



On Thursday, May 19, 2016, Ontario's legislature voted down private member's Bill 202 which would have prevented the provincial government from entering into contract with individuals or entities supporting the BDS movement. Sadly, in the debate around the vote, no mention was made of the actual stated objectives of the movement. Instead, many of the interventions on the Bill sought simply to smear and slander the BDS movement and its proponents. As with any topic debated before the legislature, whether involving education, commerce, the environment or other areas, most Ontarians would want their MPPs to have a basic understanding of the topic during debate. This factsheet explains the BDS movement, and debunks the disinformation put forth by the Bill's proponents during the legislature's debate.

### **Is the BDS Movement anti-Semitic?**

No. The people and organizations around the world which support the BDS movement do so because they agree with the movement's human rights objectives as stated at its launch in 2005. The movement calls for the boycott, divestment, and sanctions on Israel "until it complies with international law and universal principles of human rights."

### **What are the stated objectives of BDS?**

The three core objectives of the BDS movement fully align with Canada's official policy on the Israel-Palestine conflict as described in the paragraphs below.

The **first stated objective of the BDS movement** is "Ending [Israel's] occupation and colonization of all Arab lands and dismantling the Wall."<sup>1</sup> This aligns closely with the position on Canada's Global Affairs Website on the Israeli-Palestinian conflict where it says, for example: "Canada does not recognize permanent Israeli control over territories occupied in 1967 (the Golan Heights, the West Bank, East Jerusalem and the Gaza Strip). The Fourth Geneva Convention applies in the occupied territories and establishes Israel's obligations as an occupying power, in particular with respect to the humane treatment of the inhabitants of the occupied territories."<sup>2</sup> Also, on the questions of Israel's wall, "Canada opposes Israel's construction of the barrier inside the West Bank and East Jerusalem which are occupied territories. This construction is contrary to international law under the Fourth Geneva Convention. Canada not

only opposes Israel's construction of a barrier extending into the occupied territories, but also expropriations and the demolition of houses and economic infrastructure carried out for this purpose."<sup>3</sup>

The **second stated objective of the BDS movement** is "Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality."<sup>4</sup> No less than 20% of Israel's citizens are Palestinian Arab, yet they live as second class citizens.<sup>5</sup> Among other abuses, the Israeli government has a growing number of laws which undermine the economic, social and cultural rights of Palestinian citizens of Israel.<sup>6</sup> The BDS call for equal rights for Palestinian citizens of Israel is echoed by Canada's Global Affairs commitment to human rights around the world: "Canada takes principled positions on important issues to ensure that freedom, democracy, human rights and the rule of law, values that define this country, are enjoyed around the world."<sup>7</sup>

The **third stated objective of the BDS movement** is "Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194."<sup>8</sup> In 1948, Canada voted in support of Resolution 194 at the UN. Canada's continued support for Resolution 194 is reflected on Canada's Global Affairs Website: "Canada believes that a just solution to the Palestinian refugee issue is central to a settlement of the Israeli-Palestinian conflict, as called for in United Nations General Assembly resolution 194 (1948) and United Nations Security Council resolution 242. ... This solution should respect the rights of the refugees, in accordance with international law."<sup>9</sup>

### **Was Ontario Bill 202 Constitutional?**

No. Both the Ontario Civil Liberties Association (OCLA) and the British Columbia Civil Liberties Association (BCCLA) issued statements condemning Bill 202. The BCCLA statement asserted, "To be clear, governmental bodies can generally choose their contractors. What we say they can't do is enshrine political discrimination in law, chill rights to public participation, sanction political witch hunts and threaten and punish individuals for their political views. The claim that this bill will not affect rights to free expression is simply ridiculous. It is designed to do that very thing. It is shocking that the government of Ontario is considering such a bill. We say

it is almost certainly not constitutional, and a very serious curtailing of democratic rights.”<sup>10</sup>

The OCLA, for its part, stated, “There is no question that this bill, if enacted, would negatively and unreasonably impact freedom of speech and political freedom in Ontario. [...] [BDS] activities, freely participated in by members of a democratic society, would be paternalistically discouraged or outright punished by this bill, which uses inflammatory language including allegations of anti-Semitism to impose, as the bill’s authors wrote in yesterday’s *National Post*, the ‘weight of government’ on a voluntary movement that seeks to influence a nation’s policies and actions.”<sup>11</sup>

### **Does the BDS movement target Jews?**

No. During the debate on Bill 202, and in the Bill itself, there were assertions that the BDS movement is an attack “on individuals,” or “Jewish Canadians.” Such assertions are false. The BDS movement is a peaceful, non-violent movement that seeks to apply economic pressure on a state: the State of Israel.

