

▶ **The Boycott, Divestment and Sanctions Movement Against Israel**

**The New Antisemitism Sweeping through our Public Institutions:
A New Perspective for Canada and ONTARIO**

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The Canadian Jewish human rights foundation, Friends of Simon Wiesenthal Center for Holocaust Studies (FSWC) is a leading non-profit human rights foundation directly representing over 30,000 members. FSWC is committed to countering racism and antisemitism and to promoting the principles of tolerance, social justice and Canadian democratic values through advocacy and educational programs including workshops, Freedom Day, Spirit of Hope Benefit, Tools for Tolerance and its widely acclaimed new Tour for Humanity. FSWC is affiliated with the Simon Wiesenthal Center, an international Jewish human rights organization headquartered in Los Angeles, which has won two Academy Awards, has built two Museums of Tolerance (with a third being built in Jerusalem) and is an NGO at the United Nations, UNESCO, OAS, OSCE, the Council of Europe and the Latin American Parliament. Visit us at www.fswc.ca

-Avi Benlolo, President and CEO

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Introduction

The Boycott, Divestment and Sanctions Movement (BDS Movement) is a global campaign designed to pressure Israel into complying with political demands. Financial, academic and cultural exclusions are coercive tools integral to the movement. Despite identifying itself as a 'human rights' movement, BDS does not aspire to promote peaceful co-existence between Palestinians and Israelis. BDS seeks to delegitimize the State of Israel and to promote the belief that the Jewish people are not entitled to self-determination, as are all other people around the world. Viewed through the lens of racial prejudice, the BDS movement is therefore antisemitic in nature.

As outlined in the Discriminatory Business Practices Act (Appendix A), the province of Ontario has legislation in place to prevent discriminatory business activity. Refusal to engage in business on the grounds of "race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of persons employed in or engaging in business" is strictly prohibited in Ontario. Certain

actions endorsed by the BDS Movement contravene existing legislation. This legislation predates the BDS Movement, originating with the "Arab Boycott" of Israel – not a dissimilar racist movement.

Existing ambiguity in Ontario legislature has allowed the BDS movement to gain traction in our publicly-funded institutions. The Movement segregates and penalizes Israeli academics and students, corporations, businesses and the State of Israel itself.¹ Widespread acceptance of BDS will put enormous economic and political pressure on the Jewish State.

Israel is both a strong and trusted ally of Canada and Ontario, home to significant federal and provincial business interests and initiatives. There is a significant Jewish population in the province of Ontario and the presence of BDS in our public spaces foments fear and discrimination. BDS in our public institutions deprives Ontarians of their right to international viewpoints and incites hateful divisions, exclusions and hostility based on ethnicity, nationality and religion. The BDS movement is a direct challenge to the right of Ontarians to study and work in safe and inclusive environments.

One of Adolph Hitler's first actions was on April 2, 1933 to boycott Jewish businesses. Historic racial prejudice against the Jews always began with economic boycotts.

Friends of Simon Wiesenthal Center for Holocaust Studies (FSWC) recognizes the dangers of this campaign and our organization aims to end any form of hate, racism, prejudice and antisemitism in Canadian society and around the world, including the BDS campaign (See Appendix B).

¹ Dan Diker, "The world from here: Hamas and BDS," <http://www.jpost.com/Opinion/Columnists/The-world-from-here-Hamas-and-BDS-344303>.



This is “Apartheid”

The word ‘apartheid’ is often thrown around, with little understanding of what it truly entails. In South Africa, apartheid stemmed from an all-white government, which began enforcing existing policies of racial segregation.

By 1950, apartheid became law, resulting in banned marriages between whites and people of other races, restricted land use and limitations on freedom of movement for non-whites.²

Apartheid is a term that is often mistakenly attached to the State of Israel, the sole democratic nation in the Middle East, which provides rights to all of its citizens regardless of race, religion, gender, and sexual orientation. Therefore, such a comparison is grossly inaccurate and misleading.

This brief summary will explain and explore apartheid in the areas of gender, literacy, economics, homosexuality, religion, and of a physical nature in the Middle East particularly – demonstrating that the true form of apartheid exists not in Israel, but in surrounding states.

GENDER APARTHEID

Although we enjoy our rights and freedoms in Canada, women in countries around the world, particularly in Arab nations, continue to suffer discrimination in their daily lives. These issues include lack of mobility, freedom of marriage, discriminatory divorce rights, citizenship, custody rights, violence, restricted land ownership, and access to education.³

² “Apartheid,” <http://www.history.com/topics/apartheid>

³ Emma Mccune, “10 Examples of Gender Inequality in the World,” www.borgenmagazine.com/10-examples-gender-inequality-world/#prettyPhoto

LITERACY APARTHEID

According to a report by ‘The Arab Organization for Education, Science and Culture (ALECSO)’, a Tunisia-based organization, the illiteracy rate in Arab countries exceeded 19% or nearly 97 million.⁴ Additionally, out of over 353 million people in the Arab world, only approximately 257 million were familiar with reading and writing, meaning that nearly 97 million are illiterate.⁵

ECONOMIC APARTHEID

The gap between the rich and poor continues to widen in many oil rich countries. Many oil producers have been involved in civil wars, such as Iraq, Sudan, Nigeria, and even Colombia, which tend to have social classes with a tiny majority earning millions while the vast majority of the population lives in poverty.⁶

GAY APARTHEID

The acceptance of homosexual relationships continues to be forbidden in countries such as Iran, Saudi Arabia, Palestine, and Syria. In Iran, homosexual relationships between two men and women are illegal and the punishment for two

⁴ “ALECSO report: 97 million illiterates in Arab countries,” <https://www.middleeastmonitor.com/news/middle-east/9152-alecso-report-97-million-illiterates-in-arab-countries>

⁵ “ALECSO report: 97 million illiterates in Arab countries,” <https://www.middleeastmonitor.com/news/middle-east/9152-alecso-report-97-million-illiterates-in-arab-countries>

⁶ “The Oil Curse: Why Oil Rich Countries are Politically Unstable,” <https://www2.le.ac.uk/research/festival/meet/2014/hind-alofaysan>

men caught engaging in sexual intercourse with one another is death.⁷

It is ironic that many supporters of the lesbian, gay, bisexual, and transgender (LGBT) communities in Western nations such as Canada continue to call for boycotts of the State of Israel despite the fact that it is the only country in the Middle East truly accepting of the gay community.

