March 7, 2017

Dear Esteemed Members of the Maryland General Assembly,

My name is Omar Barghouti. I am a Palestinian human rights defender and a co-founder of the Boycott, Divestment and Sanctions (BDS) movement for Palestinian rights. BDS is a non-violent human rights movement that seeks freedom, justice and equality for the Palestinian people, based on international law and universal principles of human rights.

I understand that you are considering legislation (SB739/HB949) that will punish organizations and individuals who support the BDS movement. I further understand that during the hearing, references were made about the intentions of the movement. I, therefore, would like to formally respond to these allegations.

“BDS is anti-Semitic”

Anchored in the Universal Declaration of Human Rights, BDS has consistently and categorically rejected all forms of discrimination and racism, including anti-Semitism. The BDS Call, issued by the absolute majority in Palestinian civil society in 2005, explicitly appeals to Jewish-Israelis to join us in this nonviolent struggle for freedom.

Our human rights struggle has never been against Jews or Israelis as Jews, but against an unjust regime that enslaves our people with occupation, apartheid and denial of the refugees’ UN-stipulated rights. We target institutions based on their complicity in maintaining this unjust system, not on their identity.

We are both proud of and grateful for the disproportionately high number of Jewish activists in the BDS movement, especially in the U.S., where a J Street poll in 2014 shows 46% support for a full boycott of Israel among non-Orthodox Jewish-American men under 40.

There is nothing Jewish about Israel’s regime of occupation and apartheid. Therefore, there is nothing inherently anti-Jewish about nonviolently challenging this system of oppression in pursuit of equal rights for all.

“BDS wants to destroy the two-state solution”

BDS takes no position on the shape of the political solution. It adopts a rights-based, not solutions-based, approach. No matter what the solution to this colonial conflict may be, it has to accommodate the basic human rights of Palestinians, as stated in the BDS Call.

“If the Occupation ends, the call for BDS would not”

This is actually correct. When Jim Crow ended, the Black struggle for equal rights and justice did not, as there were other facets of institutionalized racism that remained unaddressed. Human rights are indivisible, as Dr. Martin Luther King, Jr. has taught us.
As a morally-consistent human rights movement, BDS seeks the UN-stipulated rights of all Palestinians. The Palestinian people are not just suffering under the Occupation. In fact, only 38% of Palestinians live in the occupied Gaza Strip and West Bank, including East Jerusalem. The majority of Palestinians are suffering from the denial of their rights under international law to return to their homes.

In addition, Palestinians who live within the 1948 borders of Israel are denied equal rights and live in a largely segregated society. More than sixty racially discriminatory Israeli laws enforce what the U.S. Department of State once characterized as a system of “institutional, legal, and societal discrimination” against Palestinian citizens of Israel. Therefore, our three human rights demands are for Israel to:

- End its occupation and colonization of all Arab lands conquered in 1967 and dismantling the Wall (declared illegal by the International Court of Justice);
- Recognize the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
- Respect, protect and promote the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

We will end our nonviolent struggle when our human rights are respected.

“BDS hurts Palestinians”

During the struggle against apartheid in South Africa, boycotts, divestments and sanctions adversely affected black workers, leading some of them to oppose the international boycott movement targeting apartheid. Was that representative of the majority view or even the true interests of South African labor? Absolutely not. There was overwhelming support for the boycott by the largest, most representative trade union federation there, COSATU.

Similarly, all Palestinian labor unions, farmers’ associations and mass movements are part of the Palestinian BDS network, and they are the authoritative voice of Palestinian workers, farmers and other grassroots constituencies. They realize that a full boycott of Israel will hurt Palestinians, and workers in particular, but they see this as a temporary price to pay for freedom. To see the light of freedom, justice and equality at the end of the long dark tunnel of Israel’s colonial and apartheid oppression, Palestinians are ready to pay such a price.

After decades of systematically destroying Palestinian industry and agriculture, confiscating our most fertile lands and richest water reserves, and imposing extreme restrictions of movement preventing many from reaching their workplaces, the Israeli occupation has pushed tens of thousands of Palestinians off their lands. This has effectively forced workers and farmers to seek jobs in Israeli projects in the illegal colonies. This is a coercive relationship by definition.

As one academic study has shown, an absolute majority (82%) of Palestinians working in the illegal colonies would rather quit those jobs if offered decent alternatives. With the brutal occupation, however, the Palestinian captive economy in the occupied Gaza Strip and West Bank, including East Jerusalem, cannot possibly create jobs to meet demand. The answer is freedom and independent development, not perpetual slavery to Israel and its industries.

As a Financial Times editorial argues, the fact that they employ Palestinians can hardly exonerate settlement-based businesses from their involvement in the crime of “colonization.” Boasting of giving jobs to your house slaves and feeding them better than most other slaves, as one US writer has argued, hardly makes slavery legal or moral.
According to World Bank studies, the Palestinian economy, which is a captive economy, controlled by Israel, is losing billions of dollars each year as a result of Israel’s occupation policies, particularly the restrictions on freedom of movement, the military closures, the siege of Gaza and the ongoing confiscation of Palestinian land and theft of water resources. Ending the occupation can provide Palestinians with far higher revenues than all the donor money given to the Palestinian Authority.

Finally, those who claim that BDS hurts Palestinians are not just making unfounded claims and failing to understand how resistance is always costly at first; they are also patronizingly telling Palestinians that they understand our interests better than we do. Palestinians reject this condescending attitude. Nothing hurts the Palestinian people and the Palestinian economy like Israel’s occupation and oppression.

Finally, attempts by Israel and its lobby groups to outlaw BDS has suffered a major setback when the European Union and the governments of Sweden, Ireland and Netherlands upheld the right to support Palestinian rights under international law through BDS tactics as a matter of free speech. Leading international human rights organizations -- such as Amnesty International, the the International Federation for Human Rights (FIDH), and the American Civil Liberties Union -- have also all defended the right to boycott Israel as a matter of freedom of speech, as did about 200 European legal scholars, including some of the most prominent names in international law.

I hope that the Maryland General Assembly will not pass this anti-democratic legislation and will instead honor the glorious record of protecting boycotts for social, political and economic change under the First Amendment of the US Constitution and the 1982 Supreme Court decision which regarded boycotts as protected speech.

Sincerely,
Omar Barghouti