycott Watch urges you to take the actions prescribed above and put an end to the illegal divestment/boycott campaigns.

Sincerely yours,

Fred Taub  
Executive Director,  
Boycott Watch

## Appendix A

**Arabs reach for economic weapon**  
**By George Baghdadi**  
**Article in the Asia Times Online**  
**May 3, 2002**

<http://www.atimes.com/front/DD03Aa01.html>



## Front



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### Special Reports

#### Arabs reach for economic weapon

By George Baghdadi

DAMASCUS - Nineteen Arab countries have agreed unanimously to reactivate an economic blockade of Israel, which was first agreed upon in 1951, but has remained largely ineffective. It has also slackened particularly since the launch of the Middle East peace process in the early 1990s.

The Arab nations decided at a three-day meeting in Damascus last week to revive the boycott as a peaceful weapon to help secure Palestinian rights. The meeting was organized by the central office for the Boycott of Israel, set up in Damascus 50 years ago by the Arab League with the aim of isolating Israel economically.

Representatives of Syria, Iraq, the Sudan, Palestine, Saudi Arabia, Lebanon, Algeria, Tunisia, Yemen, the United Arab Emirates, Kuwait, Libya, Somalia, Comoros, Morocco, Qatar, Oman, Bahrain and Djibouti attended the meeting.

The decision follows an agreement among Arab leaders at their summit in Lebanon in March that an economic boycott should remain official policy until there is a "halt to Israeli aggression against unarmed Palestinians".

Tunisia, Morocco, Oman and Qatar, which used to have some economic links with Israel, have now responded to resolutions at the Lebanon





summit.

The boycott is planned at three levels. Primary boycott requires member states of the Arab League to refrain from doing business with Israel. That will not apply to Egypt and Jordan, who have peace treaties with Israel. At the secondary level it prohibits trade with companies that have a branch, agency, factory or plant in Israel. Finally, the so-called tertiary boycott is against firms and countries that do business with Israel indirectly, or have some Israeli links.

The Damascus office is believed to have blacklisted more than 10,000 such companies. The list is updated periodically. The Damascus office says that several US, Asian and European companies are on the list. But no names have been released.

For the Arabs, the economic pressure they can bring is about their only remaining weapon in the absence of military clout to force concessions from Israel. "The participants expressed their conviction that economic boycott of Israel and expanding [the boycott's] geographical boundaries ... constitutes a peaceful, active, legal and noble tool for deterring [Israeli] aggression and bolstering world peace and security," Ahmed Khazaa, commissioner general of the boycott office, said after the meeting.

Syrian delegate Mohammed Ajami said that "officials also agreed on working to expand the boycott to encourage Islamic and European countries sympathetic to the Palestinian cause to adopt similar measures". Syria has been the chief advocate of the renewed boycott, with the backing of Iraq and Libya.

The boycott could cost Israel around US\$3 billion a year in lost earnings, the Damascus office says. It claims that Israel has lost \$48 billion due to the boycott over the past 50 years. Israeli economists assessed in 1991 that Israel had lost \$400 million.

The once-influential Damascus office has held only two meetings since 1993 when the Palestinians signed a peace deal with Israel. Most meetings due twice a year could not be held for lack of a quorum. Arab representatives who now want to take these meetings seriously agreed that the next regular decision-making meeting will be held in October. In the Persian Gulf states, leading clerics are urging people to boycott hundreds of US products, ranging from Big Macs to Levi's jeans, in support of the intifada. Several non-governmental and civic organizations, student bodies and professional associations are already urging citizens to buy local and European alternatives to US goods.

(Inter Press Service)



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## **Appendix B**

**US Moslem group renews Burger King Boycott**

**By Janine Zacharia**

**Article in the Jerusalem Post**

**July 6, 2000**

<http://www.jpost.com/Editions/2000/07/06/News/News.9224.html>





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News Article

Thursday, July 6 2000 15:24 3 Tammuz 5760

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## US Moslem group renews Burger King boycott

By Janine Zacharia

WASHINGTON (July 6) - An American Moslem umbrella organization has renewed a call for a worldwide boycott of Burger King.

The move came a year after it first instructed Moslems around the world not to buy from the fast-food chain to protest a branch in Ma'aleh Adumim.

Burger King decided last August to withdraw the franchise rights of the restaurant, after what it said was "misrepresentation of fact by our franchisee in Israel," Rikamor, Ltd. Burger King said it was led to believe the franchise would be located in Israel proper.

The franchise, however, remains open because of an unresolved dispute with Rikamor that is being handled by international arbiters.

Khalid Turaani, executive director of American Muslims for Jerusalem, lashed out yesterday at Burger King for refusing to give any more information about the arbitration proceedings.

"What we are doing is renewing the boycott. We feel that Burger King has started to stonewall us. They are unwilling to release any information on the progress of their talks with their Israeli partner. At the same time they are not willing to reaffirm their commitment of August 1999 to close down the Ma'aleh Adumim restaurant. Because of that, we felt they have left us no option but to call for the boycott," Turaani said.

"We'll explore every possible way of making sure that Burger King is boycotted and isolated until they close down the outlet in Ma'aleh Adumim."



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In response, Burger King issued the following statement: "Following extensive discussions, Burger King Corporation and Rikamor Ltd, its independent franchisee in Israel, have been unable to reach an agreement and have agreed to refer the matter to an international arbitration. We are working diligently to reach a solution to this very complex situation.

"Burger King Corporation does not engage in political debates. We are a business committed to serving our customers quality products."

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## Appendix C

**Detailed Boycott List**

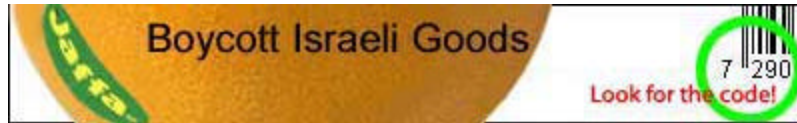
**BIG CAMPAIGN - Boycott Israeli Goods - What to Boycott?**

**Web site posting**

<http://www.bigcampaign.org/boycottlistwot2.html>

BIG, the Boycott Israeli goods campaign - supported by the Palestine Solidarity Campaign

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"Express your disapproval by non violent means"

- [Register - it's free!](#)

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Detailed Boycott List

There are three kinds of goods or services which appear on various boycott lists - [more ...](#)

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What to boycott

1) settlement products marked "Made in Israel" (such as the items to be found on the shelves of department stores, Selfridges and Harrods: Achva Halva from Barkan Industrial Zone on the West Bank, Ahava toiletries from Mitsepe Shalem, West Bank; Beigal and Beigal pretzels from Barkan IZ, West Bank; and Yarden Wines from Katzrin, Golan Heights).

2) general exports marked "Made in Israel " (examples: Carmel foodstuffs; Co-op own brand and other tinned fruit, flowers, organic herbs, fruit and vegetables).

3) goods and services which are manufactured or supplied by companies who invest heavily in Israel. (Examples: America OnLine, Intel, Disney, Johnson and Johnson, Kimberley Clarke, the Kraft Group)

If you are organising picketing please write to the store or company asking them for their current buying policy and giving them notice that you intend to picket their premises.

The following list is not comprehensive: it has been assembled from lots of other lists which themselves can never be absolutely up-to-date. However the items and companies listed form a basis for choosing where to focus our attention.

You are invited to do your own research and send details of products, importers, or retailers etc. for inclusion. ([E-mail us](#))

Apax Partners & Co sponsored Israel's 50th birthday celebration.

Arms : (see [www.palestinecampaign.org](http://www.palestinecampaign.org) for details of

**PSC** PALESTINE SOLIDARITY CAMPAIGN  
 PSC, Box B  
 London. WC  
 Tel.; 020 77



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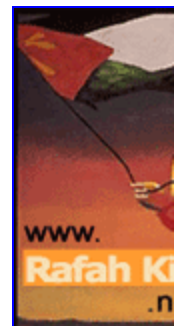
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Medical Palestine



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### Arms Embargo campaign.)

Since the General Armistice Agreements were signed in 1949, Israel has maintained an aggressive policy of military attacks across the Armistice Demarcation Lines, repeatedly invading territories of neighbouring Arab States. Israel has constantly harassed UN observers and other personnel stationed along the Armistice Demarcation Lines: it assassinated the first UN Mediator and his military aide; it has detained some truce observers; it has militarily occupied and illegally searched the HQ of UN personnel; and it has boycotted meetings of the Mixed Armistice Commissions. Israel is the only country in the Middle East that has nuclear weapons, the only country in the ME that refuses to sign the nuclear non-proliferation treaty and bars international inspections from its sites.

Under Article 2 of the Euro-Israel Association Agreement (which calls for respect for human rights), the European Union has the right to invoke sanctions to protect Palestinians from violence.

Lockheed Martin has reached agreement with the government of Israel to supply its air force with more than 52 additional F-16 fighters for around \$2 billion between 2006 and 2009. LM are in AWE Aldermaston Management Consortium so can be pressured through AWE.

### America OnLine 30% of investment portfolio in Israel

#### Asda Stores Ltd (Stocks Israeli Produce)

Paul Mason, Chief Executive officer  
Great Wilson Street,  
Leeds LS11 5AD telephone 0113 243 5435 fax 0113 241 8666

AT & T - Israeli power electronics company Bezel is a partner with AT & T and part of the Concert Organisation of which BT is also a part. AT & T host the Israeli Defence Force website.

#### Avis sponsored 50th anniversary celebration at Wembley Stadium

#### Barclays - sponsored the 50th anniversary celebration at Wembley Stadium

#### Ben and Jerry's Homemade Holdings

10 Charter Place, High Street, Egham Surrey, TW9EA  
01784 439900  
Enquiries were referred on to their PR firm PR Revolver: 020 7251 5599  
Background: New Yorkers for a Just Middle East Peace



[www.catdestr](http://www.catdestr)





(NYJMEP) wrote to Perry Odak, former Ben and Jerry CEO about an article published in the June 8, 1998 edition of the Hebrew newspaper Ha'aretz. According to the article, "the Ben and Jerry's ice cream company yesterday [i.e. June 7, 1998] concluded an agreement with the Mei Eden [Eden Springs] mineral water company, to use only Mei Eden in its sorbet products."

Their concern was based upon the fact that the Eden Springs company is located in Katzrin in the Golan Heights. "The fact that the agreement is apparently with a major spring water company adds insult to injury: Israel is notorious for its expropriation of water resources, including from the Golan Heights, at the expense of the occupied Arab population." The NYJMEP letter can be viewed in full at a website thoughtfully provided by a pro-Israeli "Veto the Boycott" group at

[www.yerushalayim.net/organizations/veto/bj.htm](http://www.yerushalayim.net/organizations/veto/bj.htm).

Perry Odak has since resigned and B & J have sold most of their shares to Unilever. Ben & Jerry still try to maintain their reputation for ethical trading. But gestures such as giving money to the Mumia Campaign are history. The Israeli licensee ended up cancelling its contract with the water company. But we have written to Ben and Jerry to invite them to provide us with up-to-date information about their supplies. Their email address is: [webmaster@benjerry.com](mailto:webmaster@benjerry.com)

Israel allots 85% of the water resources in the occupied territories for Israelis and the remaining 15% is divided among all Palestinians in the territories. In Hebron 85% of the water is given to about 500 settlers, while 15% must be divided among Hebron's 120,000 Palestinians.