RELIGIOUS APARTHEID

Being a non-Muslim in the Middle East can be a death sentence. In the past year particularly, many Christians have been brutally killed by ISIS forces. In January 2016, an escaped prisoner claimed that ISIS burned Christians alive who were locked in caskets.⁸

PHYSICAL APARTHEID

Many nations in the Middle East continue to face extreme violence that have been inflicted upon them, even by their own governments.

In Syria, for example, the civil war beginning in the Spring of 2011 has cost over 250,000 lives and more than 11 million have been forced from their homes.⁹ The conflict has been further complicated by the alleged war crimes committed, chemical weapons used, the ongoing humanitarian crisis, the rise of jihadists, and proxy wars.¹⁰

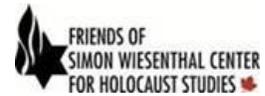
⁷ "Countries where homosexuality is a crime,"
<http://www.cbc.ca/news2/interactives/map-same-sex-criminalization>

⁸ Anugrah Kumar, "ISIS Burns Christians Alive in Locked Caskets, Escaped Prisoner Reveals,"
<http://www.christianpost.com/news/isis-burns-christians-alive-locked-caskets-escaped-iraqi-soldier-islamic-state-prisoner-reveals-154281/>

⁹ "Syria: The Story of the Conflict,"
<http://www.bbc.com/news/world-middle-east-26116868>

¹⁰ "Syria: The Story of the Conflict,"
<http://www.bbc.com/news/world-middle-east-26116868>

Despite all of these facts, the attention of BDS supporters remains solely on Israel. The outcry of the continued oppression of women or the ongoing killing of innocent civilians in the Middle East region has been virtually nonexistent. Therefore, the sole criticism of Israel is first and foremost antisemitic and an attack on the Jewish people as a whole.



New Definition of Antisemitism

The 'new antisemitism' includes discrimination of Israel, the nation that embodies the Jewish people. The 'Ottawa Protocol,' the U.S. State Department and the EU are all in agreement that prejudice against Israel is antisemitic.¹¹

Policy Implications

The BDS movement that is gaining momentum in our Ontario public institutions hides behind the rhetoric of an activist campaign.¹² The movement claims to stand for human rights and advocacy for the Palestinian people, yet a closer examination of the group's policies and actions tells a different story.¹³ The BDS Movement does not foster an inclusive or respectful dialogue on Israeli-Palestinian relations but instead incites hatred and antisemitism and sentences the Palestinian people to a lifetime of poverty by disallowing economic integration.¹⁴

Internationally

The International Holocaust Remembrance Alliance (IHRA) defines anti-Semitism as, "denying the Jewish people the right to self-determination, by claiming that the existence of a State of Israel is a racist endeavour" – which is how BDS refers to Israel, as an 'apartheid state'.¹⁵

¹¹ Avi Benlolo, "Canada Gets Tough on Anti-Semitism, The Huffington Post," http://www.huffingtonpost.ca/avi-benlolo/anti-semitism-canada_b_973587.html

¹² Hillel of Greater Toronto, "Anti-Semitism on Campus in Toronto," <http://www.cjpme.org/DisplayDocument.aspx?DO=853&RecID=454&DocumentID=1841&SaveMode=0>.

¹³ Daniel Mael, "On Many Campuses Hate is spelled SJP," <http://www.thetower.org/article/on-many-campuses-hate-is-spelled-sjp/>.

¹⁴ "Divides Campuses, Closes Dialogue,"

<http://stopbds.ca/divides-campus-closes-dialogue/>.

¹⁵ "ECI Launches Petition Calling Upon the European Parliament for Resolution Against BDS and All Forms of Anti-Semitism,"

USA

The US Department of State has clear guidelines on what constitutes antisemitism relative to Israel (Appendix C). This definition can be broken down into the "Three D's:"

DEMONIZE Israel:

- Using the symbols and images associated with classic antisemitism to characterize Israel or Israelis
- Drawing comparisons of contemporary Israeli policy to that of the Nazis
- Blaming Israel for all inter-religious or political tensions

DOUBLE STANDARD for Israel:

- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation
- Multilateral organizations focusing on Israel only for peace or human rights investigations

DELEGITIMIZE Israel:

- Denying the Jewish people their right to self-determination, and denying Israel the right to exist

European Union

The EU's 'Working Definition of Antisemitism' gives similar examples of the ways in which antisemitism manifests itself in regards to the State of Israel.

These examples include:

- Denying the Jewish people their right to self-determination, e.g., by claiming that the

<http://www.ec4i.org/eci-launches-petition-calling-upon-the-european-parliament-for-resolution-against-bds-and-all-forms-of-anti-semitism/>

existence of a State of Israel is a racist endeavor

- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis
- Drawing comparisons of contemporary Israeli policy to that of the Nazis
- Holding Jews collectively responsible for actions of the state of Israel

Thus, the reality of the nature of the BDS campaign is that it targets and singles out the Jewish community as a collective; it demonizes Israel and Israelis; it applies unfair double standards to Israel at the exclusion of other nations in the Middle East; and it rejects the legitimacy of Israel as the only Jewish State in the world. The bedrock of the BDS movement is discrimination, hate and antisemitism; it is an inappropriate and potentially illegal presence in our public institutions.

Existing Canadian Legislation

The BDS movement promotes a number of actions that are intended to restrict trade with Israel. These actions include targeting businesses, religious organizations, higher education institutions and trade unions that are affiliated with or engaged in trade with Israeli businesses and Israelis themselves.

