GETTING TO 'S' WORKSHOP

September 2019

A Record

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In this workshop, which was co-organized by Just World Educational and the Center for International Policy (CIP), participants were invited to take a "five-year forward" perspective on how we might move the U.S. government to the 'S' part of the BDS agenda. The 23 attendees came from the leading ranks of a range of U.S.-based pro-rights organizations but participated in their individual capacities and not as representatives of their organizations. The proceedings were held under "Chatham House Rules"—namely, that participants were free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor those of any other participant, would be revealed.

To encourage the free flow and exploration of ideas, no audio or video recording of the discussions was permitted. The record that follows was based on the expert notetaking of our rapporteur.

This workshop was held in the third year of the first Trump administration, and nine months after the arrival in Congress of the newly elected Reps. Rashida Tlaib, Ilhan Omar, and Alexandria Ocasio-Cortez.

What follows are the records of three of the workshop's five sessions, each of which had been informed by one (or two) discussion papers prepared by experts from among the attendees and distributed to all the attendees before we met.

The present version of this record was prepared and publicly released by Just World Ed president Helena Cobban in November 2026, with continuing deep thanks to CIP and all the participants in the 2019 workshop for their powerful contributions.

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SESSION ON DERIVING LESSONS FROM PREVIOUS SANCTIONS CAMPAIGNS

This session explored previous progressive sanctions campaigns, with a focus on the campaign against apartheid South Africa. How did those earlier campaigns mobilize the pubic and change policy? What sequence of policy prescriptions did they pursue? What lessons did those movements provide us to get to sanctions on Israel?

Participants discussed the early South African rights activism carried out even long before colonial South Africa's official introduction of Apartheid in 1948. It was observed that winning rights for all South Africans was a long, painstaking process, and we should not be discouraged.

The first pan-African Congress and the African National Congress (ANC) emerged in 1912 while in the United States the NAACP was created a few years earlier. The major figures in the NAACP were pan-African nationalists, anti-imperialists; they were in touch with the ANC leadership and encouraged them to organize the ANC and move forward. This continued over decades and reached into other sectors like labor organizers. It helped Americans understand the need for international solidarity and to understand the parallels between the situations of African Americans in the USA and Africans in South Africa. Those early efforts were largely education-oriented activities. There were some boycotts in the beginning, but they didn't gain traction until the 1960s, after the wave of decolonization in Africa and elsewhere that occurred in the 1950s.

It was noted that the US Campaign for Palestinian Rights was founded in 2000. One participant asked, "What have we achieved in nearly 20 years? Have we changed the discourse?" Another noted that we shouldn't get discouraged that it takes a long time. Others added that we need to reclaim our own history: we should recognize the older educational activities that happened even before the US Campaign. Later in this session, it was recalled that there had been legislation to cut aid to Israel back in the 1970s, which seems very radical by today's standards-- and even Sen. Tom Harkin had once advocated for Palestinian rights (until AIPAC got to him.)

Participants recalled that American racism was so ugly that people actually believed that the regime in South Africa had legitimacy: it was seen as a strategic ally in the same way Israel is today. The strength of the anti-Apartheid movement came from the diversity of its participants: black, white, religious, non-religious, all defending each other against delegitimization charges.

One participant noted, that when the Senate passed the anti-Apartheid sanctions bill and even over-rode Pres. Reagan's veto on the issue, it had been under Republican Party control. They asked what had pushed the Republican Senate to overturn Reagan's veto?

Veterans of the anti-Apartheid movement recalled that there were losses all the time in the tactical battles of the anti-Apartheid movement. "There were losses everywhere!" But what mattered was how many opportunities those battles provided to talk about Apartheid. Any opportunity to engage was a victory. They (the opposition) didn't want it to be in the discourse so business could go on as usual; but they found they had to spend a lot of time defending Apartheid… and then, people started defecting from their side because that kind of racism was just too much for some racists. Republicans were trying to figure out a moderate path of slow

change. They were trying to show that they themselves weren't racist. When the Senate bill came up, it was moderate, then Reagan vetoed it, but the dynamics in their states made it necessary for them to overturn the veto.