Ben and Jerry have not answered our recent request for up-to-date information about where the water comes from for their sorbets.

### **Benetton & Kappa**

see website for

[www.abunimah.org/features/990030kappa.html](http://www.abunimah.org/features/990030kappa.html)

### **BICOM - British Israel Communications and Research Centre, Cavendish Square.**

Formerly known as British-Israel Public Affairs Centre. Reported annual budget of £400,000 to spend on e-mailing and faxing the news media.

### **Britech - The Britech Foundation Limited**

Commercial body set up to foster hi-tech trade between Britain and Israel.

Offers lucrative incentives to firms to invest in Israel.

HQ located in the UK at

Wyvols Court, Swallowfield

Reading, Berkshire, RG7 1WY  
 Tel: 118 988 0275 Fax 118 988 0375  
 email: [enquiries@britech.org](mailto:enquiries@britech.org)

### **Body parts**

A recent BBC Panorama exposed the trade in organs, rich Israelis buying kidneys from poor countries. British Embassy in Tel Aviv website describes the British Embassy in Israel as a resource for helping "increase Britain's market share in Israel" and as providing help for Israeli business to penetrate the British market. See <http://www.britemb.org.il/commercial/>

### **Bumblebee Natural Foods**

30 Brecknock Road, London N7 ODD  
 Organic food and health shop and delivery service. Stocks fresh veg, herbs and Tivall products from Israel

### **Burger King**

In August 99, BK cancelled the right of Rikamor Ltd, its independent franchisee in Israel to operate a BK food court counter at "Ma'aleh Adumim" in the West Bank, accusing Rikamor of misrepresentation. The franchise owner has kept the restaurant open and continues to sell trade marked BK menu items. BK is part of Diageo whose other brands include Pillsbury Haagen Dazs, Johnnie Walker and J & B whiskies, Smirnoff, Gordon's gin, Baileys cream liquor and Guinness. BK has 46 outlets in Israel and about 90 in various Arab countries.

The American Anti-Defamation League has tried to use US anti-boycott regulations against the American-Arab groups who co-ordinated the successful BK boycott.

**Carmel - produce of Israel (Agrexco Ltd)** avocados, dates, salad vegetables, herbs, wine

"A company known for having one of the world's most up-to-date export logistic facilities, Agrexco ships all products via temperature controlled Jumbo Jets or Sea Containers to transport the goods all over the world, where they are sold under Israel's famous 'Carmel' label."

### **Caterpillar**

From an item provided by Gush Shalom Billboard entitled: "Something you can do about bulldozers"

A campaign is under way to get the Caterpillar Company to condemn the illegal use of bulldozers it supplied. Such an action may have an effect. The Caterpillar Company is interested in conveying a "sensitive" image and is involved in "saving the rainforests".

Head spokesperson for Caterpillar and responsible for social responsibility is Benjamin Cordani who can be written to at



[cordani\\_benjamin\\_s@cat.com](mailto:cordani_benjamin_s@cat.com)

### **Chambers of Commerce**

**Dorset Chamber of Commerce** has sent a delegation to Israel.

**The Hull & Humber Chamber of Commerce** organised a Trade Partners UK sponsored trade mission to Israel (Tel Aviv), from 10 \14 September 2001 to push " Market Opportunities in Israel". Specifically: IT & Electronics Environment, Telecommunications Financial Services Aerospace Paper & Packaging, Pharmaceuticals Recreation/Leisure, Chemicals Transport Education, Healthcare, Engineering Creative & Media 5 nights accommodation at the Yamit Park Plaza Hotel Please contact Carmen Alcina Gallardo Tel 01482 324976 Fax 01482 213962

other Contacts:

[p.wade@hull\\_humber\\_chamber.co.uk](mailto:p.wade@hull_humber_chamber.co.uk)

[c.alcinagallardo@hull\\_humber\\_chamber.co.uk](mailto:c.alcinagallardo@hull_humber_chamber.co.uk)

### **The Co-operative Group (CWS) Ltd**

New Century House

Manchester M60 4ES

[customer.relations@co-op.co.uk](mailto:customer.relations@co-op.co.uk)

Freephone 0800 0686 727 MINICOM 0800 0686 717

From the Co-op's website:

"There is growing awareness of the exploitation of workers in developing countries. Ethical Trading (or Sound Sourcing) is a way of tackling this problem in the context of everyday grocery products. Unlike Fairtrade, Ethical Trading primarily directs its efforts at improving the conditions of employees, rather than independent and marginalised growers, and it works with employers to ensure basic human and labour rights, develop safe and decent working conditions, and improve general standards of living."

Values: "In the tradition of their founders, co-operative members believe in the ethical values of honesty, openness, social responsibility and caring for others."

Despite the above, Israeli products can be found on Co-op shelves, including Carmel mangoes and own brand tinned grapefruit.

Cullens (see Europa)

HM Customs and Excise

HM Customs and Excise should be implementing EU-Israel Association regulations. Their phone number for "complaints and suggestions" is 020 8929 6730 - fax 020 8929 6788.

Their address for complaints is Dorset House, Stamford Street, London SE1 9PY. They also have a special

confidential helpline for reporting fraud on 0800 59 5000. Of course, complaints should not be only be about the goods sold at Selfridges and Harrods, but ALL settlement products which are on sale in Britain, including masses of flowers, herbs, organic fruit and veg. The local authority for Selfridges is Westminster. Their trading standards service is on 020 7641 1111.

**Daily Telegraph** - sponsored the 50th anniversary celebration at Wembley Stadium. Proprietor, Conrad Black regularly disciplines journalists who criticise Israel.

**Danone** - trades in Israel under name Strauss Dairy - bottled water biscuits and food.

### **Delta Galil**

Israeli clothing manufacturer whose biggest customer is M & S, whom they supply with underwear, socks, baby clothes and "leisure wear".

"A unique ten-year association with Marks & Spencer means that Delta underwear covers Britain's bottoms from Inverness to Falmouth." - Jewish Chronicle 26 June 2001

They also supply: The GAP and designer labels Donna Karan, Ralph Lauren, Playtex, Calvin Klein, Hugo Boss.

Their London office is at:

Delta Textiles (London) Ltd,

39 Queensland Road, N7

Telephone 020 7316 7200

fax 020 7316 7276

### **Diamonds**

"Israel is the world's largest exporter of precious stones" - International Jerusalem Post

July 20, 2001

The Israeli diamond industry was started in the 30s and according to the Jerusalem Post (ibid) "helped build the young state's economy." Ramat Gan, just outside Tel Aviv, is home to the biggest diamond exchange on the globe. Israel exports 2.5 million carats of diamonds every year. The raw gems are claimed to originate in South Africa and India and are polished and set in Israel in a business which makes up a huge one-third of Israel's total exports. European diamond traders beef up the guest-list at Israel's beach hotels. De Beers control the world market in uncut diamonds and decide the international price.

African human rights groups have called for "conflict diamond" campaigners to direct their energy into helping diamond producing African states to establish diamond processing and cutting factories locally, which would greatly assist African economies.

The following is from:

Movement Against Conflict Diamonds Strengthening (ibid)  
by Julia M. Duncan

"In an emergency meeting, the Board of Directors of the Israel Diamond Exchange decided Sunday to revoke the membership of any diamantaire who knowingly trades in conflict diamonds benefiting rebel movements in Angola, Sierra Leone and the Congo. Once expelled from the exchange, a diamantaire is automatically expelled from all 23 diamond exchanges around the world."

"Shmuel Schnitzer, president of the Israel Diamond Exchange, issued a call to the heads of all diamond exchanges to adopt this decision to bring a halt to the trade of conflict diamonds. Schnitzer urged the industry to trade only diamonds originating from official government sources. The board said its position concurs with that of World Federation of Diamond Bourses President Itzhak Forem, whose group will meet in July and issue an official decision.

"The Israel Diamond Exchange's decision is a follow-up to its agreement to join the United Nations and human rights groups in the struggle against the illegal uses of diamonds.

..."

The hypocrisy of the Israeli Diamond Institute in condemning the purchase of "conflict diamonds" is revealed in a statement issued by Moshe Schnitzer, Chairman of the Institute:

"This is a matter of conscience, and our standpoint is clear: there is no place in Israel for diamonds paid for in human suffering and death."

"Fine Words from the Israel Diamond Industry, But What are they really doing?", British group, Global Witness, asked in a press release dated 24th March, 2000:

"The recent admission by Ran Cohen, Israel's Minister of Trade and Industry, that conflict diamonds are causes of human suffering around the world is a belated admission of Israel's failure to constructively tackle the issue of conflict diamonds. This is at a stage when other key elements of the diamond industry have finally responded to severe criticisms and are actively searching for some potential solutions. It is to be welcomed that the government of Israel will 'investigate ways in which Israel can help fight the war against illicit diamond buying.

"Global Witness would like to know how the Israeli government and diamond industry intends to 'investigate' ways in which to help. 'Will the government of Israel and the Israel Diamond Institute publicly state what controls and measures they intend to put in place to ensure that conflict diamonds will no longer enter into Israel, thus protecting the long term future of the Israeli diamond industry,'" said Alex Yearsley of Global Witness.

**THE ISRAEL DIAMOND INSTITUTE**

Tel: 972-3-5442999, 972-51-444544

Fax 972-3-5462459

E-mail: [sharon@gefenltd.co.il](mailto:sharon@gefenltd.co.il)

"Crown Jewels" Imported diamonds are used in the manufacture of dental appliances such as drills - ask your dentist.

Disney Israel paid Disney 1.8 million dollars towards building models of the Holy Land which depicts Jerusalem as the capital of Israel.

Walt Disney Publicity Department, Queen Charlotte Street, London W6 9PE  
phone 0208 222 1000.

**Early Learning Centre**

(toys, including Israeli maps and flags)

"While I was looking around Early Learning Centre I found lots of small music instruments made in Israel like jingle bells etc. these products most probably made in kibbutz on Palestinian occupied land. Could you please write a letter of complaint to the company and ask them not to support Israel until they solve the Palestinian problem and stop murdering civilians."

<http://www.elc.co.uk>

Customer Services Or Mike France Managing Director  
Early Learning Centre, South Marston Park, Swindon SN3 4TJ

**Ecstasy - Pills** stamped with the Star of David have flooded the European drug market and helped finance "Israeli real estate", according to a report in the Guardian. Crime groups which specialise in recreational drugs have mushroomed in the Israeli military service. Guardian 21st August 2001

**El Al** (its not just an airline it IS Israel) see specimen leaflet

**Elite halva, sweets, coffee****Estee Lauder**

The Chairman of Estee Lauder International, Ronald Lauder, is a Zionist working with the land-grabbing Jewish National Fund, opposing the right of return for Palestinians.