There is existing anti-discrimination legislation in Ontario and Manitoba that potentially bans certain actions endorsed by the BDS Movement. The Discriminatory Business Practices Acts in Ontario and Manitoba were enacted to “prevent discrimination on the ground of race, creed, colour, nationality, ancestry, place of origin, sex or geographical location of persons employed in or engaging in business.” For a corporation, the definition extends to include discrimination on the basis of the nationality of any of its officers, directors or shareholders.

Refusal to engage in business with a person on the basis of their nationality is prohibited under this legislation. Refusal to engage in business with a person on the basis of their business relationship with a third person on account of an attribute is also prohibited. Therefore, the BDS tactic of targeting Israeli businesses and business owners is prohibited under this legislation:

“For the purposes of this Act, the following shall be deemed to be discriminatory business practices:

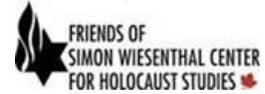
1. A refusal to engage in business with a second person, where the refusal,
 - i. is on account of an attribute,
 - A. of the second person, or

- B. of a third person with whom the second person conducts, has conducted or may conduct business; and
- ii. is a condition of the engaging in business of the person making the refusal and another person.”¹⁶

In January 2015, the Department of Foreign Affairs, Trade and Development Canada and the Ministry of Foreign Affairs of the State of Israel announced a Memorandum of Understanding (Appendix D). This memorandum makes an indirect reference to the BDS movement, stating “Understanding that attempts to isolate, delegitimize and undermine Israel violate core international principles, are at odds with Canadian and Israeli values of tolerance and mutual respect, and prevent meaningful dialogue, [...]” The Memorandum also includes a commitment to “a coordinated, public diplomacy initiative both bilaterally and in international and multinational fora to oppose boycotts of Israel, its institutions, and its people.”

Ontario also has business arrangements with Israel, including its commitment to opening an office in Israel to help promote business and trade between the two jurisdictions. Premier Kathleen Wynne has expressed her determination to establish a ‘robust trade presence’ in Israel and is planning a trade mission to the Jewish State in spring of 2016.

¹⁶ “Discriminatory Business Practices Act, R.S.O. 1990, c. D.12, Province of Ontario, <http://www.ontario.ca/laws/statute/90d12>



BDS: Hating Israel, Not Helping Palestinians

BDS supporters intentionally ignore atrocities committed in a number of other nations including violence and discrimination against women; the LGBTQ community; ethnic and religious minorities; journalists and the free press; and political activists.

Israel is the largest employer of Palestinians and is one of only two states in the Middle East that allows Palestinians to work unconditionally. All other nations in the Middle East impose strict employment conditions on Palestinians, yet they are never named in the BDS Movement.¹⁷ Many Israeli and Palestinian scholars and activists have publicly condemned the BDS Movement. Common criticisms regarding BDS suggest that the Movement is creating more hatred, enmity and polarization in the region.¹⁸

According to data collected by the World Bank, Israel's GDP is over six times higher than neighbouring Lebanon and nearly ten times higher than that of Jordan. These figures indicate the good health of Israel's economy in comparison to other countries in the region translating into more job opportunities for Palestinians.

There are few connections between the objectives of the BDS movement and the actual situation on the ground in Israel, Gaza and the West Bank.¹⁹ Israel is the largest employer of Palestinians – providing them with consistent, reliable work to help support their families. BDS has already

resulted in job losses for Palestinians, but this does not seem to deter the movement.²⁰

Sodastream's withdrawal from the West Bank is a perfect example of the BDS Movement hurting Israel to the detriment of Palestinians. As many as 600 Palestinians lost jobs that paid them well above market wages.²¹ BDS justifies boycotts that will result in increased economic hardship for the Palestinian people with the assumption that Palestinians are willing to suffer any deprivation in order to achieve the political agenda of the Movement.

By its nature, the BDS Movement rejects any form of meaningful dialogue or debate with Israelis or pro-Israel students. Views on the Israel-Palestine conflict are not binary, but because BDS arbitrarily groups all Israel supporters together, it rejects the basic legitimacy of their beliefs.²² The BDS Movement frequently shuns any form of contact and communication with Israelis, regardless of their political views and beliefs. Instead, BDS has employed tactics of intimidation and violence against Jewish and pro-Israel students, and has attempted to ban Israeli academics from lecturing on university campuses – challenging the basic Canadian values of academic freedom and open debate.

The BDS movement does not condemn Hamas, the government body of the Palestinians in the Gaza Strip, which explicitly, in its charter, denies the right of Israel to exist; opposes peace

¹⁷ Zadrán, Muhar, "BDS is About Hating Israel, Not Helping Palestinians," <http://mosaicmagazine.com/picks/2015/06/bds-is-about-hating-israel-not-helping-palestinians/>.

¹⁸ Ibid.

¹⁹ Bassem, Eid, "The Palestinian Case Against BDS," The Washington Institute, <http://www.washingtoninstitute.org/policy-analysis/view/the-palestinian-case-against-bds>

²⁰ "BDS Is About Hating Israel, Not Helping Palestine," Mosaic, <http://mosaicmagazine.com/picks/2015/06/bds-is-about-hating-israel-not-helping-palestinians/>

²¹ "BDS: Lost Palestinian Jobs at SodaStream are Worth it," Honest Reporting: Defending Israel from Media Bias, <http://honestreporting.com/bds-lost-palestinian-jobs-at-sodastream-are-worth-it/>

²² Gregory A Briker, "Dialogue Over Divestment," The Harvard Crimson, <http://www.thecrimson.com/article/2014/4/10/harvard-israeli-palestinian-divestment/>

negotiations; promotes the genocide of Jews in Israel and abroad; and invokes antisemitic accusations of a Jewish-Zionist global conspiracy to control world politics and economics.²³

Evidently, the main objective of BDS is neither to solve the Israeli-Palestinian conflict, nor to help the Palestinian people. The BDS campaign does not focus on creating peace between Israelis and Palestinians. It exists to delegitimize, and ultimately eliminate, the State of Israel. BDS is a hate-fuelled, legally-ambiguous, antisemitic Movement that should not be allowed to flourish in our public institutions.