One veteran of that era recalled: "We didn't spend a lot of time trying to get Republicans on board. We had other foci for our work and didn't invest much in outreach to Republicans or praising them when they took little steps."

Participants recalled that it took 40 years to build the anti-Apartheid movement. The Council on African Affairs, one of the main vehicles of the movement, had been created in 1937, but then it was crushed in 1955. "It's important to understand the length of time and the obstacles we were against. It was like now, where there is an escalated attempt to crush BDS."

Participants noted that the threat against BDS is a principle challenge that the movement now faces and that the anti-BDS legislation currently being considered by Congress is encouraging states to enact more anti-BDS legislation: thus, the federal level is complicit in the state-level crushing of the BDS movement. However, several participants argued that the visibility of the effort to crush BDS is actually an asset: it raises the visibility and opportunity of the movement – and now is the time to call out other movements and organizations for not being in solidarity.

Veterans of the anti-Apartheid struggle also recalled when the Portuguese colonies adjacent to South Africa were liberated, it contributed to the movement and definitely helped morale. "You never know when that watershed moment will come: sometimes everything feels stale but then a tipping point occurs."

Some participants explored the differences in the political environment in which the two movements have had to function. There are similarities, such as that South Africa and Israel have both been marketed in the United States as "strategic" allies, and opposition to them has been labeled as supporting "terrorists" or being "anti-American." Some participants argued that what didn't exist in the South African case was a strong domestic constituency that identified with white South Africans and that Israel is embraced for reasons beyond just opposing communism or "terrorism". The U.S. Jewish community became very well organized around a pro-Israel agenda that uses fears of anti-Semitism and the guilt-shaming of U.S. Christians for failing to prevent the Holocaust or save its victims, to buttress support of Israel.

Other participants countered that in the days of the South African rights movement, the "White" South Africans did indeed have a large "ethnic" support constituency inside the United States: "All of white America identified with white South Africa!" They recalled how, back in the 1980s, white liberal members of Congress were more interested in talking to white South Africans than black Africans. It was a struggle to get them to listen to Black Africans. The identification was really deep. There were very few black members of Congress at the time compared to today.

Veterans of the South African rights movement stressed that Black organizing against apartheid in South Africa was critical: the Congressional Black Caucus was a force in Congress working on the issue of South Africa, while in today's Congress, Rashida Tlaib is on her own as an active

Palestinian American. Participants discussed why the CBC is not leading the [Palestinian] anti-Apartheid struggle today, especially given that some progressive CBC members are in safe districts and don't have to fear being unseated. "A critical tool is to find allies that have courage, principles, backbone, and the right staff."

In a discussion of the similarities between the Arab League boycott of Israel and the African Union boycott of South Africa, it was noted that for many years the Arab League boycott was quite successful. But with Oslo, the AL ended its secondary boycott and numerous multinational companies moved into Israel fueling an economic boom. And because complying with the secondary boycott was criminalized by the U.S. Congress, Arab entities that wanted to maintain it suffered.

Other points made in this session:

** The rights movement in South Africa was bigger than the ANC: there were other political organizations along with trade unions, scholars, and activists; and these South Africans also had rich connections with various components of US society despite the limitations they suffered from. The ANC didn't always play a positive role. They actively marginalized anyone who challenged their agenda.

** Some Arab states played an important role in the anti-apartheid movement: especially Algeria, Egypt, the PLO (which was the bankroller of the ANC for a while). After Mandela was freed, his first international travel was to Algeria.

** The ANC had representation in NY and placed little emphasis on DC until Mandela was released, when they appointed someone in Washington.

** We need better documentation of the US's economic footprint in Israel and the occupied territories. Corporate involvement, aid involvement: what would be useful is a profile of economic and security aid that the US is providing. It's known but it's not specifically documented in a way to identify targets. Congress and the think tanks need this.

** Recommended reading: "Undercutting Sanctions," a 1984 book by Jane Hunter about the Israel/South Africa partnership in the region and in Congress.

