

Analysis of SCAI Divestment Campaign and Petition:

There has been much inflammatory rhetoric and misrepresentation of the state of Israel and the Arab-Israeli conflict over the last few weeks on the Stanford campus. Below you will find information gathered by Hillel at Stanford and Stanford Israel Alliance in order to present a more encompassing picture of the region and a more truthful portrayal of Israel. It is important to remember that both Hillel at Stanford and Stanford Israel Alliance represent a broad spectrum of opinions on the Arab-Israeli conflict and that members of these communities are united on this issue because the vast majority of Jewish and pro-Israel students are deeply offended and troubled by the recent campus activity. If you have any questions or concerns please feel free to contact Mishan Araujo at maraujo@stanford.edu.

Stanford prides itself on providing a diverse community the opportunity for intellectually stimulating discussion in a safe environment. However, the recent use of inflammatory rhetoric and SCAI's divestment campaign is threatening this feeling of safety. As leaders of the Jewish Community Leadership Council and the Stanford Israel Alliance many Jewish students have sought us out because they are very upset and/or uncomfortable with SCAI's message, speakers, and campaign. National self-determination based on ethnicity is not uncommon among nations, and yet SCAI's sole focus of demonizing Israel, by calling it racist and apartheid, makes Jewish students feel attacked.

To most Jews, Israel is not just a state. It is a thriving, democratic country that was created by their families and their friend's families. The nation was built on the foundation of providing all Jews a home during times of persecution. Israel is our safe haven, and Jews have lived there continuously before and after the Diaspora. Israel is seen as a place where Jews can go for protection, so when groups on campus are singling Israel out and holding it to higher standards than any other country in the world, it feels like an attack on the safety of the Jewish community.

Moreover, SCAI's petition is filled with false information and ignores many of the nuances and complexities of the conflict. Should the ASSU take a position of support regarding this divestment campaign, it would signal to the undergraduate population that the Senate is not interested in presenting a fair, accurate portrayal of the situation in the Middle East, but rather they are interested in placing all of the blame on Israel and ignoring many of the basic facts of the Arab-Israeli conflict. This would result in the students' loss of self-confidence in the undergraduate student body and the alienation of the Jewish community at Stanford. Stanford should be a place of intellectual honesty and stimulating discussion on this complex and important issue. Instead, the recent events on campus have made students feel insecure and unable to engage in true dialogue.

While Jewish students read about Ilan Halimi, a French man who was recently tortured and killed simply because he was Jewish, or about the recent shooting in the Jewish Federation in Seattle we simultaneously have an anti-Israel group bring a Jewish speaker who claims that the Jews manufacture "a holocaust industry" and embellish anti-Semitism for our own benefit. Many Jewish students went to the Norman Finkelstein event, and were hurt and outraged by the programs false information, blatant attacks on the Jewish community and refusal to recognize the many attempts Israel has made towards peace.

Most Jewish students on campus are interested in dialogue; however the more inflammatory SCAI's campaign tactics become, the more students feel as if they are being pushed away and the possibility of a conversation dissolves. We recognize that Israel is not perfect and we strive to make it a better place. We understand that injustice has occurred on both sides of the conflict, but it is difficult to question Israel, to discuss its faults, and celebrate its strengths in the midst of intolerance and calls of apartheid. Jewish students do not feel comfortable discussing the complexity of the conflict and all its nuances when they feel they have to defend Israel's very existence.

I. Introductory Concepts:

A divestment campaign targeting Israel is not unique to Stanford University. Many other campuses throughout the country have seen similar divestment campaigns in the last 7 years. They have all failed. Universities across the country have recognized that calling for divestment from Israel does nothing to promote the peace process, wrongly places all of the blame on Israel, and ignores the complexity of the conflict.

It is also important to understand that divesting from the companies named by SCAI will not bring any significant financial harm to the companies themselves or to the state of Israel. In fact, divesting from these companies would inflict more financial harm on Stanford University because we would be losing massive returns from our stock shares. Moreover, divestment would hurt the weaker and more fragile Palestinian economy much more than it would hurt the very robust and variegated Israeli economy.

Divestment against Israel makes sense only if one concludes that Israel bears to total onus of culpability for the current conflict and the suffering that this conflict creates. Since it is obvious that Israel has made galactic concessions for peace (accepting the 1947 partition plan, peace with Egypt, the 1993 Oslo agreements, peace with Jordan, withdrawal from Lebanon, 2000 Camp David Summit, acceptance of the US-EU created Road Map, withdrawal from the Gaza strip and parts of the West Bank, and the election of the Kadima party on the platform of ceding most of the West Bank to the Palestinian Authority once terrorism ceases and peace talks can begin) and the Palestinian response has been more terrorism and more threats of terrorism and more declarations of commitment to destroy Israel, it must be glaringly obvious that the conflict continues *despite* Israel's peace offers.