²³ " Hamas in Their Own Words," Anti-Defamation League, <http://www.adl.org/anti-semitism/muslim-arab-world/c/hamas-in-their-own-words.html?referrer=https://www.google.ca/#.VXmIXFVviko>.

BDS in Ontario Public Institutions

Jewish and pro-Israel individuals across the province, and the nation, are feeling increasingly vulnerable due to BDS Movements in our public institutions.

Higher Education

The undergraduate student unions which have endorsed BDS in Ontario are:

- The Student Association at Durham College & UOIT²⁴
- York Federation of Students²⁵
- Concordia Student Union²⁶
- McMaster Students Union²⁷
- Ryerson Students' Union²⁸
- Scarborough Campus Students' Union (University of Toronto)²⁹
- University of Toronto Mississauga Students' Union³⁰
- University of Windsor Students' Alliance³¹

²⁴ "Students Vote to Support Global BDS Campaign," http://sadcuoit.ca/wp-content/uploads/2015/08/SA_10_PRESSRELEASE_160222.pdf

²⁵ Joseph Brean, "The antithesis of academic freedom': York University student union endorses boycott of Israeli professors," <http://news.nationalpost.com/toronto/york-university-student-union-endorses-boycott-of-israeli-academics>.

²⁶ "Letters: The BDS vote at Concordia is not representative of the views of the entire student body," <http://montrealgazette.com/opinion/letters/letters-the-bds-vote-at-concordia-is-not-representative-of-the-views-of-the-entire-student-body>.

²⁷ Samantha Craggs, "McMaster students support Israel boycott in tense meeting," <http://www.cbc.ca/news/canada/hamilton/news/mcmaster-students-support-israel-boycott-in-tense-meeting-1.2588162>.

²⁸ Kathleen McGouran, "Students react to RSU's vote for BDS Movement," <http://www.ryersonian.ca/students-react-to-rsus-vote-for-bds-movement/>.

²⁹ Cara Stern, "U of T Scarborough student union endorses BDS," <http://www.cjnews.com/?q=node/105525>.

³⁰ <http://www.israelnationalnews.com/News/News.aspx/165878#.VzDatoQrLIU>

³¹ Ron Stang, "Windsor BDS referendum was a first in Canada," <http://www.cjnews.com/campus/windsor-bds-referendum-was-first-canada>.

And the graduate student unions endorsing BDS in Ontario include:

- York University's Graduate Students Association³²
- University of Toronto Graduate Students Union³³

Many of these campuses have an entire week dedicated to the activities of the BDS Movement, aptly referred to as 'BDS Week.' Hosting pro-BDS events like 'BDS Week' and 'Israeli Apartheid Week' and inviting anti-Israel guest speakers onto our campuses has encouraged a climate of intolerance. BDS, and its affiliated organizations, has spawned a generation of young people with a hatred for Israel.

Consequences of BDS on Students

Jewish students have reported increased levels of antisemitic activity after BDS movements have been introduced onto higher education campuses. Pro-Israel students of non-Jewish backgrounds have endured similar victimization. Students have expressed frustration that their academic performance is being negatively affected due to the mental stresses of the hostility on their campuses.



Antisemitic graffiti at Ryerson University (October, 2015)

³² <http://www.cjnews.com/living-jewish/jewish-learning/bds-resolution-passed-york-university>

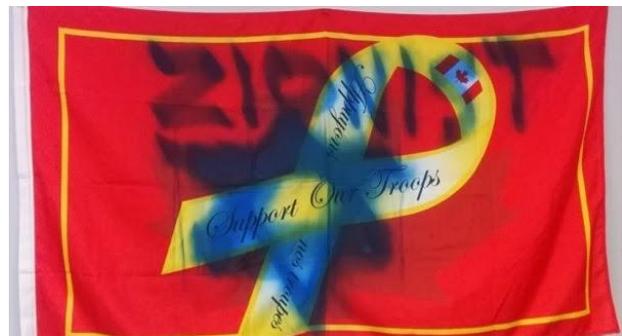
³³ <http://www.cjnews.com/living-jewish/jewish-learning/bds-resolution-passed-york-university>

BDS has incited a number of antisemitic incidents on university campuses across Ontario, including:

- Graffiti found in the girl's washroom of York University's Central Square³⁴
- A mural at York University depicting a Palestinian holding rocks and inciting violence against Israelis³⁵
- Antisemitic posters distributed at Trent University in Peterborough with a defaced 'Star of David' (a prominent Jewish symbol)³⁶
- An office vandalized at the University of Windsor in which a 'Support our Troops' flag was desecrated with a spray painted 'Star of David', and the word 'Zionist' written across it³⁷
- At York University in Toronto, Jewish and pro-Israel students have been faced with open discrimination and intimidation after BDS policies had been adopted³⁸
- Violent, profanity-laden graffiti has been found in washroom walls at Ryerson University
- Palestinian Solidarity Group (PSG) at Windsor University staged a walk-out during a Jewish Student Association (JSA) event after engaging the Bedouin speaker and spectators in a shouting match. In provoking the speaker and students in that manner, SPG effectively

curtailed any chance for dialogue or respectful debate. When interviewed on the radio following the protest, SPG president compared Zionists to Neo-Nazi's and the KKK.

These are just a few recent examples of the antisemitic intimidation and harassment Jewish and pro-Israel students face on our campuses.