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SESSION ON SITUATING SANCTIONS IN BDS CAMPAIGNS FOR PALESTINIAN RIGHTS

This session examined the history and trajectory of BDS campaigns for Palestinian rights. How and in what contexts have boycott and divestment campaigns been successful? What challenges have these campaigns faced? Do boycott and divestment victories translate into momentum for sanctions campaigns?

This session included a discussion of the issue of whether the time is "ripe" for a call for sanctions, and some complex discussions of the kinds of messaging that can be effective around any call for U.S. government sanctions on Israel. Regarding timing, some in the room said we're nowhere near sanctions, others said we are, depending on how we define them.

It was noted that people have been working on sanctions since before the civil society organizations in Palestine issued the BDS call in 2005, and also that when the BDS call was issued, its organizers realized that in different countries around the world different tactics should be employed in support of it. Currently, there is a discourse shift happening in three connected parts: public (massive), media (significant), and policy (barely starting). Right now, we're talking about ending the special relationship/privilege of Israel, but not yet punishing it for its crimes.

One participant noted that revoking military aid can be seen as a form of sanctions, but asked whether calling it a 'sanction' would make it seem more punitive and distasteful to policy makers? They noted that what you call it doesn't change what it is, but the difficulty in fighting for it increases. It was reported that Rep. Jayapal, a progressive from WA state, had stated she would never support sanctions because they can devastate a country, as they had done to Iraq.

By contrast, calls for "conditioning aid" makes cutting the aid more of a possibility. Cutting aid has been a part of the asks since the 1970s. There is a long history of targeting aid because of what it enables. It's about framing, and for us to understand the depth of the US's enabling relationship with Israel makes the demand on the movement broader and deeper.

Participants stressed the need for both "demystification" and "de-exceptionalization" of the U.S. government's ties to Israel. (Israel should not be above criticism.)

Talking about cutting military aid in the context of sanctions remains important, but one participant judged that that work is now being done by older peace groups that are older, whiter, and less in touch with youth and communities of color while youth growing up with the BDS movement don't talk much about military aid. "For Americans, the 'S' in BDS means talking about military aid. But we need to reach consensus that Israel is an outlaw state, before we can talk about actual sanctions."

There was discussion of whether Israel really is immune from criticism in Congress as we have generally assumed. It was recalled that many members of Congress skipped Netanyahu's speech in 2015. Polls suggest that Democrats are divided on Israel, which has also become a more

partisan issue. It was also noted that members of Congress don't actually know very much about Israel and Palestine-- even the most progressive of them. One participant said that polls of voters show that Democrats are moving away from Israel. But this trend hasn't trickled up yet to members of Congress; it's still at level of voters who aren't engaging enough. We need to get Palestine on the agenda of different movements so it becomes normalized.

Participants engaged around the issue of messaging, asking whether we should use the word "sanctions" or talk about de-exceptionalizing Israel, that is, talk about holding Israel to the same standards as other nations? One participant suggested that while we work on BDS, we don't tell people we're working on BDS. Explaining why the need to hold Israel accountable is a moral responsibility without saying explicitly that it's a BDS campaign is more impactful, they said. Coming across as having a strong agenda to impose unilateral sanctions on Israel can be a conversation closer, not starter.

We need to shift from focusing on Israel to focusing on the U.S. role in enabling Israeli transgressions: This is our 'S'. We have the responsibility to change the role of the US government: ending aid, diplomatic protection, and the intersection of the Pentagon with Israeli military agencies. None of these changes bring Israel down below most states-- it brings it to a normal level ("normalization").

It was noted that a couple of years ago Israel created an entire "Strategic Affairs Ministry" to combat BDS efforts. One person suggested that it might be time to move on from the BDS framework in the United States, while we focus instead on advocating for the rights goals of the movement.

The response there was that there's no consensus within the BDS movement around what we mean by sanctions. The BDS call may have been intentionally vague, which worked at some point but doesn't anymore. We shouldn't get rid of BDS framework, but be more specific, deal with today's context. We need to be open about the one-state solution, be more specific in our demands. Because of our progress, we can be more specific now.