**Europa Foods Limited**

Europa House, Northolt Ind. Estate, Rowdell Road, Northolt, Middlesex UB 5 5QR

phone: 0208 845 1255

fax: 0208 842 1353

Chain of food and wine outlets which trades under various

faschia including Cullens, Hampstead Food Hall, Olivers and Harts the Grocer. Stocks much Israeli produce, including Yarden, herbs and vegetables.

### **Finance - see also, Israel-Britain Business Council**

The financial sector must come under close scrutiny both at the level of inter-governmental arrangements and dealings on the London Stock Exchange. During the 2001 British general election, while total silence was maintained on the subject of Israel's spiralling aggression, the Labour Party took out a full page advertisement in the "Jewish Chronicle" listing

"Labour's achievements":

"Trade between Britain and Israel has grown incredibly by 20 per cent, while there have been 34 official trade missions to Israel from the UK since 1997. The unique BRITECH agreement signed by Trade Secretary Stephen Byers means there is now a £15.5 million joint fund to encourage co-operation between British and Israeli hi-tech industries in research and development for their own benefit."

The same issue of the Jewish Chronicle (May 18th 2001) reported:

"Britain is to allocate £1 million to promote trade, investment and joint projects with Israel, the British ambassador to Israel, Francis Cornish, told the Israel-Britain Business Council in Jerusalem this week..."

"More than 60 Lloyds brokers and underwriters as well as 30 UK insurance company representatives attended the Lloyds market insurance conference in Tel Aviv....meanwhile, seven British companies, representing the insurance, mobile telecommunications and construction industries, were among participants in a Dorset Chamber of Commerce and Industry trade mission to Israel over the course of the week."

For those who want to study the Israeli finance sector in detail, "The International Jerusalem Post" carries financial and hi-tech news from Israel, on sale in the UK (£1.50) or visit [www.jpost.com](http://www.jpost.com).

### **Flowers**

"Flowers remain the highest value crop at \$188m, with vegetables valued at \$161m."

The Grocer (ibid)

"With three hundred sunny days a year, Israel has become the source of new pot plants, propagation material and flower bulbs.." Agrexco wesite -

[www.sisanit.com/agrexco/index.html](http://www.sisanit.com/agrexco/index.html) Besides Agrexco, Israeli exporters of flowers include: Bickel Flowers Ltd, Fields of Israel Ltd and Ginsberg Flowers.

UK Importers of Flowers and Plants  
BAKER & DUGUID (COVENT GARDEN) LTD  
251 Flower Market, New Covent Garden, London, SW8

5NA

Tel: (0207)720-6831 Fax: (0207)978-2341

CRYSTAL IMPORT SALES LTD

Caledonian House, 98 The Centre, Feltham, Middx, TW13  
4BH

Tel: (0208)844-0050 Fax: (0208)890-7473

DOUTHWAITE FLORISTS' SUNDRIES LTD

Donisthorpe Street, Leeds, LS10 1NS

Tel: (0113)245-0894 Telex.: 556121

Fax: (0113)246-5566

EUROFLOWER IMPORT EXPORT COMPANY

281 Flower Market, New Covent Garden Market, London,  
SW8 5NB

Tel: (0207)720-6961 Fax: (0207)498-0383

FLACH, JOSEPH & SONS LTD

8 Maxwell Road, Woodston, Peterborough, Cambs, PE2  
7HU

Tel: (01733)371-221 Telex: 329257 JFSONS G Fax: (01733)  
361-323

IMPEX CREATIVE CRAFTS LTD

Impex House, Atlas Road, Wembley, Middlesex, HA9 OTY

Tel: (0208)900-0999 Telex: 62433 Fax (900-1101)

PEACOCK DESIGNS

Peacock Warehouse, 25\27 Bickerton Road, London, N19  
5JT

Tel: (0207)281-6106 Fax: (0207)561-1173

REDBRIDGE PRODUCE MARKETING LTD

Tolworth Tower, Surbiton, Surrey KT6 7EL

Tel: 0208-3901133, Fax: 0208-3909406, E-Mail:

becky.jennings@redbridge.uk.com

UK IMPORTERS OF CUT FLOWERS

S. Robert Allen Ltd., 282. Flower Market. New Covent  
Garden. London. SW8 5NL.

TEL: 0207 720 9432 FAX: 0207 627 8029

J. Collingridge Ltd., 218\223, Flower Market, New Covent  
Garden Market, London, SW8 5ND.

TEL: 0207 720 6911 FAX: 0207 498 0757

Connaught Flowers Ltd., 55A, Church Street. Staines.  
Middx.. TW18 4EN.

TEL: 01784 469777 FAX: 01784 465545

Crystal Import Sales Ltd., Caledonian House, 98 The Centre,  
Feltham, Middx.. TW13 4BH.

TEL: 0208 844 0050 FAX: 0208 890 7473

R. K. E. Cubley, 17 St. Georges Mount. New Brighton.  
Wirral, L45 OLQ.

TEL: 0151 639 6985 FAX: 0151 236 1076

Euro/Euroflower Import/Export, 281. Flower Market. New  
Covent Garden Market. London, SW8 5NB.

TEL: 0207 720 6961 FAX: 0207 498 0393

Florimex Ltd., Florimex House. Clayton Road, Hayes,

Middx.. UB3 1AX.  
 TEL: 0208 569 2348 FAX: 0208 569 2145  
 Geest PLC., West Marsh Road, Spalding, Lincs.. PE11 2AL.  
 TEL: 01775 761111 FAX: 01775 710846  
 David Ingamells Ltd.. 290\294, New Covent Garden Market.,  
 London, SW1 5NB.  
 TEL: 0207 720 9393 FAX: 0207 738 8770  
 Louis Konyn & Sons Ltd., D104\107. New Covent Garden  
 Market, London, SW5 5LL.  
 TEL: 0207 720 8644 FAX: 0207 720 1730  
 Mack Birmingham, Wholesale Markets Precinct, Pershore  
 Street, Birmingham, B5 6UN.  
 TEL: 0121 622 4111 FAX: 0121 622 1674  
 Midland Flower Company Ltd., 39 40. Wholesale Market.  
 Pershore Street. Birmingham, B5 6UN. TEL: 0121 622 1970  
 FAX: 0121 622 1004  
 Rodgen the Florists Ltd., Princess Road, Manchester, M20  
 8LT.  
 TEL: 0161 881 6321 FAX: 0161 862 9270  
 Henry Scott & Sons Ltd., 18 20. St. James's Market,  
 Bradford, Yorkshire, BD4 7PQ.  
 TEL: 01274 728821 FAX: 01274 307791  
 Sunnora Ltd., 17, High Street, Chobham, Surrey. GU24  
 8AD.  
 TEL/FAX: 0276 856980 0276 857505  
 Vered Flowers Import Ltd., 23. Tillingbourne Gardens,  
 Finchley. London. N3 3JJ.  
 TEL: 0208 349 4944 FAX: 0208 349 2437  
 Dial a Basket, 3 Stoneybank, Stoneclough, Radcliffe,  
 Manchester M26 1SA  
 Contact: Sarah Morris Tel: 01204 705957 Fax: 01204  
 705957  
 Prem Ltd, P.O.Box 101, West Wickham, Kent BR4 0BU  
 Contact: James Osborn Tel: 0208-289 2260 Fax: 0208-  
 7775100

Fresh and Wild<br>  
 210 Westbourne Grove. W11 2R8. Chief Executive: Brian  
 Meehan.  
 Outlets: 49 Parkway, London NW1 7PN. Tel; 020 7428  
 7575.  
 194 Old Street, London EC1V 9FR. Tel; 020 7250 1708.  
 305-311 Lavender Hill, London SW11 1LN. Tel; 020 7585  
 1488.  
 69-75 Brewer Street, London W1R 3FL. Tel; 020 7434 3179.  
 38-40 Church Street, London N16.

[www.freshandwild.com](http://www.freshandwild.com) - for description of ethical values  
 and merchandise. Fruit, vegetables and herbs from Israel,  
 plus Tivall sausages etc. are piled high in these shops.

**Gaia House**, West Ogwell, Devon TQ12 6EN (Buddhist Retreats) - Gaia House newsletter advertises retreats in "the raw beauty of the Negev." A disappointed visitor to Gaia has pointed out to them that the traditional inhabitants' semi-nomadic lifestyle has been all but destroyed. They are confined to arid reserves or soulless towns, quaintly portrayed for the purposes of tourism, their calls for human rights consistently rejected. "Bedouin settlements in the Negev, no matter how large, are treated as illegal. Fruit, olive trees and crops planted by Bedouin in ancestral land are regularly uprooted. Goats and sheep grazing..confiscated..houses demolished...financial aid, mainly from overseas, is readily available for the new kibbutzim and moshavim in the Negev, but there are no similar funds available to the Negev Bedouin."

**Harts the Grocer: see Europa**

**HSBC** expanded its services to institutional clients in Israel by becoming a "market-maker", dealing in ten Israeli shares listed on the US Nasdaq exchange. The bank opened a branch in Tel Aviv in March 2001 focusing on investment and private and corporate banking.  
(source: "Banking on Israel" - Jewish Chronicle 7 Sept 2001)

**Intel** announced plans to set up a 1.6 billion dollar chip plant in Israel.

To sign a letter asking Intel Corporation to dis-invest from Israel go to:

<http://al-awda.org/campaign/intel-letter.htm>

#### ISRAEL-BRITAIN BUSINESS COUNCIL

The Israeli business community evidently had great plans for cashing in on the "peace dividend" after Palestinian resistance had been completely crushed by the Oslo process. From their self-promoting website: [www.ibbc.org](http://www.ibbc.org)

[One of the more bizarre business entries is for Beni Tal - an Israeli security company which has projects throughout the world, including "military and civil weapon training". They have proudly posted a picture of their body-guards "securing the Late P.M. Yitzhak Rabin.".

"Israel has one of the fastest-growing and most dynamic economies in the industrialised world. In 1996:

Economic growth rose to 4.4% - The GDP rose to \$95 billion - Income per capita was about \$16,750 -

The inflation rate fell to 10.6% - The unemployment rate fell to 6.7% - Israel's economy is based on a highly skilled workforce, well-developed science and high-tech-based industries and a sophisticated financial infrastructure. Its growth is widely predicted to be sustainable at a level of about 6% a year until at least the end of the century. This growth is being



driven by three factors: the successful integration of about 750,000 highly qualified immigrants from the former Soviet Union. Israel's position at the cutting edge of science and high-tech, and the peace process. Israel has free-trade agreements with the European Union, the United States and EFTA. It is now rapidly expanding economic contacts with other Middle East states, from North Africa to the Gulf, as well as with the nations of Asia, including Japan, China, India, South Korea and Vietnam, which had been closed to Israel until recently."

"The Israel-Britain Business Council is an ambitious initiative, undertaken to expand trade and economic co-operation between Britain and Israel.

"Established in 1995, joint Councils were created in both countries under the co-chairmanship of Sir Richard Greenbury, Chairman of Marks and Spencer and Dan Propper, Chairman of the Osem Group of Companies.