Antisemitic graffiti at University of Windsor (February, 2014)

A 2015 Brandeis University report on antisemitism indicated that hate crimes on Canadian campuses are on the rise. One third of respondents had been verbally harassed; seventy-five per cent reported being exposed to antisemitic materials or statements; and one in four claimed they had been "blamed in the past year for the actions of Israel because they were Jewish."³⁹

Public Employee Unions

The Ontario wing of the Canadian Union of Public Employees (CUPE) passed a resolution to boycott Israeli academics to demonstrate their support for the BDS Movement. The boycott of Israeli academics is a gross violation of academic freedoms for which we are internationally

³⁴ <http://elink.crm.yorku.ca/m/1/25044496/b5716-6ab1be52-00a0-4ed2-a5d6-64dbec329987/7/460/a05ae6be-3902-426b-a195-e0551314d203>

³⁵ "Pro-Palestinian mural causes deep divisions at York University," <http://www.cbc.ca/radio/asithappens/as-it-happens-wednesday-edition-1.3422116/pro-palestinian-mural-causes-deep-divisions-at-york-university-1.3422890>

³⁶ Jason Bain, "Divestment Week logos draw criticism," <http://www.thepeterboroughexaminer.com/2015/01/15/divestment-week-logos-draw-criticism>.

³⁷ Ron Stang, "Flag vandalized during university BDS vote campaign," <http://www.cjnews.com/node/122833>.

³⁸ Jordan Adler, "BDS resolution passed at York University," <http://cjnews.com/campus/bds-resolution-passed-york-university>.

³⁹ Lauren Kramer, "Brandeis study finds anti-Semitism high on Canadian campuses," CJNI, <http://www.cjnews.com/living-jewish/jewish-learning/brandeis-study-finds-anti-semitism-high-canadian-campuses>

recognized.⁴⁰ Collaborative research between Canada and Israel benefits both nations and should be nurtured, not hindered. The CUPE resolution severely damaged the free exchange of information that is intrinsic to our academic community and the university system of Ontario.⁴¹

Canadian employment unions which currently have BDS policies in place are:

- Canadian Union of Public Employees (CUPE)⁴²
- Canadian Union of Postal Workers (CUPW)⁴³

Religious Bodies

The United Church of Canada voted to affirm their support of the BDS Movement. The church accepted a comprehensive boycott of goods produced in Israeli settlements in East Jerusalem and in the West Bank.⁴⁴ Members of the Canadian Jewish community criticized the United Church of Canada's adoption of BDS tactics citing that the motion would cause "an irreparable breakdown of relations between two religious groups."⁴⁵

⁴⁰ Michael Ignatieff, "Michael Ignatieff: Israel Apartheid Week and CUPE Ontario's anti-Israel Posturing should be Condemned," Scholars for Peace in the Middle East, <http://spme.org/boycotts-divestments-sanctions-bds/boycotts-divestments-and-sanctions-bds-news/michael-ignatieff-israel-apartheid-week-and-cupe-ontarios-anti-israel-posturing-should-be-condemned/6513/>

⁴¹ Ibid.

⁴² "Canadian Union of Postal workers Statement on Land Day/BDS Day of Action," BDS Movement: Freedom, Justice, Equality, <http://www.bdsMovement.net/2011/cupw-doa-5980>

⁴³ Ibid.

⁴⁴ "Largest Protestant Church in Canada Votes for Israeli Settlements Boycott," BDS Movement: Freedom, Justice, Equality, <http://www.bdsMovement.net/2012/united-church-canada-settlement-boycott-9403#sthash.fKli3JUP.dpuf>

⁴⁵ Ibid.

International Reactions to the BDS Movement

USA

In reaction to radical BDS Movements, the University of California has formed a special panel to probe antisemitism on its campuses (Appendix E). Human Rights organizations are calling on the University, home to some 230,000 students, to adopt the U.S. State Department's 'Three D's' definition of antisemitism.⁴⁶

In April of 2015, the finance committees of both the House and Senate in the U.S. approved amendments to trade bill 'H.R. 1890' which require American trade negotiators to "discourage politically motivated actions" by foreign countries and international organizations that aim to "penalize or otherwise limit" commercial relations with Israel or "persons doing business in Israel or in territories controlled by Israel."⁴⁷

In May 2015, South Carolina enacted legislation which bars any public entity against doing business with organizations that support the boycott of institutions, individuals and businesses based on ethnic, religious, or national prejudices.⁴⁸ This includes the BDS campaign. In addition to this action, the State of Illinois signed legislation into law in July 2015 that bars its public pension funds from investing in any entity which has

⁴⁶ Simon Wiesenthal Center, <http://www.wiesenthal.com/site/apps/nlnet/content.aspx?c=lsKWLbPJLnF&b=8776547&ct=14737333¬oc=1>

⁴⁷ "US Congress moves to make BDS illegal en put pressure on EU," <http://the-pessoptimist.blogspot.ca/2015/04/us-congress-moves-to-make-bds-illegal.html>.

⁴⁸ Michael Wilner, "South Carolina becomes first US state to take action against anti-Israel boycotts," <http://www.jpost.com/Diaspora/South-Carolina-becomes-first-US-state-to-take-action-against-anti-Israel-boycotts-405120>.

enacted a BDS policy against Israel.⁴⁹ The State of Washington is expected to follow suit, and has already allowed lawsuits on the grounds of discrimination to be filed against entities which enact BDS policies against Israel.⁵⁰

Tennessee and Indiana's state legislatures both passed resolutions in the spring of 2015 condemning the BDS Movement and in March of 2016, the Indiana Senate overwhelmingly approved a bill "banning state dealings with entities that boycott Israel and its settlements."⁵¹

The Pennsylvania Senate passed a resolution in September 2015 condemning the "economic, social, cultural and other boycotts of Israel and growing incidents of antisemitism"⁵². The House previously passed a similar resolution.⁵³ In October, Ohio introduced a law that will "prevent the state from conducting business with organizations or individuals who participate in boycotting Israel."⁵⁴

In early January 2016, California Assemblyman Travis Allen introduced a bill that "would prohibit

⁴⁹ "Illinois state house passes anti-BDS legislation," <http://www.timesofisrael.com/illinois-state-house-passes-anti-bds-legislation/>.