One participant argued that the word "sanctions" is good, and powerful, because of its relationship to the anti-Apartheid movement and the reality of Apartheid in Palestine. There's no traction around a call to "de-exceptionalize." Sanctions against South Africa were never comprehensive. The legislation was actually really weak. What was powerful was that it meant to move South Africa to end occupation, to recognize rights, and that there must be sanctions as the basis of US policy: a withholding of economic and military relations. In this case, the call is from the people of Palestine, whereas the people of Iraq and Iran never asked for sanctions. In the Apartheid era, the people of South Africa asked for sanctions-- for the isolation of the regime to strengthen their ability to negotiate for equal rights, an end to settler occupation.

We are demanding accountability from our own government. Our government is accountable to its taxpayers, it's our means of being accountable to human rights, international law. There's a dual component to the US-Israeli relationship: political & strategic. The strategic aspect was clear during the Cold War, and then became revived again after 9/11. It is not a question of whether sanctions are needed, but a question of what will our audiences hear? Nowadays, when

you say “sanctions”, most people think of Iraq, Iran. These kinds of sanctions are designed to be punitive, to make life impossible, in the context of a push for regime change. What happened with South Africa was a different era.

When Palestinians have called for sanctions, what have they been calling for? They’re not being specific. Different countries will have different capacities. For example, BDS campaigns in India and Argentina worked to end the arms trade between Israel and those countries. No one from the Boycott National Committee has ever talked about comprehensive sanctions.

Palestinians are asking the global movement to follow their leadership: the global call should be customized for each context, whether at the level of a campus, a city, or a country. Our responsibility is to customize how we see sanctions to be most strategic. How do we customize sanctions in the US? What comes to mind? How would sanctions hurt Palestinians? In this case, sanctions are meant to be for accountability, but towards Iraq and Iran it was more about punishment and vengeance.

It was argued that part of demystifying is being able to identify exactly what Israel does with U.S. aid. Specific examples of victories resonate with the media, having more specific tools to share is really useful and lands better when conveying a narrative.

A participant noted that there are churches representing millions of people that have now adopted pro-sanctions resolutions-- and members of Congress don’t realize that: we have failed to translate that into the policy realm. We’ve seen extreme demonization of anything related to BDS and we haven’t challenged it enough. In Congress, we haven’t pushed back enough to demonstrate how mainstream support for BDS is within civil society. Perhaps we need something analogous to what anti-Apartheid activists did, for example, having someone arrested at the Israeli embassy each day, etc. There have been important campaigns from the ACLU on the free speech issue around the anti-boycott efforts, but we need to work on pushing back more.

De-exceptionalizing includes fighting the myth of Israel being “the only democracy in the Middle East”-- there are others. But we need to associate Israel clearly with the other human rights violators in the region.

Participants concluded that the discourse has changed some, but we have a lot of work to do still. It was noted, too, that the point of the BDS call was not to get people to use the letters “BDS”, but to do the work at all those levels to win the stated rights goals.

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SESSION ON THE SANCTIONS TOOLBOX

> *This session investigated mechanisms existing currently under US law or proposed by current legislation to hold accountable countries that violate human rights, including the Foreign Assistance Act, Arms Export Control Act, the Leahy Law, Global Magnitsky Act, and Rep. McCollum's HR2407. Are these sufficient sanctions to impose on Israel to end its oppression of the Palestinian people? If so, how can we build successful campaigns around them, and, if not, what types of new sanctions regime would be needed to do so?*

This discussion started with a consideration of the ten-year military aid package that Pres. Obama gave to Israel. One participant noted that as the package was being finalized, advocates asked officials to track where weapons go to make sure the Leahy Law was implemented—the answer was no. The officials also refused to do anything to vet the end use of the weapons. The participant wondered how we should proceed, given that even a theoretically "sympathetic" president declined to agree to basic compliance measures.

Another participant concurred that the Obama administration was asked to do the absolute minimum to hold Israel to the same standards that the US government holds other countries to, and that Palestine-rights advocates were not seeking to create a new system of accountability for Israel, but to bring it to the same level as other allies around the world.