"The Council in each country is made up of 8-10 executives who are of the highest calibre in both the corporations they represent and their individual capabilities.

Objectives of IBBC The prime objective of the IBBC is to accelerate the growth of the two-way trade between Israel and Britain. The Councils have established working groups who have identified six major sectors to focus their activities on finance, health care, education, high tech and R & D, infrastructure and tourism. The High Tech Working Group, chaired by Mr Edgar Miller, has members from industry and research interests in both Israel and the UK. The joint working groups have developed their own plans for initiatives and a series of missions, seminars, conferences and one to one business meetings have been designed to facilitate the aims and objectives of the Council. Two Executives have been seconded by two companies to the project under the Government's Export Promotion initiative. Brian Cohen, ex Marks and Spencer has been appointed as Director General, with the role of co-ordinating the working group plans, and David Sharp, GEC/Marconi, to the High Tech working group. Council Members Sir Richard Greenbury, Chairman, Marks & Spencer Sir Martin Jacomb, Chairman, Prudential Corp Michael Lester, Vice Chairman, GEC Lord Sterling, Chairman, P & O Lord Young, Chairman, Young Associates Sir Trevor Chinn, Chairman, Lex Service David Lewis, Chairman, Lewis Trust Group Richard Giordano, Chairman, British Gas Andrew Stone, joint managing director of Marks & Spencer, is adviser to the British Delegation Lord Stone of Blackheath, British Director-General, IBBC

Considerable success was achieved in 1996 when the Council supported an Education Seminar in Tel Aviv, a visit by Robin Cook, a Finance Conference in London and Edinburgh and an inward R & D mission.

"In January of 1997, in conjunction with BOTGI, the IBBC led a major British Delegation to Israel's first international Telecommunications Exhibition. Other 1997 activities included a joint visit to Israel for the four major UK pharmaceutical companies to pursue joint ventures, a mission to the UK of 18 Israeli Technological Incubator Companies, a seminar on the National Health Service in Israel, an Insurance Conference and an Invest in Britain Conference."

### **Israel gets \$2.76 billion as US Senate passes foreign aid bill**

From [Haaretz](#) : "The United States Senate overwhelmingly passed a \$15.6 billion bill for foreign aid on Wednesday, including \$2.76 billion in assistance for Israel, more than any other country. Egypt was second, and will receive a total of \$1.955 billion. U.S. law-makers said the move would give the Bush administration a tool to help fight terrorism through diplomacy.

"At the request of Secretary of State Colin Powell, senators dropped an amendment to require the White House to report on the Palestine Liberation Organization's compliance with its commitment to renounce terrorism and violence. Powell said that requirement could have hampered efforts to forge an international alliance against terrorism..

"The bill, which had stalled for several weeks in a partisan dispute over judicial nominations, cleared the Democratic-led Senate 96-2 without significant amendments. It was written well before the Sept. 11 attacks on Washington and New York, but language was added to bar aid to countries that harbour or help finance individuals or organizations responsible for the hijacked airline strikes that killed some 5,000 people."

To sign Al-Awda's petition to terminate US aid to Israel go to:

<http://al-awda.org/terminate-aid-petition.htm>

Jaffa oranges

**Johnson and Johnson**

**The Kraft Group**

**Kimberley Clarke**

**LandRover** part of Ford Motors group specimen letter on website

**L'Oreal**

**Marks and Spencer** stocks produce from Israel

CEO Luke Vandervelde  
phone 0207 935 4422

Head office: Leadenhall Court, 1 Leadenhall Street, London EC31LS

The Islamic Human Rights Commission pioneered the M & S boycott with its careful research into historical Zionist links - available on their website at [www.ihrc.org](http://www.ihrc.org)

The out-moded clothing side of this company is sinking of its own accord, despite recent make-overs, but its food retailing is flourishing. M & S were the first to introduce Israeli avocados to Britain and specially-bred crustacea from Israel fill the stomach-churning M & S "prawn with mayo" sandwiches. Consumers who care about their physical as well as ethical health should note that most food from Israel is irradiated to lengthen shelf, not human, life. M & S has a long history of involvement with the State of Israel, dating back to its founders' support for the Balfour Declaration.

Morrison Supermarkets

phone 01274 494166

fax COE: Sir K.D. Morrison 01274 362 305

Hillmore House,

Thornton Road

Bradford WYB D8 9AX

**Motorola** considering setting up billion dollar chip plant in Israel. Connected with Israel through their President, who sits on the Israel Britain Business Council High Tech Working Party.

**McDonalds** target of an e-rumour in Sept. 2001 which they hurriedly denied, not wishing to catch the kind of fall-out which BK had to deal with after their misadventure.

**Nestle** - invests in Osem

**Osem** snacks, soups, nuts - Israeli partner of Nestle

**Peltours**

**Public Relations** "The Israeli Army could soon be using yellow and purple rifles to differentiate between weapons using rubber bullets and those using live ammunition, if two US public relations firms have their way" - Jewish Chronicle (Danielle Haas)

Foreign Ministry officials said they were considering hiring a British firm.

**Radox** - part of Sara Lee

**Ready Mixed Concrete UK Ltd**

head office address

RMC House,

High Street,

Feltham.

Telephone 01932 568833 Fax 01932 568933

Local depots all over UK - see your local telephone directory

-

Kings Cross, London N.1. 020 76078881 Sales Office 020 77363300

Readymix (Israel) Ltd is a subsidiary of the English company, producing asphalt, lime, marble and building blocks used in settlement construction.

Peter L. Young of the RMC Group was honoured by the "State of Israel" on its 50th birthday for services rendered..

### **Real Estate**

Jerusalem Post July 6th

"In Jaffa, a two-room apartment in the Andromeda project sold for \$320,000. Located on Louis Pasteur Street, the 65 sq.m. dwelling includes a balcony with a view of the sea and access to the project's fitness centre and swimming pool"

We know you won't be buying real estate in Israel but just thought you might be interested in seeing what's on offer provided you are not Palestinian.

**Safeway Stores PLC** Stocks Israeli produce

Head Office,

6 Millington Road

Hayes,

Middlesex UB3 4AY

0208 848 8744

Chief Executive: Carlos Criado Perez

### **J. Sainsbury plc**

Stamford House,

Stamford Street,

London SE1 9LL

020 7695 6000

Chief Executive: Sir Peter Davis

Stocks give-away zionist paper Jewish News

Yarden products and Carmel wines: SANTINA oranges:

JAFFA grapefruit

Sweet peppers: Avocados: plus

HALVA snacks

TELMA soups

OLIVIA pesto

GILBOA olives

SPRING fruit juice

### **Selfridges**

400 Oxford Street,

London W1A 1AB

Chief Executive: [Vittoria Radice](#)

CAABU's press statement emphasises: "Both Harrods and Selfridges are in effect assisting illegal settlement expansion through subsidising the settler economy. Whilst settlement

trade flourishes, Israel continues to strangle the Palestinian economy by denying it free access to the outside world."

**Sara Lee - company behind Radox, Douwe Egberts etc**  
see [www.inminds.com](http://www.inminds.com)

### **Scotland Yard**

Assistant Commissioner David Geness, head of special operations sent his Deputy Assistant Commissioner Barbara Wilding to meet senior officials from Shin Bet, Israel's counter intelligence and internal security service.

Siemens as in the case of Volkswagen this company was implicated in the use of slave labour during the Nazi era and now invests heavily in Israel.

### **Somerfield Stores Limited**

Whitchurch Lane

Bristol BS14 OTJ

011 79 359 359

Fax 011 7 978 0629

Chief Executive: Alan Smith

stocks Israeli produce (check shelves)

**H.W. Tankel (Scotland) Ltd.** "a family run business specialising in the import of diamonds from Antwerp in Belgium and Tel Aviv in Israel".

"We consider ourselves to be Scotland's leading diamond merchant and the trade would consider us to be one of the United Kingdoms' most important diamond companies.

We are members of the British Jewellers Association.

As diamond merchants we carry a wide range of loose diamonds in different qualities and sizes. Diamond Markets in Antwerp and Tel Aviv are visited every month.

We also stock emeralds, rubies and sapphires.

We have our own workshop in Birmingham, where we manufacture most of our finished pieces including rings, earrings and pendants. As well as producing a comprehensive range of diamond jewellery, we also supply emerald & diamond, ruby & diamond and sapphire & diamond rings."

### **Tesco Stores Limited**

Tesco House

Delamare Road,

Waltham Cross EN8 9SL

01992 632222

fax 01992 644962

customer service manager, Linda Kelly, [online@tesco.co.uk](mailto:online@tesco.co.uk)  
foodstuffs and wine. Stocks give-away zionist paper Jewish News.

Made deal with Israeli software company, Point of Sale, for worldwide computer links.

Offers the chance to win a holiday in Eilat as part of a Pesach promotion.

Tourism - see text of a leaflet which is being used successfully at El Al pickets by the London Branch of PSC. The Israeli Tourist Board takes out one-page advertisements in the Jewish Chronicle to try to entice Jewish people to holiday in the sun as a matter of "solidarity."

Volkswagen plans to invest 210 million dollars in a Dead Sea Works Magnesium metal Plant.

**Acknowledgements: We are indebted to the Islamic Human Rights Commission for their pioneering research on M & S and Delta Galil, Gush Shalom for their list of settlement products and New Yorkers for a Middle East Peace on Ben & Jerry's and all other sources named herein.**

### [What to Boycott?](#) - Detailed Boycott List



The BIG Campaign was launched in the House of Commons on the 4th July 2001. There have been calls from within Israel itself as well as in the Occupied Territories. Our decision to launch this campaign follows Israel's refusal to abide by UN Resolutions, International law and the 4th Geneva Conventi

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# BIG>>>boycott israeli goods

**Appendix D**

**NAM will discuss proposal to cut ties with Israel**  
**Update from The Star News Desk**  
**Article in The Star Online (Malasia)**

<http://thestar.com.my/news/story.asp?file=/2004/5/10/latest/17308NAMwilld&sec=latest>

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Monday, May 10, 2004

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## NAM will discuss proposal to cut ties with Israel

### Update from The Star News Desk

KUALA LUMPUR: The issue on boycotting Israel or severing relationship with the country will be raised at the ministerial meeting of the Non-Aligned Movement (NAM) Committee in Palestine in Kuala Lumpur on Thursday, said Foreign Minister Datuk Seri Syed Hamid Syed Albar.

However, he said a consensus decision should be made at the meeting on what should be done.

"We'll see how the issue is received and accepted by the committee as it has to be a collective decision and not one of a single country," he said.

Syed Hamid was commenting on Palestinian Ambassador to Malaysia Ahmad Al Farra's statement that all NAM members should suspend trade ties with Israel and possible political ties too.

"Everyone is entitled to give their opinion especially Palestine, which is the affected country. But at the end of the day, a consensus has to be achieved during discussions," he said.

Syed Hamid said it was important for countries within the region to look at the most effective way to solve the problem.

"If any country is going to boycott or sever ties with Israel, it must begin within the region itself.

"They can't continue to have political and diplomatic relationships with Israel if Israel continues to breach international law and disrespects the United Nations," he said.