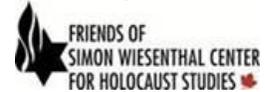
⁵⁰ "Washington State court ruling opens door to suit over Israel boycott," <http://www.haaretz.com/jewish-world/jewish-world-news/1.658765>.

⁵¹ "Indiana anti-BDS bill passes state Senate," <http://www.jpost.com/Breaking-News/Indiana-anti-BDS-bill-passes-state-Senate-446829>

⁵² "Pennsylvania Senate passes anti-BDS Resolution," <http://www.heritagefl.com/story/2015/10/09/news/pennsylvania-senate-passes-anti-bds-resolution/5089.html>

⁵³ "Pennsylvania Senate passes anti-BDS Resolution," <http://www.heritagefl.com/story/2015/10/09/news/pennsylvania-senate-passes-anti-bds-resolution/5089.html>

⁵⁴ Zalman, Jonathan. "Ohio Becomes Latest State to Introduce Anti-BDS law," <http://www.tabletmag.com/scroll/194156/ohio-becomes-latest-state-to-introduce-anti-bds-bill>



state-run government entities from doing business with companies” engaging in boycotts of Israel.⁵⁵

The New York Senate also passed an anti-BDS bill in January 2016 and in June, New York’s State Governor Andrew Cuomo signed an anti-BDS executive order, which bans “New York state agencies and departments from investing in companies or groups that, as a policy, promote or engage in boycotts, divestment or sanctions against Israel.”⁵⁶ In addition, the order “requires the state to draw up a public list of companies that engage in or promote BDS.”⁵⁷

Georgia State Senator Judson Hill introduced a bill in February 2016 “in an effort to outlaw government contracts with businesses that boycott Israel.”⁵⁸ Similarly, Florida’s Senate overwhelmingly passed a bill in February 2016 to deter corporate entities from participating in the BDS movement against Israel.⁵⁹ A month later, Florida’s House of Representatives introduced a bill to prohibit the state from doing business with companies that boycott Israel.⁶⁰

Additionally, in February 2016, Alabama’s Legislature “unanimously passed a joint resolution denouncing the BDS movement and reaffirming support for the State of Israel⁶¹ and Iowa’s House of Representatives voted “to block the state from investing in companies that are publicly boycotting Israel.”⁶²

March of 2016 proved a busy month for anti-BDS legislation as well. The Colorado Senate passed a bill “that would require the state’s pension fund to divest from companies that participate in a boycott against Israel”⁶³, along with the Virginia House of Delegates which passed a resolution condemning the BDS movement against Israel.⁶⁴ Additionally, Arizona’s House of Representatives approved legislation in mid March “that would bar state and local governments from doing businesses with companies that boycott Israel.”⁶⁵

The New Jersey General Assembly passed legislation in June 2016 that “prohibits the state from investing and pension and annuity funds that boycott the State of Israel or Israeli businesses.”⁶⁶

⁵⁵ Zalman, Jonathan. “California Assemblyman Introduced Anti-BDS Bill,” <http://www.tabletmag.com/scroll/196373/california-assemblyman-introduces-anti-bds-bill>

⁵⁶ Sales, Ben. “Praised and Reviled, Cuomo’s anti-BDS Order Seen as Game Changer by Both Sides,” Jewish Telegraphic Agency <http://www.jta.org/2016/06/07/news-opinion/politics/praised-and-reviled-cuomos-anti-bds-order-seen-as-game-changer-by-both-sides#.V1eTLdobXBU.mailto>

⁵⁷ Jewish Telegraphic Agency <http://www.jta.org/2016/06/07/news-opinion/politics/praised-and-reviled-cuomos-anti-bds-order-seen-as-game-changer-by-both-sides#.V1eTLdobXBU.mailto>

⁵⁸ Simonton, Anna. “Georgia is the latest state to consider anti-BDS legislation,” <http://www.jpost.com/Diaspora/Canadian-Parliament-overwhelmingly-passes-anti-BDS-motion-445797>

⁵⁹ “Florida Legislature Passes Anti-BDS Bill,” <http://www.timesofisrael.com/florida-legislature-passes-anti-bds-measure/>

⁶⁰ Benveniste, Shelley, “Florida House Passes Anti-BDS Legislation,” <http://www.jewishpress.com/sections/community/south-florida/florida-house-passes-anti-bds-legislation/2016/03/14/>

⁶¹ “Alabama Legislature Unanimously Condemns Anti-Israel BDS Movement,” <http://www.sjlmag.com/2016/02/alabama-legislature-unanimously.html>

⁶² Pfannenstiel, Brianna, “Iowa House votes to keep state funds from companies boycotting Israel,” <http://www.desmoinesregister.com/story/news/politics/2016/02/23/iowa-house-votes-keep-state-funds-companies-boycotting-israel/80818558/>

⁶³ “Colorado Senate Passes Bill Opposing BDS,” <http://www.cjnews.com/news/international/colorado-senate-passes-bill-opposing-bds>

⁶⁴ Oster, Marcy, “Virginia General Assembly Passes Anti-BDS Resolution,” http://www.stljewishlight.com/news/world/article_df3c5aec-dfb8-5ee1-944a-4d2058bcf920.html

⁶⁵ “Arizona Latest State to Approve Anti-BDS Legislation,” <http://www.cjnews.com/news/international/arizona-latest-state-to-approve-anti-bds-legislation>

⁶⁶ “New Jersey Legislature Passes Anti-BDS Bill,” <https://www.algemeiner.com/2016/06/28/new-jersey-legislature-passes-anti-bds-bill/>



New Jersey's Senate passed a similar bill in May 2016.⁶⁷

U.S. President Barack Obama has voiced his concerns over BDS and in February 2016 "signed a bill that punishes BDS campaigns against Israel".⁶⁸

There are no instances of any states voting in support of the BDS Movement. Alternatively, there are currently 21 states that have either passed, or are proposing, anti-BDS measures.