Participants recalled that while calls for boycotts are usually addressed to individual consumer activists and calls for divestment are addressed to companies and institutions, the S in "BDS" is addressed to states/governments to ask to fulfill their responsibilities. They noted that the strategic question we are tackling is how to move to putting the burden on states and governments.

There are two tracks: domestic US law, specifically the Foreign Assistance Act's amendment, the Leahy Law, that blocks military aid to foreign security units that committed gross violations of human rights. There was a campaign for Mahmoud Shaalan, a Palestinian-American kid from Miami who was killed by an Israeli soldier at a checkpoint in Palestine, an extrajudicial killing that would violate the Leahy Law. The Obama administration was sympathetic and responsive and demanded information from the Israeli government, which wouldn't give that, and the case ended. "We used our maximum political capital on this and it didn't work." The participant argued that our groups are not in a space to convince the US government to impose sanctions on Israel. Instead, at this stage, we should invest our political capital in working to bring Israel to the normal standards applied to all other countries.

The second track is international law. International law mechanisms that have never been invoked in the US are an option. States have legal responsibility to implement and respect international law that they are party to, including the Geneva Convention. The US is a signatory of the Geneva Convention. This includes trading with settlements. Domestic laws have to mirror international law. Bringing hooks from international law into domestic law is another option.

A participant noted that there is a difference in the way the U.S. gives military assistance to Israel and Egypt and asked how much we should push for the application of universal laws, and how much for the particular conditionality on Israel that is hinted at by the McCollum bill?

It was explained that U.S. military aid worldwide goes mostly through one bucket: Foreign Military Financing (FMF). The whole bucket is 5 billion/year [later corrected to $6.2 bn], the vast majority of which goes to Israel ($3.3 bn) and $1.3 bn goes to Egypt (Israel and Egypt take up 80% of the total). In the case of Israel, no conditionality has ever been imposed on the aid: not a single soldier has ever been punished. In Egypt, some. In Latin America, by contrast, there have been thousands of cases, which is a good thing: the law is working the way it is supposed to. There's a confidential vetting system and an open-source vetting system. They end up cutting aid to 2-3% of the complaints they get.

Israel is the only country in the world where there's no tracking mechanism for the weapons. For every other recipient around the world, we know where every bullet goes. But given the amount of the FMF that goes to Israel, Israel is a big loophole in the accountability effort. Egypt has been given some exceptions because of its ally-hood with Israel, but in Egypt, there were additional layers of accountability outside the Leahy Law, in the annual Foreign Operations appropriations, that is holding $300 million until the Secretary of State can certify that Egypt has met certain conditions. At the end of the year, the Secretary of State invoked a national security waiver even though Egypt violated the conditions. But in Israel, there are no conditions to be met.

This participant argued that the easiest thing for us to do is to continue exposing the fact that the U.S. government is breaking U.S. law by not tracking where military aid ends up in Israel, and by not suspending aid to units that have committed gross violations of human rights and we have met all the legal requirements on the record to prove it. They reiterated that we're not yet able to implement existing US laws; we should work on that, instead of working on creating new laws.

There are other examples of the exceptionalism that Israel enjoys, in addition to its exemption from tracking requirements on its military aid. Others are that Congress required the administration to provide aid to Israel in the first 30 days of the fiscal year in a lump sum, which doesn't happen to anyone else. This allows them to collect interest on portions that aren't used until later in the year. Also, under the Overseas Procurement Account provision, we give them cash and they buy their own weapons. Thus, even Israeli weapons are funded by US tax dollars, and the Leahy mechanism has a "one-drop" rule: if even a dollar goes into a tank, the whole tank is under Leahy. This widens the umbrella significantly in Israel: even if Israelis kill Palestinians using their own weapons, they're still subject to Leahy because their own weapons are subsidized by US tax dollars. But there's still a total lack of accountability.

Additionally, they get numerous additional non-national security perks that are written into various pieces of legislation by Members of Congress in various districts. We could demand accountability for those side carve-outs. Small pieces of aid, with no reporting, that add up. When someone tries to question a carve-out, they're accused of questioning our ally.