He said only then could these regional countries influence others in the world to follow suit, Syed Hamid said Israel in Palestine was increasingly taking actions according to its whims and fancies because they assume the support they have







from the United States was absolute.

"As a result, they have set aside the peace map and have used an approach that has deviated from the original decision," he said.

Syed Hamid was speaking to reporters after being in Radio Televisyen Malaysia's (RTM) Selamat Pagi Malaysia morning talk show at Angkasapuri.

Twelve countries from the committee, of which Malaysia is the chairman, are expected to attend the meeting.

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## Appendix E

**Articles by Francis A. Boyle, claimant as the originator of the Israel divestment boycott campaign.**

**Article 1:**

**Law and Disorder in the Middle East**

**An article by Francis A. Boyle**

**Americans for Middle East Understanding**

<http://www.AMEU.org>

January 2002

(17 pages)

Americans for Middle East Understanding  
(AMEU)  
<http://www.ameu.org/>

January 2002

Law and Disorder in the Middle East  
by: Francis A. Boyle

The Palestinian delegation entered the negotiations in good faith in order to negotiate an interim peace agreement with Israel that would create a Palestinian interim self-government for a transitional five-year period.

Immediately following the ceremonial opening at Madrid on 30 October 1991, I was instructed to draft several position papers on numerous issues that were expected to come up during the first round of negotiations scheduled to begin a month later in Washington, D.C. But when we got to our headquarters at the Grand Hotel in Washington, nothing happened. At the U.S. State Department headquarters, which served as the venue for all tracts of the Middle East peace negotiations, the Israeli team offered no reasonable good-faith proposals for dealing with the Palestinians.

At that time the Israeli government was headed by the Likud party under Prime Minister Yitzhak Shamir. Later on, Shamir admitted that his strategy at the peace negotiations was to drag them out for the next decade. Having been personally subjected to this process, I can assure you that Prime Minister Shamir accomplished his objective for as long as he was in power.

Most distressing of all, however, was that the United States State Department went along with Shamir's strategy. It soon became obvious that U.S. officials had no intention whatsoever to pressure Israel to negotiate in good faith. To the contrary, they usually sided with the Israeli delegation against the Palestinian delegation in support of Shamir's stall-strategy. Furthermore --- having done some work at the request of the Syrian delegation to the peace negotiations --- I can certify that the same stall-strategy was operative during the first round of the Israeli-Syrian negotiations in Washington.

When the Likud party lost the elections in June of 1992, the Labor party came to power under Prime Minister Yitzhak Rabin. One of the first changes Rabin made in the negotiations was to fire the Israeli-Syrian team and bring in new and dynamic leadership under Professor Itamar Rabinowitz, generally considered to be Israel's top expert on Syria. With the new Syrian team in place, substantial progress was made during the course of

the Israeli-Syrian track to such an extent that, if Labor had won the next round of Israeli elections, there would have been an Israeli-Syrian peace agreement along the lines of the Israeli-Egyptian peace treaty. This still could happen now if Israel ever becomes willing to implement U. N. Security Council Resolution 242 (1967), which Israel is obligated to do in any event.

By comparison, Prime Minister Rabin kept the Likud team for negotiating with the Palestinian delegation. This was a most inauspicious sign. Soon thereafter, in the late summer of 1992, the Israeli team tendered a proposal to the Palestinian delegation for an interim peace agreement that included a draft Palestinian interim self-government.

### Israel's Bantustan Proposal

Because of its importance, the head of the Palestinian delegation, Dr. Abdel Shafi, asked me to fly to Washington to analyze the Israeli proposal in situ for the Palestinian delegation. Part of my responsibilities was to review all preceding peace proposals put forward by Israel with respect to the Palestinians, going back to the original Camp David Accords, including the "Linowitz negotiations" that took place thereafter under the Carter Administration.

Upon my arrival at the Ritz-Carlton Hotel in Pentagon City, where the Palestinian delegation was headquartered, I was ushered into a suite where the delegation leaders had assembled. There I was instructed by one of its accredited negotiators to tell them what was the closest historical analogue to what they were being offered.

I returned to my hotel room and spent an entire day analyzing the Israeli proposal. When I finished, I returned to the same suite and reported to the delegation: "A bantustan. They are offering you a bantustan. As you know, the Israelis have very close relations with the Afrikaner Apartheid regime in South Africa. It appears that they have studied the bantustan system quite closely. So it is a bantustan that they are offering you."

I proceeded to go through the entire Israeli proposal in detail to substantiate my conclusion. I pointed out that this proposal basically carried out Prime Minister Menachim Begin's disingenuous misinterpretation of the Camp David Accords --- rejected by U.S. President Jimmy Carter --- that all they called for was autonomy for the Palestinian people and not for the Palestinian land as well.

Worse yet, Israel's proposed Palestinian interim self-government would be legally set up to function as the civilian arm of the Israeli military occupation forces!

Not surprisingly, after consultations among themselves, and under the chairmanship of Dr. Abdel Shafi, the members of the Palestinian delegation rejected Israel's bantustan proposal.

## The Palestinian Anti-Bantustan Proposal

Shortly thereafter, Dr. Abdel Shafi requested that I return to Washington to consult with the entire Palestinian delegation for a second time. I had a series of sequential meetings with the different members of the delegation in order to understand their basic concerns about negotiating an interim peace agreement with Israel. I was then invited into Dr. Abdel Shafi's private suite. It was just the two of us.

Dr. Abdel Shafi quite solemnly instructed me: "Professor Boyle, we have decided to ask you to draft this interim peace agreement for us. Do whatever you want! But do not sell out our right to our state!" The emphasis was that of Dr. Abdel Shafi.

"Do not worry," I assured him. "As you know, I was the one who first called for the creation of the Palestinian state back at United Nations Headquarters in June of 1987, and then served as the legal adviser to the P.L.O. on its creation. I will do nothing to harm it!"

I then went back to my hotel room to work on the Palestinian approach to negotiating an interim peace agreement with Israel that was designed to get the Palestinians eventually from where they were then to a free, viable, democratic, independent nation-state on the West Bank and Gaza Strip with their capital in Jerusalem, and to do this by the required intermediate means of establishing a genuine Palestinian interim self-government, which was not a bantustan. I spent the entire day sketching out what I shall call here my "anti-bantustan" proposal for the Palestinian delegation to consider.

I met with Dr. Abdel Shafi to brief him on it. Then, at his instruction, the entire Palestinian delegation assembled to hear me. During the course of this briefing, an extremely high-level and powerful P.L.O. official began to yell at me at the top of his lungs: "Professor Boyle, what good has the Fourth Geneva Convention ever done for my people!" I replied: "Without the Fourth Geneva Convention the Israelis would have stolen all your land and expelled most of your people years ago." From my other sources I already knew that the P.L.O. had been putting enormous pressure upon Dr. Abdel Shafi and the rest of the Palestinian delegation to accept Israel's bantustan proposal right then and there in Washington. This Dr. Abdel Shafi adamantly refused to do!

After this meeting, I commented to a very prominent and now powerful Palestinian lawyer from Gaza, who had heard my briefing: "My instructions from Dr. Abdel Shafi were to figure out how to square the circle. I believe I have accomplished this objective." He replied laconically: "Yes, you have."

I next met with Dr. Abdel Shafi to report to him about the vociferous opposition by the top P.L.O. official to my anti-bantustan proposal. He instructed me to write up my proposal as a Memorandum for consideration and formal approval by the Palestinian delegation in Washington as well as

by the P.L.O. leadership in Tunis. Having rejected the Israeli bantustan proposal, Dr. Abdel Shafi had to come up with an anti-bantustan proposal both to negotiate in good faith with the Israelis, and to convince the P.L.O. leadership in Tunis that a viable interim peace agreement did exist that would not sell out the right of the Palestinian people to an independent nation-state of their own.

My Memorandum, entitled "The Interim Agreement and International Law," was completed on 1 December 1992. I sent it off by couriers to Dr. Abdel Shafi and the Palestinian delegation in Washington, and to the political leaders of the Palestinian people in Tunis and elsewhere in their diaspora.

The Memorandum was approved by both the Palestinian delegation in Washington and by the political leadership in Tunis. The Memorandum has been published in Vol. 22 of "Arab Studies Quarterly," Number 3, pp. 1-45, Summer 2000. Readers should be aware that the Israeli bantustan model I critiqued therein would later become the Oslo Agreement of 13 September 1993, as I explain below. [An excerpt from this Memorandum is reprinted on page 5.]

Shortly after submitting my Memorandum to Tunis, I received a fax from an extremely powerful and prominent P.L.O. lawyer living in the Palestinian diaspora, who personally thanked me for "showing the way forward to our people." After what we had been through together in the past, my friend's commendation meant a great deal to me. But five years later he would quit his high-level positions in both the P.L.O. and the provisional government of the state of Palestine because of his disgust over the subsequent course of the so-called Oslo Process.

#### Norway

While all this was going on, and unbeknownst to Dr. Abdel Shafi and myself, the Israeli government opened up a secret channel of communications in Norway with P.L.O. emissaries who reported personally and in private to President Yasir Arafat. Eventually, during the course of these negotiations, the Israeli team re-tendered its original bantustan proposal that had already been rejected by the Palestinian delegation in Washington. It was this proposal that became known as the Oslo Agreement, and which was signed on the White House Lawn on 13 September 1993.

Dr. Abdel Shafi and I knew full well that we were engaged in a most desperate struggle against the Israelis --- working hand-in-hand with the Americans --- to prevent the Palestinian leadership in Tunis from accepting Israel's bantustan proposal. Of course we lost.

In the summer of 1993, the wire services reported that a secret agreement between Israel and P.L.O. emissaries had been reached in Norway. Soon thereafter, Dr. Abdel Shafi phoned me from Washington and asked if I could analyze the Norwegian document for him immediately. He faxed it to my office.

After a detailed study, I called him back with my report: "This is the exact same document we have already rejected in Washington!"

Dr. Abdel Shafi responded in his customarily low-key manner: "Yes, that was my impression too." Then he added: "I will call Abu Amar and demand that he get a written opinion from you on this document before he signs it! Can you give me that opinion right away?" Once again, the emphases were that of Dr. Abdel Shafi.

"Yes, of course, you can count on me," I replied.

"I will call Abu Amar immediately," said a determined Dr. Abdel Shafi.

Abu Amar is the nom-de-guerre of Yasir Arafat. The two men go all the way back to the founding of the P.L.O. So that must have been one tumultuous conversation.

But President Arafat had already made up his mind to sign the bantustan proposal, now emanating from Norway instead of Washington. Dr. Abdel Shafi, the head of the Palestinian delegation in Washington, could do nothing to change his mind.

When the proposal was signed on the White House Lawn on 13 September 1993, Dr. Abdel Shafi did not attend. He knew Oslo was a bantustan and he wanted nothing to do with it.

As for me, on that day I had to be in the International Court of Justice in The Hague in order to accept the second World Court Order I would win for the Republic of Bosnia and Herzegovina against the rump Yugoslavia to cease and desist from committing all acts of genocide against the Bosnian people. So I had to watch the ceremony on television in my Amsterdam hotel room. "This will never work," I reflected with a heavy heart, "but perhaps President Arafat knows something that I do not."