This trend of introducing anti-BDS legislation is expected to continue and is now being implemented in US municipalities. For example, Bal Harbour Village, a suburb north of Miami, became the first municipality to pass an anti-BDS law in December 2015.⁶⁹ In May 2016, Nassau County, in New York, unanimously passed a similar law.⁷⁰

Additionally, academic organizations have also brought BDS to the forefront of many discussions. For example, the American Historical Association (AHA), considered a boycott in 2013 which was eventually defeated. Its constitution – its corporate charter – states that its purpose "shall be the promotion of historical studies" and the

⁶⁷ "New Jersey Legislature Passes Anti-BDS Bill," <https://www.algemeiner.com/2016/06/28/new-jersey-legislature-passes-anti-bds-bill/>

⁶⁸ "President Obama Signs Anti-BDS Bill – Won't Apply to Settlements," <http://forward.com/news/breaking-news/334195/president-obama-signs-anti-bds-bill-wont-apply-to-settlements/?attribution=articles-article-listing-4-headline>

⁶⁹ "BDS Battle Shifts from Campus to Statehouse – Will Pro-Israel Strategy Work Better?" Forward <http://forward.com/news/341980/bds-battle-shifts-from-campus-to-statehouse-will-pro-israel-strategy-work-b/>

⁷⁰ "BDS Battle Shifts from Campus to Statehouse – Will Pro-Israel Strategy Work Better?" Forward <http://forward.com/news/341980/bds-battle-shifts-from-campus-to-statehouse-will-pro-israel-strategy-work-b/>

"broadening of historical knowledge among the general public."⁷¹ There is no mention of boycotts or political action within this charter, neither of which adhere to the values of promoting historical studies or historical knowledge; therefore, the charter essentially outlaws such action.⁷² The American Anthropological Association also voted down a resolution to boycott Israeli academic institutions in 2016.⁷³

A boycott, by definition, restricts study and research. The charter exists as a contractual agreement between members declaring that their funds will be dedicated to agreed-upon projects. Rather than being legal nitpicking, these charters have an important role in the operations of organizations and should be treated as such. Through this lens, the BDS movement is illegal.

Canada

In Canada, Parliament passed a motion in February 2016 formally condemning the BDS movement against Israel.⁷⁴

France

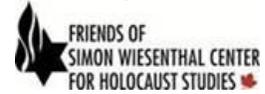
The *Lellouche Law*, introduced in 2003, is one of the world's most potent legislative tools to be enacted in response to the growing BDS Movement. Approximately 20 anti-Israel activists have been convicted under France's *Lellouche Law*

⁷¹ Eugene Kontorovich and Steven Davidoff Solomon, "Those Israel Boycotts Are Illegal," The Wall Street Journal, http://www.wsj.com/article_email/those-israel-boycotts-are-illegal-1449013865-1MyQjAxMT1MjA5MjcwNzI0Wj

⁷² Ibid.

⁷³ "Anthropology Group Won't Boycott Israel," <https://www.insidehighered.com/news/2016/06/07/anthropology-group-rejects-resolution-boycott-israeli-academic-institutions>

⁷⁴ "Canadian Parliament Overwhelmingly Passes BDS motion," <http://www.jpost.com/Diaspora/Canadian-Parliament-overwhelmingly-passes-anti-BDS-motion-445797>



– named for the Jewish parliamentarian who introduced it. The measure was designed to respond to a social climate of increasing anti-Semitism, anti-Arab discrimination and xenophobia.⁷⁵ It has been used repeatedly against anti-Israel activists and demonstrates France’s aggressive response to those challenging the ideals of inclusion, multiculturalism and tolerance. In October 2015, the Parisian Court of Cassation upheld the convictions of 12 individuals charged by the Colmar Court in connection with ‘inciting hate or discrimination’ under the *Lellouche Law*.

In November 2015, French authorities upheld a decision to convict comedian, Dieudonné, on hate crime charges in connection with a comedy performance. The performance, which included honouring a Holocaust denier with a fictitious award, was deemed hateful and antisemitic.

UK

In June of 2015, the United Kingdom National Union of Students (NUS) voted in favour of a BDS policy against Israel, while rejecting a motion to condemn the actions of the Islamic State (ISIL) less than one year earlier.⁷⁶ Deputy British ambassador to Israel, Dr. Rob Dixon, in response to a BDS policy adopted by the United Kingdom National Union of Students (NUS), reiterated British Prime Minister David Cameron’s declaration that “the UK Government will never allow those who want to boycott Israel to shut down 60 years worth of vibrant exchange and partnership that does so much to make both our countries stronger.”⁷⁷

⁷⁵ “BDS A Hate Crime? In France, Legal Vigils Punishes Anti-Israel Activists,” Haaretz, <http://www.haaretz.com/jewish/1.574361>

⁷⁶ AFP and Itamar Eichner, “Netanyahu: UK students boycotting Israel but not Islamic State,” YNews, <http://www.ynetnews.com/articles/0,7340,L-4664525,00.html>.

⁷⁷ Tamar Pileggi, “Britain’s student union votes to boycott Israel,” <http://www.timesofisrael.com/britains-student-union-votes-to-boycott-israel/>.

Germany

In Munich, BDS events have been banned from municipal buildings. The Mayor of Munich, Dieter Reiter, said that anti-Israel events are unacceptable because they “evoke the worst memories of our Jewish citizens,” alluding to the Nazi boycott movement of Jewish business leading up to the Holocaust.⁷⁸

Italy

Fulvio Martusciello said in September 2015 that he is set to launch a new initiative to create a legal tool against the BDS Movement.⁷⁹ The Italian Member of the Parliament hopes to model the new piece of legislation after France’s *Lellouche Law*.

