

Briefing Paper: UMKR Opposes Anti-BDS Legislation

Legislation threatens U.S. constitutional rights and contradicts policies of the United Methodist Church

January 28, 2016 – United Methodist Kairos Response (UMKR) is deeply concerned about the wave of local, state and national anti-BDS legislation in the United States over the last two years. These legislative efforts threaten to limit Americans’ constitutionally protected rights. They also contradict the United Methodist Church’s longstanding policies of supporting economic advocacy as well as calling for an end to the Israeli occupation.

BDS (Boycott, Divestment, and Sanctions) is a global movement initiated in 2005 by Palestinian civil society who called on the world community to use ethical, nonviolent, economic measures to end the Israeli occupation of the Palestinian territories, achieve equal rights for Palestinian citizens of Israel, and promote the rights of Palestinians refugees under international law. ⁽¹⁾ In 2009, Palestinian Christians included a call for boycott and divestment in their landmark document, “Kairos Palestine: A Moment of Truth.” ⁽²⁾

BDS measures are opposed in the United States by a well-funded movement of advocates for Israeli policy who are threatening to use legislative prohibitions to curb U.S. citizens’ freedom to participate in such actions. Efforts to adopt anti-BDS legislation in several state legislatures in 2014 failed in all cases. Tennessee was the first state to pass such legislation in April 2015 with a non-binding bill condemning BDS; several other states followed with non-binding legislation. In July 2015, the Illinois legislature passed a more substantial bill that prevents the state’s pension fund from investing in companies that boycott Israel. ^(3,4) Since then, Pennsylvania, New Jersey, Ohio and California legislatures ⁽⁵⁾ have introduced or proposed anti-BDS bills and local city councils have done the same. The New York state Senate and House are currently considering similar bills that not only would restrict doing business with or investing in companies and non-profit organizations, but also would establish a “list of persons [the state] determines boycott Israel... or territories controlled by the State of Israel”. ⁽¹²⁾ Many of these bills have been challenged by [Palestine Legal](#) and the ACLU as potentially unconstitutional and some have subsequently been modified. ^(6,7)

In June 2015, the U.S. government enacted the [Trade Promotion Authority](#) (TPA) (aka. “Fast Track” Authority) which includes the “principal negotiating objective” of the U.S. “to discourage politically motivated actions to boycott, divest from, or sanction Israel” in ongoing negotiations with the European Union over the [Transatlantic Trade and Investment Partnership](#). However, the Obama administration promptly announced that this legislation would not affect the longstanding U.S. policy of not “conflating Israel and Israeli controlled territories.” ⁽⁸⁾ In other words, the U.S. will not apply the TPA to EU or other BDS measures regarding the Israeli settlements in Occupied Palestinian Territories.

Anti-BDS legislative efforts reflect Israeli governmental policy advocates’ fear of a powerful advocacy tool that can have a significant impact to change unjust Israeli policies. However, at this time none of the current legislation, although threatening and sometimes disruptive, removes the constitutional right of individuals and private organizations in the U.S. to advocate or engage in actions of boycott, divestment, or sanctions. Nevertheless, UMKR encourages concerned citizens to use these attempts to restrict American public and private funding as opportunities for education and advocacy on both the importance of protecting U.S. constitutional rights, and the abuse of Palestinians’ rights within Israel and in the Occupied Territories, as the [Palestine Solidarity Collective](#) is doing in New York. ⁽⁹⁾

Boycotts and divestment by citizens or private organizations that focus on companies supporting the Israeli occupation of Palestinian territories are clearly protected actions in the U.S. constitution. Such advocacy measures are also supported by the United Methodist Church (UMC), in its Social Principles and elsewhere in the UMC Book of Discipline (§163, 247, 717). The UMC has participated in several such justice actions in the past, including the boycotts of Mt. Olive Pickle and Taco Bell, both on behalf of farm workers. The 1988 UM General Conference adopted the church policy to divest from companies doing business in apartheid South Africa. ^(10, 11, 12)

In supporting the call for BDS, South African anti-apartheid activist Archbishop Desmond Tutu stated, “I have witnessed the racially segregated roads and housing in the Holy Land that reminded me so much of the conditions we experienced in South Africa under apartheid.” Tutu stressed that international solidarity of the sort embodied

by the BDS movement is critical to ending injustices like apartheid. “We could not have achieved [South African] democracy without the help of people around the world who through non-violent means, such as boycotts and divestment, encouraged their governments and other corporate actors to reverse decades-long support for the apartheid regime.”⁽¹³⁾

Regarding the Israeli occupation, the UMC has adopted the resolution “Opposition to Israeli Settlements in Palestinian Land” in 2004, 2008 and 2012. In the 2012 version, the denomination calls on “all nations to prohibit: 1. any financial support by individuals or organizations for the construction and maintenance of settlements; and 2. the import of products made by companies in Israeli settlements on Palestinian land.”⁽¹⁴⁾ UMKR commends the UMC for this principled call for an international boycott of the Israeli settlements, which will help to end the Israeli occupation and achieve a just and lasting peace for all the people of Israel/Palestine.

United Methodist Kairos Response is a global grassroots peace movement answering the Palestinian Christians’ call for action to end the Israeli occupation in the [Kairos Palestine Document](#). UMKR’s focus includes advocating for UMC divestment from companies complicit in the Israeli occupation, supporting the boycott of Israeli settlement products, and advocating for U.S. government policies that enforce international and U.S. laws and will encourage a just resolution of the Israeli-Palestinian conflict. Learn more about these and other areas of UMKR’s work at <http://www.kairosresponse.org>.

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7. Anti-BDS Legislation in the United States: What You Need To Know. <http://palestinelegal.org/legislation> *
8. Ruebner, Josh. Anti-BDS provision signed by Obama won’t stop this movement. The Electronic Intifada: July 2, 2015. <https://electronicintifada.net/content/anti-bds-provision-signed-obama-wont-stop-movement/14663> *
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13. Brett Wilkins, Desmond Tutu urges boycott of ‘apartheid’ Israel. Digital Journal: Mar 10 2015, <http://www.digitaljournal.com/news/world/desmond-tutu-urges-boycott-of-apartheid-israel/article/375545> *
14. Opposition to Israeli Settlements in Palestinian Land. The Book of Resolutions of the United Methodist Church 2012, Resolution #6111. <http://www.umc.org/what-we-believe/opposition-to-israeli-settlements-in-palestinian-land> *

Additional material:

- Talking Points on Anti-BDS Legislation. Friends of Sabeel North America, April 22, 2015. <http://fosna.org/talking-points-anti-bds-legislation> *
- Anti-BDS Bill Gains Swift Clearance in PA House. Jewish Exponent: July 1, 2015. <http://www.jewishexponent.com/headlines/2015/07/anti-bds-bill-gains-swift-clearance-in-pa-house> *

(* Websites accessed January 28, 2016)