Still, the question remains: Why would President Arafat accept and sign an Israeli proposal that he knew would constitute a bantustan for the Palestinian people? I really do not know the answer to that question. President Arafat did not discuss this matter with me. He did discuss it with Dr. Abdel Shafi. But I was not privy to that conversation, and I have never asked Dr. Abdel Shafi about it.

In fairness to President Arafat, I believe he felt that he must take what little was offered, even if he knew it was nothing more than a bantustan. Perhaps he thought that Palestinians would live in peace with Israel throughout the trial period of five years, under their bantustan model, at the end of which he would negotiate a legitimate, free, viable, and independent Palestinian state on the West Bank and Gaza Strip, with its capital in Jerusalem.

Also, in fairness to President Arafat, the Oslo Agreement made it quite clear that all issues would be open for negotiations in the so-called

final status negotiations. And this included Jerusalem, despite the massive Israeli rhetoric and propaganda that Jerusalem was "their," "eternal," "undivided," "capital." You do not agree in writing to negotiate over "your," "eternal," "undivided," "capital," if it is really yours.

Finally, in fairness to President Arafat, there was already on the books a resolution that had been adopted by the Palestine National Council that authorized the P.L.O. to take control of any portion of occupied Palestine that was offered to them by Israel. This is precisely what President Arafat and the Tunisian P.L.O. leaders did.

For the record, though, it should be noted that the Palestinian delegation to the Middle East peace negotiations --- all of whom lived in occupied Palestine, not in Tunis --- had explicitly rejected this Israeli bantustan proposal during the course of the formal negotiations in Washington. For that reason, in addition to Dr. Abdel Shafi, other accredited Palestinian negotiators refused to attend the signing ceremony on the White House Lawn, including my friend who had personally instructed me to analyze the Israeli bantustan proposal for the delegation. Like Dr. Abdel Shafi, they knew full well that Oslo was a bantustan, and they wanted nothing to do with it.

President Arafat had assumed a modicum of good faith on the part of Israel and the United States. My 1 December Memorandum did not. As it happened, Israel and the United States proceeded to stall and delay the implementation of the bantustan model throughout the entire five-year course of the Oslo process, and even after its expiration. Never was a realistic hope provided that at the end of the road the Palestinians would have their free, viable, genuinely independent state on the West Bank and Gaza, with its capital in Jerusalem.

Hence, I will not waste time analyzing the numerous post-Oslo agreements between Israel and the P.L.O. that were "brokered" by the United States. For they all constitute nothing more than implementation and refinements of Israel's original bantustan proposal that the Palestinian delegation had rejected in Washington. I am a Professor of International Law, not of Bantustan Law. From the perspective of public international law, however, numerous provisions of all these agreements were void ab initio under articles 7, 8, and 47 of the Fourth Geneva Convention of 1949, inter alia.

Camp David II, the Al Aqsa Intifada, and  
U.N. Security Council Resolution 1322

This brings the story up to the summer of 2000, to the so-called Camp David II negotiations. This proposed conclusion to the final status negotiations was not the idea of the Palestinian leadership. Rather, it was the brainchild of Israeli prime minister General Ehud Barak, with the full support of President Clinton, who fully intended to pressure President Arafat into permanently accepting the Oslo bantustan arrangement. To his everlasting credit, President Arafat refused to accept



Oslo as his people's "final solution." But it was a near-death experience.

True to his pro-Israeli stance, President Clinton publicly blamed President Arafat and the Palestinian leadership for their alleged intransigence. He also threatened to illegally move the United States Embassy from Tel Aviv to Jerusalem unless President Arafat succumbed to permanently accepting Israel's bantustan model. This President Arafat still refused to do.

When it became clear to the Israeli government that it could not impose Oslo on the Palestinians by means of negotiations and U.S. bullying, Prime Minister Barak and Likud leader General Ariel Sharon reverted to inflicting raw, brutal, military force on the Palestinians in order to get their way. Hence the Israeli origins of what has come to be known as the Al Aqsa Intifada.

General Ariel Sharon --- the architect of the Israeli invasion of Lebanon that exterminated an estimated 20,000 Arabs, the man personally responsible for the massacre of about 2,000 Palestinian and Lebanese civilians at the refugee camps in Sabra and Shatilla, a man cashiered by his own government --- on 28 September 2000 appeared at Al-Haram al-Sharif in Jerusalem, the third holiest site in Islam. Here stand the Al Aqsa Mosque and the magnificent Dome of the Rock, where Mohammed (May Peace Be Upon Him) ascended into Heaven. Sharon, with Barak's full approval, arrived surrounded by about 1,000 armed Israeli forces. The two former generals knew exactly what the Palestinian reaction would be to this deliberate desecration of, and provocation at, their sacred shrine. And if there had been any lingering doubt about the matter, Israeli armed forces returned the next day to the site and shot dead several unarmed Palestinians, thus setting off what has come to be known as the Al Aqsa Intifada.

On 7 October 2000, the United Nations Security Council adopted Resolution 1322, which is critical for this analysis. The vote was 14 to 0, with the United States abstaining. The U.S. could have vetoed this Resolution, but did not. So the Resolution became a matter of binding international law. I will not go through the entire Resolution here, but I do want to comment on its most important provisions.

In paragraph 1, the Security Council "Deplores the provocation carried out at Al-Haram al-Sharif in Jerusalem on 28 September 2000 and the subsequent violence there." Notice, the Security Council, by a vote of 14 to 0, made it crystal clear that it was Sharon's desecration of the Al-Haram al-Sharif that is responsible for the start of the current round of warfare and bloodshed perpetrated by Israel against the Palestinian people living in occupied Palestine. Even the United States did not vote against that determination, deliberately letting it pass into binding international law.

In paragraph 3 of Resolution 1322, the Security Council, again 14 to 0, "Calls upon Israel, the occupying Power." "Occupying Power" has a definite

meaning in public international law. Israel only "occupies" the West Bank, the Gaza Strip, and the entire city of Jerusalem. It is what international lawyers call a "belligerent occupant." As such, Israel has no sovereignty over the West Bank, or the Gaza Strip, or the entire city of Jerusalem. Hence, what is being waged there is a war by the belligerent occupant, Israel, against a people living on their own land, the Palestinians. Under international law and practice, a people living on their own land is the essence of sovereignty. This has been the case for the West Bank and Gaza Strip and East Jerusalem since the war of 1967.

As for West Jerusalem, the world has never recognized Israel's annexation of it as valid either. That is why the U.S. Embassy and the embassies of almost every country in the world that has diplomatic relations with Israel--- except for the few banana republics that have been bought and paid for---have their embassies in Tel Aviv and not Jerusalem. That is also why President Clinton's threat to move the U.S. Embassy to Jerusalem was clearly illegal.

Belligerent occupation is governed by the Hague Regulations of 1907, as well as by the Fourth Geneva Convention of 1949, and the customary laws of belligerent occupation. Security Council Resolution 1322, paragraph 3: "Calls upon Israel, the occupying Power, to abide scrupulously by its legal obligations and its responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in a Time of War of 12 August 1949;" Again, the Security Council vote was 14 to 0, making it obligatory under international law.

The Fourth Geneva Convention applies to the West Bank, to the Gaza Strip, and to the entire city of Jerusalem. The Palestinian people living in occupied Palestine are "protected persons" within the meaning of the Fourth Geneva Convention. All of their rights are sacred under international law.

The fact is, there are 149 substantive articles of the Fourth Geneva Convention that protect the rights of almost every one of these Palestinians living in occupied Palestine. The Israeli government is currently violating, and has been since 1967, almost each and every one of these sacred rights of the Palestinians.

Nor should we forget that violations of the Fourth Geneva Convention are war crimes. This is not a symmetrical situation. As matters of fact and of law, the gross and repeated violations of Palestinian human rights by the Israeli army and by Israeli settlers living illegally in occupied Palestine constitute war crimes. Put another way, the Palestinian people are defending themselves and their land and their homes against Israeli war crimes and Israeli war criminals, both military and civilian.

On 5 December 2001, 114 states, all parties to the Fourth Geneva Convention --- including Britain and the rest of the European Union --- issued a declaration urging Israel to abide by international laws enshrined in the 1949 accord seeking to protect civilians in wartime or

under occupation. Israel, the United States and Australia, also parties to the Convention, boycotted the session. The declaration expressed deep concern about a "deterioration of the humanitarian situation" in Palestinian areas, condemned Israeli settlements there as illegal and urged Israel to refrain from "grave breaches" of the Fourth Geneva Convention, "such as wilful killing, torture, unlawful deportation, wilful depriving of the rights of fair and regular trial, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly."

### Israel's War Crimes Against Palestinians

On 19 October 2000, a Special Session of the U.N. Commission on Human Rights adopted a Resolution set forth in U.N. Document E/CN.4/S-5/L.2/Rev. 1, "Condemning the provocative visit to Al-Haram al-Sharif on 28 September 2000 by Ariel Sharon, the Likud party leader, which triggered the tragic events that followed in occupied East Jerusalem and the other occupied Palestinian territories, resulting in a high number of deaths and injuries among Palestinian civilians."

The U.N. Human Rights Commission went on to say that it was "[g]ravelly concerned" about several different types of atrocities inflicted by Israel upon the Palestinian people, which it denominated "war crimes, flagrant violations of international humanitarian law and crimes against humanity."

In operative paragraph 1 of its 19 October 2000 Resolution, the U.N. Human Rights Commission then "Strongly condemns the disproportionate and indiscriminate use of force in violation of international humanitarian law by the Israeli occupying Power against innocent and unarmed Palestinian civilians, including many children, in the occupied territories, which constitutes a war crime and a crime against humanity."

And in paragraph 5, the Commission "Also affirms that the deliberate and systematic killing of civilians and children by the Israeli occupying authorities constitutes a flagrant and grave violation of the right to life and also constitutes a crime against humanity."

We all have a general idea of what a war crime is, so I will not elaborate upon the term. There are, however, different degrees of heinousness for war crimes. In particular are the more serious war crimes denominated "grave breaches" of the Fourth Geneva Convention. Since the start of the Al Aqsa Intifada, the world has seen those heinous war crimes inflicted every day by Israel against the Palestinians in occupied Palestine: e.g., willful killing of Palestinian civilians by the Israeli army and by Israel's illegal paramilitary settlers. These Israeli "grave breaches" of the Fourth Geneva Convention mandate universal prosecution for their perpetrators, whether military or civilian, as well as universal prosecution for their commanders, whether military or civilian, including and especially Israel's political leaders.

But it is Israel's "crime against humanity" against the Palestinian

people, as determined by the U.N. Human Rights Commission itself, that I want to focus on here.

What is a "crime against humanity"? This concept goes back to the Nuremberg Charter of 1945 for the trial of the major Nazi war criminals in Europe. And in the Nuremberg Charter of 1945, drafted by the United States government, a new type of international crime was created specifically intended to deal with the Nazi persecution of the Jewish people.