European Coalition for Israel (ECI)

The European Coalition for Israel (ECI) launched a petition in June 2016, calling upon the European Parliament for a resolution against BDS and all other forms of anti-Semitism.⁸⁰ Lars Adaktusson, member of European Parliament (MEP), stated, “BDS does not promote peace and reconciliation but rather confrontation and separation.”⁸¹ Further, Hannu Takkula, also an MEP, had said, “BDS is anti-Palestinian, anti-Israel and anti-peace. The European Parliament should promote closer cooperation between Israelis and Palestinians – not further separation and isolation.”⁸²

⁷⁸ The Jerusalem Post, “Mayor of Munich bars use of city rooms for anti-Israel BDS events,”

<http://www.jpost.com/Diaspora/Mayor-of-Munich-bars-use-of-city-rooms-for-anti-Israel-and-BDS-events-432683>

⁷⁹ Yossi Lempkowicz, “World Jewish News,” Euro-Asian Jewish Congress, <http://eajc.org/page32/news52748.html>

⁸⁰ “ECI Launches Petition Calling Upon the European Parliament for Resolution Against BDS and All Forms of Anti-Semitism,” <http://www.ec4i.org/eci-launches-petition-calling-upon-the-european-parliament-for-resolution-against-bds-and-all-forms-of-anti-semitism/>

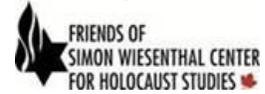
⁸¹ *ibid.*

⁸² *ibid.*

FSWC Recommendations to Ontario Legislature

That Ontario's government:

- (i) Recognize that elements of the Boycott, Divestment and Sanctions (BDS) Movement against the State of Israel are in direct conflict with existing and proposed Canadian legislation: see *Discriminatory Business Practices Act* (Ontario), and *The Discriminatory Business Practices Act* (Manitoba);
 - (ii) Recognize that the BDS movement is a hateful, hypocritical, bigoted and antisemitic attack on the Jewish State of Israel, its supporters and its citizens;
 - (iii) Recognize the harmful effects that the BDS Movement against the State of Israel has had on the learning environment at higher education institutions across the Province of Ontario;
 - (iv) Affirm Ontario's desire to maintain a safe and inclusive learning environment, free from prejudice, on all university and college campuses in the Province of Ontario;
 - (v) Amend ambiguities in the *Discriminatory Business Practices Act, R.S.O, 1990 D.12*, ("Act") to clarify that "engaging in business" also includes the managing, coordinating or arranging of business transactions and services between parties and act accordingly.
- (a) Affirm the government of Ontario's commitment to the enforcing of the Discriminatory Business Practices Act, R.S.O, 1990 D.12
 - (b) Move to condemn, in the strongest of terms, the BDS movement against the State of Israel;
 - (c) Note that the Government of Ontario will enact legislation barring publicly funded higher education institutions from boycotting Israeli goods and services, in keeping with the policy of the Canadian government;
 - (d) Confirm that if a student union fails to pass a resolution stating that it neither supports or participates in the BDS movement, the college or university shall immediately terminate its relationship with the student union and shall not knowingly support or permit its operation within the university or provide it with funding;
 - (e) Enable the Financial Services Commission of Ontario to maintain a list of restricted entities which shall identify entities that, in the opinion of the Commission, support or participate in the BDS movement;
 - (f) Ensure that every board of a public pension fund confirms that the pension fund does not invest in any entity that is on the list of restricted companies;
 - (g) Enforce that if the board of a pension fund determines that an entity in which the fund has invested is on or has been placed on the list of restricted entities mentioned, the board shall terminate the investment.



Conclusion

The BDS Movement is a divisive and hostile attack on the fundamental Canadian belief in peaceful and collaborative co-existence among different cultural communities. The Movement segregates and penalizes Israeli academics and students, corporations, businesses and the State of Israel itself.⁸³ The campaign opposes the normalization of relations between Israelis and Palestinians. By prohibiting the exchange of ideas between opposing sides, BDS harms both Palestinians and Israelis by destroying the dialogue needed to achieve a proper, substantive peace process.⁸⁴ Despite marketing itself as a 'human rights' Movement, BDS does not aspire to promote peaceful co-existence between Palestinians and Israelis, rather it seeks to delegitimize the State of Israel.

Jewish and pro-Israel individuals are the first victims of this campaign of hate in Ontario. The BDS movement violates existing anti-discrimination laws and promotes the isolation and silencing of an entire cultural segment of our society.

The BDS movement not only victimizes a large demographic of Canadians, but it also harms the Palestinians that it claims to be helping. The punitive measures designed to coerce Israel into complying with BDS's political demands are ultimately limiting economic growth and opportunities for Palestinians.

The time has come for the Legislative Assembly of Ontario to take a leadership position in Canada by

choosing to stand in solidarity with our organization and our community. Amendments must be made to the Discriminatory Business Practices Act to categorically outlaw the BDS Movement.

As an organization grounded in the lessons of the Holocaust and dedicated to the teaching of tolerance, respect for diversity, social justice and human rights, FSWC believes in the value of maintaining a public space free from harassment, intimidation and fear.

We ask you to support us and all Ontarians in achieving this goal through a unanimous vote against BDS.

Avi Benlolo, President & CEO of Friends of Simon Wiesenthal Center for Holocaust Studies, is a prominent Canadian human rights activist dedicated to promoting tolerance, justice and human rights. His academic focus included in-depth research on the Holocaust, antisemitism and racism. Through his work on genocide studies he documented survivor testimony from multiple genocide events around the world. In 2012, the Government of Canada appointed him to the Task Force for International Cooperation on Holocaust Education. In the same year the Lieutenant Governor General of Ontario awarded Mr. Benlolo with the Queens Diamond Jubilee Medal for service to Canada and his community.

⁸³ Dan Diker, "The world from here: Hamas and BDS," Jerusalem Post, <http://www.jpost.com/Opinion/Columnists/The-world-from-here-Hamas-and-BDS-344303>.

⁸⁴ Christa Case Bryant, "BDS: Is growth of anti-Israel boycott all good news for Palestinians?" CS Monitor, <http://www.csmonitor.com/World/Middle-East/2015/0612/BDS-Is-growth-of-anti-Israel-boycott-all-good-news-for-Palestinians-video>.