The participant said that an August report from the Congressional Research Service provides details on all forms of aid. [Downloadable at: https://fas.org/sgp/crs/mideast/RL33222.pdf]

In a discussion of where and how to push forward the work on this issue, it was recalled that in earlier years aid to El Salvador, Guatemala, Honduras had been cut due to Leahy Law violations—but then Israel started selling U.S. weapons to them instead! Regarding Israel and Egypt, some colleagues had worked on a letter from Sen. Leahy to the State Department about some cases, and Netanyahu then got into a fight with Leahy on Twitter. The State Department responded by saying this was "too sensitive" and that the Israeli government told them it might "expose them to the ICC."

Participants discussed the need for more case campaigns, and for people with the cultural and community credibility to connect with directly impacted folks to raise their voices. Pushing for stronger Congressional oversight was also discussed. A participant said that Leahy goes after State Department himself to demand compliance: he demanded a cut to six units in Egypt and it worked. Strategic litigation is also an option: a lawsuit against the DoD or State for their non-compliance with the Leahy requirements could work. CCR and others are interested in suing them for implementation.

There was discussion (but no agreement) of whether linking demands for Israel's compliance with Leahy to the existing movement around accountability for weapons sales to Saudi Arabia would be helpful. One participant judged that tying Yemen to Palestine would risk losing support for the Yemen-related action-- there is a concern in the movement about this. Another participant noted that Presidential Policy Directive 27 [enacted by Pres. Obama in January 2014] covers both cases: it states that the U.S. shouldn't be giving weapons to someone who had violated human rights. In the same way that Congress is up in arms about the use of U.S. weapons in Yemen, we should use that energy.

It was noted that there's a caveat in Leahy that says if there's a domestic accountability mechanism, Leahy actions are waived: If Israel is holding itself accountable, we aren't going to step in. Israeli Military Advocates General (lawyers) abuse U.S. law by putting soldiers through fake investigations to avoid oversight from the U.S.

In this session there was also some consideration of non-military dimensions of U.S. policy toward Israel in which Israeli "exceptionalism" might be challenged.

Regarding settlements, one participant averred that the Obama administration was keen to challenge the settlement enterprise, but didn't want to be the ones seen as doing it. They were reportedly interested in the country of origin issue with settlement products: they were happy for the movement to submit complaints that they were forced to respond to so they could challenge the labelling. They re-issued notices about this and were on the verge of issuing new guidelines about this before the administration changed. They had a bad position on Jerusalem, but wanted to work on the Golan Heights. They wanted the movement to issue complaints about wine labeling from the Golan Heights. We could inventory these kinds of initiatives.

Israel's discriminatory treatment toward US citizens and vice versa-- if a country is not fulfilling its side, the other has the right to go to the ICJ.

It was noted that two presidential candidates have come out to talk about conditioning military aid to Israel if annexation happens. Can we build a large-scale campaign to influence the platform of the Democratic Party for 2020? How can we build a 5-year plan if we have a progressive in office?

One case we wanted to make but never made was to sue the State Department on the visa waiver issue: suing for equal protection under the law by not protecting people as they travel. On the Shaalan case, if it goes nowhere with Congress and White House, what option is left? The judiciary? A lawsuit? Can we bundle a few together and pursue an equal protection or personal loss lawsuit?

We need legal organizations at the table to talk about strategic litigation.

Frances Black's legislation in Ireland is something to look toward, it may pass if the president of Ireland will sign it. The State Department has been lobbying the Irish government to not pass it, threatening punishments in terms of US trade. State and members of Congress have threatened the Irish government.

One participant argued that treating Israel like any other country is not the same as fighting to end the occupation. Sanctions are for demanding Israel's acceptance of the negotiations and ending the occupation. There's a distinction between calling for accountability for their normal ongoing human rights violations and leveraging a tool to bring them to the table to end the occupation.

Participants reiterated that BDS needs to be customized in each different country. For us here in the U.S., the "S" is asking the US government to take action because of a violation. This could be: treating Israel like any other country, fixing an appropriate label on goods. For us here in the U.S., we should consider the 'S' in BDS to be pushing state action to hold Israel accountable. It's not consumer or institute action, it's state action. We're generally on the same page. Now how do we get to sanctions?