The paradigmatic example of a "crime against humanity" is what Hitler and the Nazis did to the Jewish people. This is where the concept of crime against humanity came from. And this is what the U.N. Human Rights Commission determined that Israel is currently doing to the Palestinian people: crimes against humanity. Legally speaking, it is just like what Hitler and the Nazis did to the Jews.

Moreover, a crime against humanity is the direct historical and legal precursor to the international crime of genocide as defined by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The theory here was that what Hitler and the Nazis did to the Jewish people required a special international treaty that would codify and universalize the Nuremberg concept of "crime against humanity." And that treaty ultimately became the 1948 Genocide Convention.

It should be noted that the U.N. Human Rights Commission did not go so far as to condemn Israel for committing genocide against the Palestinian people. It condemned Israel for committing crimes against humanity, which are the direct precursor to genocide. And I submit that if something is not done quite soon by the American people and the international community to stop Israeli war crimes and crimes against humanity against the Palestinian people, it could very well degenerate into genocide, if Israel is not there already. In this regard, Israeli Prime Minister Ariel Sharon is what international lawyers call a genocidaire, one who has already committed genocide in the past. Sharon is ready, willing, and able to inflict genocide yet again upon the Palestinians, unless we stop him!

Peace Is Possible, If . . .

The goal of obtaining peace with justice for all peoples in the Middle East can only be achieved on the basis of a two-state solution for the Palestinian people and the Jewish people, the right of return for Palestinian refugees, and an equitable solution to the question of Jerusalem:

The Two-State Solution: On November 15, 1988, the independent state of Palestine was proclaimed by the Palestine National Council (P.N.C.), meeting in Algiers, by a vote of 253 to 46. On the same day it was also proclaimed in front of Al-Aqsa Mosque in Jerusalem, the capital of the new state, after the close of prayers. Notice the monumental importance of Al Aqsa Mosque to the Palestinian people. A remarkable opportunity for peace was created by the Palestinian Declaration of independence because therein

the P.N.C. officially endorsed this two-state solution in order to resolve the basic conflict.

This Declaration of Independence explicitly accepted the U.N. General Assembly's Partition Resolution 181 (II) of 1947, which called for the creation of a Jewish state and an Arab state in the former Mandate for Palestine, together with an international trusteeship for the city of Jerusalem. The significance of the P.N.C.'s acceptance of partition cannot be overemphasized. Prior thereto, from the perspective of the Palestinian people, the Partition Resolution had been deemed to be a criminal act that was perpetrated upon them by the United Nations. Today, the acceptance of the Partition Resolution in their actual Declaration of Independence signals a genuine desire by the Palestinian people to transcend the past century of bitter history with the Jewish people living in their midst in order to reach an historic accommodation with Israel on the basis of a two-state solution. The Declaration of Independence is the foundational document for the State of Palestine. It is determinative, definitive, and irreversible.

In this regard, it should be emphasized that Israel officially accepted the U.N. Partition Resolution in its own Declaration of Independence and as a condition for its admission to membership in the United Nations Organization. The 1947 U.N. Partition Plan called for the Palestinian people to have 44% of historic Palestine for their state, a much larger share than the 20% contemplated by U.N. Security Council Resolutions 242 of 1967 and 338 of 1973. Today the Palestinian people would be prepared to accept the 1967 boundaries for the state of Palestine, which would consist essentially of the West Bank, Gaza Strip and East Jerusalem. The P.N.C.'s solemn acceptance of Resolutions 242 and 338 represented a significant concession by the Palestinian people for the benefit of the Israeli people.

The Refugee Question: As another express condition for its admission to the United Nations Organization, the government of Israel officially endorsed and agreed to carry out U.N. General Assembly Resolution 194 (III) of 1948, which determined that Palestinian refugees have a right to return to their homes, or that compensation should be paid to those who choose not to return. Furthermore, that same article 13 (2) of the 1948 Universal Declaration of Human Rights which Soviet Jews relied upon to justify their emigration from the former Soviet Union provides that "Everyone has the right...to return to his country."

That absolute right of return clearly applies to Palestinian refugees living in their diaspora who want to return to their homes in Israel and Palestine. The state of Israel owes a prior legal obligation to resettle Palestinian refugees who want to return home before it undertakes the massive settlement of Jews and others from around the world.

The Legal Status of Jerusalem: Reportedly, it was the question of Jerusalem that led to the breakdown of the Camp David II negotiations, though the negotiating situation was far more complicated than that. A

brief review of the historical record can shed light upon Jerusalem's legal status, and point the way towards an ultimate solution for this city, so revered by three monotheistic faiths.

On 25 September 1971, then-Ambassador George H. W. Bush, speaking as U.S. Representative to the United Nations, delivered a formal "Statement on Jerusalem" before the U.N. Security Council explaining the official position of the U.S. government with respect to the city of Jerusalem. Therein, Ambassador Bush specifically endorsed and repeated a 1969 statement made before the Security Council by his predecessor, Charles Yost, criticizing Israeli occupation policies in East Jerusalem in the following terms:

The expropriation or confiscation of land, the construction of housing on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in the city.

Ambassador Bush then reaffirmed Yost's prior statement that the United States government considers East Jerusalem to be "occupied territory and thereby subject to the provisions of international law governing the rights and obligations of an occupying power."

Succinctly put, these latter obligations can be found in the Fourth Geneva Convention of 1949, which expanded upon and improved --- but did not displace --- the 1907 Hague Regulations on Land Warfare. The United States government is a party to both the Fourth Geneva Convention and the Hague Regulations. Israel is bound by the terms of both treaties as well.

Ambassador Bush concluded his 1971 "Statement" as follows:

We regret Israel's failure to acknowledge its obligations under the Fourth Geneva Convention as well as its actions which are contrary to the letter and spirit of this Convention. We are distressed that the actions of Israel in the occupied portion of Jerusalem give rise to understandable concern that the eventual disposition of the occupied section of Jerusalem may be prejudiced. The Report of the Secretary General on the Work of the Organization, 1970-71, reflects the concern of many Governments over changes in the face of this city. We have on a number of occasions discussed this matter with the Government of Israel, stressing the need to take more fully into account the sensitivities and concerns of others. Unfortunately, the response of the Government of Israel has been disappointing. All of us understand that Jerusalem has a very special place in the Judaic tradition, one which has great meaning for Jews throughout the world. At the same time Jerusalem holds a special place in the hearts of many millions of Christian and Moslems through the world. In this regard, I want to state clearly that we believe Israel's respect for the Holy Places has indeed been exemplary. But an Israeli occupation policy made up of unilaterally determined practices cannot help promote a just and lasting peace any more than that cause was served by the status quo in Jerusalem prior to June 1967 which, I want to make clear, we did

not like and we do not advocate reestablishing.

Ambassador Bush's 1971 "Statement" has always represented the United States government's official position on the numerous illegalities surrounding Israel's occupation and illegal annexation of East Jerusalem since 1967.

For similar reasons, the United States government has never recognized Israel's annexation of West Jerusalem as valid or lawful either. That is why the U.S. Embassy to Israel still remains in Tel Aviv, not Jerusalem.

Both Bush's 1971 "Statement" and similar comments he later made as President in 1990 are fully consistent with and indeed required by Article 1 of the Fourth Geneva Convention, which requires the United States government not only to respect but also to ensure respect for the terms of this Convention by other parties such as Israel "in all circumstances." As treaties, both the Fourth Geneva Convention and the Hague Regulations are deemed to be the "supreme Law of the Land" by Article VI of the United States Constitution. Contrary to the public suggestions made in the United States by the Israel lobby and its supporters, the United States government must support the vigorous application of the international laws of belligerent occupation to produce the termination of all illegal Israeli practices in Jerusalem as well as in the West Bank and Gaza Strip, together with the Golan Heights, including and especially Israeli settlers and settlements.

The 1947 United Nations Partition Plan for the Mandate of Palestine called for the creation of an international trusteeship for the city of Jerusalem, that would be administered as a *corpus separatum* apart from both the Jewish state and the Arab state contemplated therein. Today, however, it would not be necessary to go so far as to establish a separate United Nations trusteeship for the city of Jerusalem alone under Chapter XII of the U.N. Charter. Rather, all that would need to be done is for the Israeli army to withdraw from Jerusalem and a United Nations peacekeeping force to be substituted in its place. This U.N. force would maintain security within the city while the provision of basic services to all the inhabitants could be enhanced, especially for the Palestinians.

The simple substitution of a U.N. peacekeeping force for the Israeli army would have the virtue of allowing both Israel and Palestine to continue making whatever claims to sovereignty they want with respect to the city of Jerusalem. Thus, Israel could continue to maintain that Jerusalem is the sovereign territory and united capital of Israel, the Israeli Knesset could remain where it is as a capital district, and the Israeli flag could be flown anywhere throughout the city of Jerusalem.

Likewise, the state of Palestine could maintain that Jerusalem is its sovereign territory and capital. Palestine would be entitled to construct a parliament building and capital district within East Jerusalem. The Palestinian flag could be flown anywhere within the territorial confines of the city.

Both Israel and Palestine would be entitled to maintain ceremonial honor guards, perhaps with revolvers, at their respective capital districts. But no armed troops from either Israel or Palestine would be permitted within Jerusalem.

The residents of Jerusalem would be citizens of either Israel, or Palestine, or both, depending upon the respective nationality laws of the two states involved. Residents of Jerusalem would be issued a United Nations identity card to that effect, which would give them and only them the right to reside within the city of Jerusalem. Nevertheless, all citizens of the state of Palestine would be entitled to enter Jerusalem through U.N. checkpoints at the eastern limits of the city. Likewise, all citizens of the state of Israel would be entitled to enter Jerusalem at U.N. checkpoints located at the western limits of the city. Mutual rights of access for their respective citizens to the two states through Jerusalem would be subject to whatever arrangements could be negotiated between the government of Israel and the government of Palestine as part of an overall peace settlement.

In addition, both Israel and Palestine would have to provide assurances to the United Nations Security Council that religious pilgrims (Moslems, Christians, and Jews) would be allowed access through their respective territories in order to visit and worship at the holy sites in the city of Jerusalem. Some type of U.N. transit visa issued by the U.N. peacekeeping force should be deemed to be sufficient for this purpose by both governments. Of course this right of transit could not be exercised in a manner deleterious to the security interests of the two states.

Thus, Jerusalem would become a free, open, and undivided city for pilgrimage and worship by people of the three monotheistic faiths from around the world. Neither Israel nor Palestine would have to surrender whatever rights, claims, or titles they might assert to the City. Security would be maintained by the United Nations peacekeeping force. And the city of Jerusalem would remain subject to this U.N. regime for the indefinite future.

If a comprehensive Middle East peace settlement were to be negotiated along these lines, then it would be perfectly appropriate under international law for the United States to move its Embassy in Israel from Tel Aviv to Jerusalem. The U.S. Embassy could be simultaneously accredited to the state of Palestine as well as to the state of Israel. The same could be done by all other states in the international community. The presence of these embassies in Jerusalem under such circumstances would permit both Israel and Palestine to claim that the entire international community has now recognized Jerusalem as its capital.