Therefore, pressing on Israel, punishing Israel, and divesting from Israel, does not make sense as a methodology for achieving peace; especially in light of the recent concession for peace that Israel has made, and Israel's offer of more concessions, and the terrorists' responses.

If the ASSU is interested in taking a stance on human rights violations in the region, they should be entertaining petitions of divestment from China, Saudi Arabia, Iran, and even Egypt, before they entertain the idea of divesting from Israel. Unless SCAI is advocating divestment from all countries with human rights abuses, including all 22 Arab countries and the Palestinian territories, it is hypocritical and a double standard to advocate divestment against Israel alone.

II. Critique of SCAI's Petition:

Introductory Paragraph: Divestment from Israel: Petition to the Board of Trustees of Stanford University: “We, the undersigned, call upon Stanford to take the proper steps to ensure that the university does not invest in companies that violate international law, abuse human rights and support apartheid (see ‘why divest’ for more information on the current situation and the role of corporations in promoting such practices). In particular, we petition the Board of Trustees to ensure investment responsibility by divesting from companies that fit one or more of the following criteria:

Critique: This introduction rests on the unstated and unproven and probably improvable assumption that companies that do business with Israel are indeed in violation of international laws, support the abuse of human rights, and support apartheid. Nowhere in SCAI’s divestment materials is there any proof that such is the case. Rather, the divestment rationale rests upon the incorrect or mendacious assertions that Israel commits all of the above sins, and thus the countries that do business with her are complicit.

SCAI Point 1: Provide military support or weaponry to support Israel’s occupation forces in the West Bank, Gaza, Golan Heights, Sheeba Farms, and East Jerusalem in violation of United Nations Resolution 242 that notes “the inadmissibility of the acquisition of territory by war” and which calls for “the withdrawal of Israeli armed forces from occupied territories.”

Critique: It should be obvious that Israel no longer occupies the Gaza Strip. Israel’s control of Sheeba Farms (Har Dov) is in compliance with international law. The UN has ratified this in both its decision that the territory was originally a part of Syria (and not Lebanon) and in its more recent declaration that Israel had evacuated forces from all Lebanese territory as of May 24, 2000 – Hence the Sheeba Farms are not a part of Lebanese territory.

It seems, therefore, that the authors of this petition are simply conflating the list to make it look longer, without regard to accuracy or veracity.

Regarding the occupied territories: Israel has offered to withdraw from these territories many times, and has withdrawn from parts of them in exchange for peace. However, Israel continues to maintain security control over them only because there is no willingness and/or ability on the part of Palestinian leadership to cease terrorist attacks and make peace.

The United Nations adopted Resolution 242 on November 22, 1967 in order to establish guidelines for the negotiation of an Israeli-Arab peace agreement. The clause in the resolution that states “the inadmissibility of the acquisition of territory by war” does not refer to a situation where one state deliberately attacked another state and the defender acquired territory. In this situation, if the clause applied, the defender would need to give back the territory it had gained. In effect, if the clause applied, it would then protect the attacking state against the loss of land, and the attacker would have no fear of consequences resulting from its attack on another state. Clearly, the clause was not meant to apply in this type of war situation. The defensive position described above is the position in which Israel found itself in 1967.

The second part of the resolution highlighted in the petition is the “withdrawal of Israeli armed forces from occupied territories.” It does not specify that Israel must withdraw from *all* territories, and in fact the deliberate exclusion of the word “all” was discussed extensively at the UN deliberations. When Israel withdrew from the Sinai Peninsula, it gave up 91% of the land it

won in the 1967 War; there is no clear indication that Israel is required to give up the remaining 9%. Moreover, it calls for Israeli withdrawal, but only within the context of peace treaties achieved through peaceful negotiations, resulting in universally recognized borders, and an end to hostility. The Arab forces rejected 242 in 1967, Israel accepted it.

Furthermore, SCAI's petition asks us to divest from companies that "provide military support or weaponry to support Israel's occupation forces in the West Bank, Gaza..." The petition never mentions the fact that Iran sends Hamas and Hezbollah millions of dollars in weaponry so that they can continue to attack Israeli forces in Gaza and the West Bank, as well as launch rockets into civilian areas such as Sdeiot. How can we justifiably deny Israel the right to protect itself and simultaneously turn a blind eye to Iran's funding of terrorist organizations like Hamas and Hezbollah?