### **Does the BDS movement seek to destroy Israel?**

No. The BDS movement is supported by many people – including many Jewish-Canadians – who simply want Israeli policies to change, and have no intention of trying to destroy or delegitimize Israel. When Israel’s human rights violations end, so will the BDS movement.

### **Is it unfair to focus on Israel?**

Supporters of the BDS movement boycott Israel because they have been explicitly asked to do so by the Palestinians. In 2005, over 170 organizations from Palestinian civil society asked the international community to boycott Israel.<sup>12</sup> The BDS movement was conceived to help Palestinians solve their biggest problem, not to solve all the problems of the world. Although Israel has militarily occupied the West Bank and Gaza since 1967, the BDS movement was only launched in 2005, after decades of other attempts to persuade the Israeli government to respect Palestinian human rights. These efforts include, for example, 1) dozens of UN resolutions calling for Israel to respect the human rights of Palestinians; 2) a decision in support of Palestinian human rights by the International Court of Justice in 2004, and 3) decades of international diplomatic peace efforts.

Canada currently sanctions 21 different countries around the world for human rights violations: the BDS movement is no different.<sup>13</sup>

## **What other disinformation was propagated by Ontario Bill 202?**

Ontario Bill 202 made numerous false and unsupported assertions. A few are listed here:

- **False:** “[The BDS] movement is one of the main vehicles for spreading anti-Semitism and the delegitimization of Israel globally.”
- **False:** “[The] BDS movement [promotes] a climate of hatred, intimidation, intolerance and violence against the Jewish people.”
- **False:** “The BDS movement’s agenda is inherently antithetical to and deeply damaging to peace in the Middle East.”
- **False:** The BDS movement targets Jewish Canadians.
- **False:** “The BDS movement violates the principle of academic freedom”

<sup>1</sup> “Palestinian Civil Society Call for BDS,” Palestinian BDS National Committee, <http://bdsmovement.net/call> accessed Feb. 23, 2016

<sup>2</sup> “Canadian Policy on Key Issues in the Israeli-Palestinian Conflict,” Global Affairs Canada Website, Government of Canada, [http://www.international.gc.ca/name-anmo/peace\\_process-processus\\_paix/canadian\\_policy-politique\\_canadienne.aspx?lang=eng](http://www.international.gc.ca/name-anmo/peace_process-processus_paix/canadian_policy-politique_canadienne.aspx?lang=eng) accessed Feb. 23, 2016

<sup>3</sup> Ibid., “Canadian Policy on Key Issues in the Israeli-Palestinian Conflict”

<sup>4</sup> Ibid., “Palestinian Civil Society Call for BDS”

<sup>5</sup> “ACRI’s State of Human Rights Report 2012,” The Association for Civil Rights in Israel, Dec. 16, 2012, <http://www.acri.org.il/en/2012/12/16/acri-situation-report-2012/> accessed May 23, 2016

<sup>6</sup> See CJPME factsheet “Discriminatory Legislation under Netanyahu” for a broad overview of recently enacted laws, [http://cjpme.org/fs\\_169](http://cjpme.org/fs_169) accessed May 23, 2016, or CJPME’s factsheet “Wave of Discriminatory and anti-Democratic Laws in Israel,” [http://www.cjpme.org/fs\\_128](http://www.cjpme.org/fs_128) accessed May 23, 2016

<sup>7</sup> “Human Rights,” Global Affairs Canada Website, Government of Canada, <http://www.international.gc.ca/rights-droits/index.aspx?lang=eng> accessed Feb. 23, 2016

<sup>8</sup> Ibid., “Palestinian Civil Society Call for BDS”

<sup>9</sup> Ibid., “Canadian Policy on Key Issues in the Israeli-Palestinian Conflict”

<sup>10</sup> “The BCCLA responds to Ontario’s Anti-BDS Participation Bill,” BC Civil Liberties Association, May 19, 2016,

<https://bccla.org/news/2016/05/the-bccla-responds-to-ontarios-anti-bds-participation-bill/> accessed May 22, 2016

<sup>11</sup> “OCLA letter to ON MPPs re Bill 202 Standing Up Against Anti-Semitism Act 2016,” Ontario Civil Liberties Association, May 19, 2016, <https://www.scribd.com/doc/313144468/OCLA-letter-to-ON-MPPs-re-Bill-202-Standing-Up-Against-Anti-Semitism-Act-2016> accessed May 22, 2016

<sup>12</sup> Ibid., “Palestinian Civil Society Call for BDS”

<sup>13</sup> “Current sanctions imposed by Canada,” Global Affairs Canada Website, <http://www.international.gc.ca/sanctions/countries-pays/index.aspx?lang=eng> accessed May 24, 2016