There are many other historical precedents that could be drawn upon to produce a mutually acceptable arrangement for Jerusalem: e.g., the Free City of Danzig, the Vatican City State, the District of Columbia, etc. So determining the final status of Jerusalem is not and never has been an insuperable obstacle to obtaining a comprehensive Middle East peace



settlement. If the will for peace is there on the part of the Israeli government, then creative lawyers on each side can devise an artful arrangement for the city of Jerusalem that would allow both peoples to claim victory while achieving peace.

#### Prologue: New Direction for the Palestinians

Just before the September 13, 1993 Oslo Agreement signing on the White House Lawn, I commented to a high-level official of the P.L.O., "This document is like a straight-jacket. It will be very difficult to negotiate your way out of it!" This official readily agreed: "Yes, you are right. It will depend upon our negotiating skill."

I have great respect for Palestinian negotiators. They have done the very best they can negotiating in good faith with an Israeli government that has been invariable backed up by the United States. But there has never been any good faith on the part of the Israeli government either before, during, or after Oslo. The same is true for the United States.

Even if Oslo and Camp David II had succeeded, they would have resulted in the permanent imposition of a bantustan upon the Palestinian people. But Oslo has run its course. Therefore, it is my purpose here to sketch out a new direction for the Palestinian people and their supporters around the world to consider as an alternative to the Oslo process.

First: We must immediately move for the de facto suspension of Israel throughout the entirety of the United Nations system, including the General Assembly and all U.N. subsidiary organs and bodies. We must do to Israel what the U.N. General Assembly has done to the genocidal rump Yugoslavia and to the criminal apartheid regime in South Africa. Here the legal basis for the de facto suspension of Israel at the U.N. is quite simple:

As a condition for its admission to the United Nations Organization, Israel formally agreed, inter alia, to accept General Assembly Resolution 181 (II) (1947) (on partition and Jerusalem trusteeship) and General Assembly Resolution 194 (III) (1948) (Palestinian right of return). Nevertheless, Israel has violated its conditions for admission to U.N. membership and thus must be suspended on a de facto basis from any participation throughout the entire United Nations system.

Second: Any further negotiations with Israel must be conducted on the basis of Resolution 181 (II) and the borders it specifies; Resolution 194 (III); subsequent General Assembly resolutions and Security Council resolutions; the Third and Fourth Geneva Conventions of 1949; the 1907 Hague Regulations; and other relevant principles of public international law.

Third: We must abandon the fiction and the fraud that the United States government is an "honest broker" in the Middle East. The United States government has never been an "honest broker" since from well before the

very outset of the Middle East peace negotiations in 1991. Rather, the United States has invariably sided with Israel against the Palestinians, as well as against the other Arab States. We need to establish some type of international framework to sponsor these negotiations where the Palestinian negotiators will not be subjected to the continual bullying, bribery, and outright deceptions perpetrated by the United States working in conjunction with Israel.

Fourth: We must move to have the U.N. General Assembly adopt comprehensive economic, diplomatic, and travel sanctions against Israel according to the terms of the Uniting for Peace Resolution (1950). Pursuant thereto, the General Assembly's Emergency Special Session on Palestine is now in recess just waiting to be recalled.

Fifth: The Provisional Government of the state of Palestine must sue Israel before the International Court of Justice in The Hague for inflicting acts of genocide against the Palestinian people in violation of the 1948 Genocide Convention.

Sixth: We must pressure the Member States of the U.N. General Assembly to found an International Criminal Tribunal for Palestine (ICTP) in order to prosecute Israeli war criminals, both military and civilian, including and especially Israeli political leaders. The U.N. General Assembly can set up this ICTP by a majority vote pursuant to its powers to establish "subsidiary organs" under U.N. Charter article 22. This International Criminal Tribunal for Palestine should be organized by the U.N. General Assembly along the same lines as the International Criminal Tribunal for the Former Yugoslavia (ICTY) that has already been established by the U.N. Security Council.

Seventh: Concerned citizens and governments all over the world must organize a comprehensive campaign of economic disinvestment and divestment from Israel along the same lines of what they did to the former criminal apartheid regime in South Africa. This original worldwide disinvestment/divestment campaign played a critical role in dismantling the criminal apartheid regime in South Africa. For much the same reasons, a worldwide disinvestment/divestment campaign against Israel will play a critical role in dismantling its criminal apartheid regime against the Palestinian people living in occupied Palestine as well as in Israel itself.

During the course of a public lecture at Illinois State University in Bloomington-Normal on 30 November 2000, I issued a call for the establishment of a nationwide campaign of divestment/disinvestment against Israel, which was later put on the internet. In response thereto, Students for Justice in Palestine at the University of California at Berkeley launched a divestment campaign against Israel there. Right now the city of Ann Arbor Michigan is also considering divesting from Israel. And just recently the Palestinian Students at the University of Illinois at Urbana-Champaign (whom I am privileged to advise) launched an Israeli divestment campaign here. This movement is taking off.

These seven steps taken in conjunction with each other should provide the Palestinian people with enough political and economic leverage needed to negotiate a just and comprehensive peace settlement with Israel.

By contrast, if the Oslo process is continued, it will inevitably result in the permanent imposition of a bantustan upon the Palestinian people living in occupied Palestine, as well as the final dispossession and disenfranchisement of all Palestinian people living in their diaspora.

Consequently, I call upon all Palestinian People living everywhere, as well as their supporters around the world, to consider and support this "New Direction."

## Appendix E

**Articles by Francis A. Boyle, claimant as the originator of the Israel divestment boycott campaign.**

**Article 2:**

**In Defense of a Divestment Campaign Against Israel**

**An article by Francis Boyle**

**Counterpunch Magazine**

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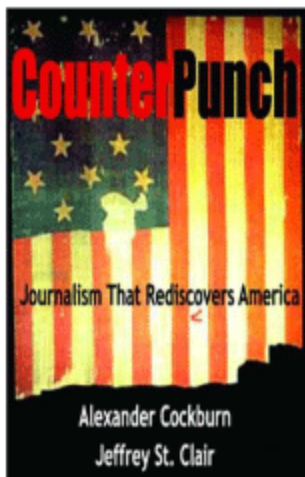
## In Defense of a Divestment Campaign Against Israel

by Francis Boyle

During the drafting of the Palestinian Declaration of Independence, the Palestinians carefully studied the American Declaration of Independence as well as the 1916 Proclamation of the Irish Republic. As can be seen from the text of their

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Declaration, the Palestinians deliberately patterned their Declaration upon Jefferson's document.

In other words, the Palestinians purposefully sought to communicate with Americans in terms the Palestinians thought the Americans could readily comprehend and sympathize with. There are good grounds to believe that their message has finally gotten through and been well received.

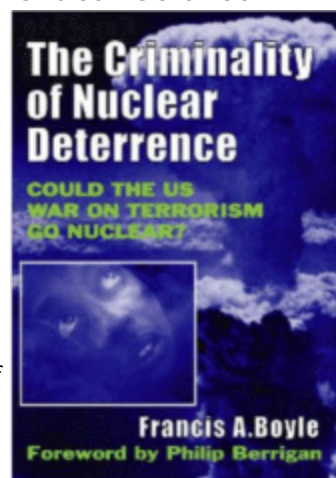
During the course of a public lecture I gave at Illinois State University in Bloomington-Normal on 30 November 2000 at the request of Professor Jamal Nassar, Chair of their Political Science Department, I issued a call for the establishment of a nationwide campaign of divestment/disinvestment against Israel, which I later put on the internet.

In response thereto, the Students for Justice in Palestine of the University of California at Berkeley launched a divestment campaign against Israel there.

Then the City of Ann Arbor Michigan considered divesting from Israel. Next, the Palestinian Students at the University of Illinois at Urbana-Champaign (whom I am privileged to advise) launched an Israeli divestment campaign here.

As of last count, over 30 campuses in the United States have organized divestment/disinvestment campaigns against Israel. This grassroots Movement is taking off!

Concerned citizens and governments all over the world must organize a comprehensive campaign of economic divestment and disinvestment from Israel along the same lines of what they did to the former criminal apartheid regime in South Africa.



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This original worldwide divestment/disinvestment campaign played a critical role in dismantling the criminal apartheid regime in South Africa.

A worldwide divestment/disinvestment campaign against Israel will play a critical role in dismantling its criminal apartheid regime against the Palestinian People living in occupied Palestine as well as in Israel itself.

For much the same reasons, a worldwide divestment/disinvestment campaign against Israel can produce an historic reconciliation between Israelis and Palestinians--just as it successfully did between Whites and Blacks in South Africa. This new divestment/disinvestment campaign should provide the Palestinians with enough economic and political leverage needed to negotiate a just and comprehensive peace settlement with the Israelis--just as it did for the Blacks in South Africa.

Today the Republic of South Africa stands as a Beacon of Hope for Peoples and States all over the world. The same could be true for Palestine and Israel.

Francis Boyle is Professor of International Law Legal at Illinois University, an advisor to the Palestine Liberation Organization on Creation of the State of Palestine (1987-1989) Legal Advisor to the Palestinian Delegation to the Middle East Peace Negotiations (1991-1993) Sometime Legal Advisor to the Provisional Government of the State of Palestine. He is the author of [The Criminality of Nuclear Deterrence](#), just published by Clarity Press.

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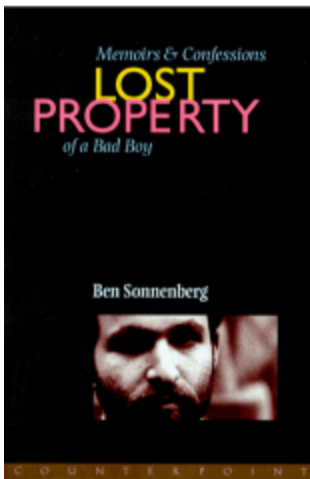
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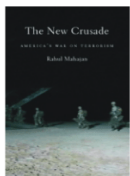
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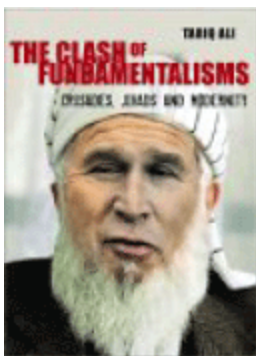
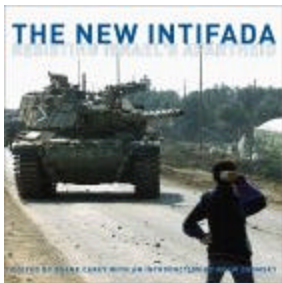


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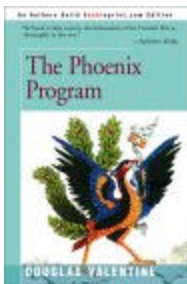
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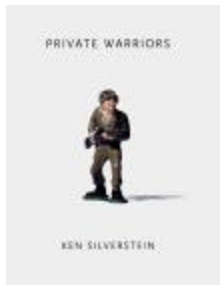
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