Moreover, U.S. Military Aid to Israel stabilizes the region and increases chances for peace. Before the U.S. gave substantial military aid to Israel there was four multi-state wars in the region. The wars were in 1948, 1956, 1967, and 1973. In each war, multiple Arab nations attacked Israel and Israel was forced to defend herself. After 1973, the United States began sending military aid to Israel. This deterred the Arab nations from attacking Israel for fear of their capability. Because of this deterrence, there has not been a single multi-state war in the region.

If the proponents of divestment want peace, they should be demanding that corporations and governments press upon Hamas to abandon its commitment to the destruction of Israel and its Jewish inhabitants.

SCAI Point 2: Support the building or maintenance of the 'separation barrier' that Israel has built in the West Bank, which was deemed illegal by the International Court of Justice.

Critique: The separation barrier, a.k.a. the defensive barrier, was indeed deemed illegal by the ICJ; but, by its own admission, the ICJ had, and has, no jurisdiction in this matter because, per international law, the ICJ can operate only when both parties agree to its adjudication. Israel did not agree, because the ICJ refused to recognize the role of Palestinian terrorism as the reason for constructing the barrier.

Since there was never any wall or fence or barrier until 2002, it should be obvious that it was Palestinian terrorism that led to the creation of the fence/wall. Moreover, the fence has been instrumental in preventing suicide bombers from entering Israel and carrying out terror attacks. In the Oslo Accords, the Palestinians committed themselves to dismantle terror organizations. Since September 2000, terror attacks have claimed the lives of hundreds of Israeli citizens. However, since the construction of the fence began, terror attacks have been reduced by over 90%. The fence has been constructed with population, topography, and other considerations in mind. It has also been altered several times in order to accommodate the needs of Palestinian communities. In fact, a group of Palestinians brought a case regarding the fence to the Israeli Supreme Court and the Court ruled in their favor. Therefore, Israel was forced to re-route a portion of the fence. Land taken for the barrier is used for military purposes and remains the property of the owner. Legal procedures exist for owners to file objections, and owners are provided with compensation for the use of the land and for any tree damage that occurs. The vast majority of the separation fence is a series of fencing, patrol roads, and sand tracking. Less than

3% of the total fence is actual wall, and in these specific cases, the construction of a wall rather than a fence has prevented Palestinian snipers from shooting into Israeli towns.

The bottom line in this situation is that continued Palestinian terrorism forced Israel to respond by taking measures to protect the security of its citizens. Israel has stated on numerous occasions a willingness to dismantle the fence should a peace agreement be reached. To demand the removal of the barrier before the Palestinian Authority has stopped terrorism is to waken Israel's ability to protect the lives of its civilians.

For more information, please see:

<http://www.jewishvirtuallibrary.org/jsourc/Peace/fence.html>

<http://www.jewishvirtuallibrary.org/jsourc/myths/mf22.html#bbb>

SCAI Point 3: Operate on illegally occupied land and within Jewish-only settlements in contravention of Article 49, paragraph 6 of the Fourth Geneva Conventions which states that the "occupying power shall not deport or transfer parts of its own civilian population into territories it occupies."

Critique: Article 49 is irrelevant. The reference is to "forced transfer," not to voluntary transfer or resettlement. Israel has not transferred any of its own population into the territories. Rather, Israel has permitted the private initiatives of various groups and individuals, has supported those initiatives in areas where such initiatives conform to government priorities, has opposed those initiatives elsewhere (although some would argue that such opposition has not been effective enough), and has used mostly unowned tracts for the construction of military emplacements that are integral to its security.

The settlements are very controversial within Israeli society and within our own community at Stanford, however whether or not one agrees with the ideological underpinnings of the settler movement, none of what Israel has done violates Article 49.

SCAI Point 4: Facilitate home demolition, land confiscation, or other acts of collective punishment, as documented by Amnesty International and the International Committee of the Red Cross.

Critique: Israel does not arbitrarily demolish the homes of Palestinians. However, in certain cases, where intelligence has learned of a home being used for terrorist purposes, forces will raze that home in an attempt to stop the terrorist activity occurring there. IDF forces have uncovered tunnels in several Palestinian homes. One example in the Gaza Strip reveals a tunnel dug from a residential Palestinian home in order to carry out terror attacks in Kfar Darom.

In the Gaza Strip and the West Bank, terrorists hide among civilian populations. In many instances, security forces have identified certain houses used by terrorists as sniper sites, bomb factories, and to hide tunnels in which they smuggle weapons and other terrorists. If the Palestinian Authority and Egypt had fulfilled their commitments to dismantle terror organizations and to halt smuggling, these situations would not occur. However, the terrorists continue to operate from residential homes, and in some of these cases, Israeli security forces have razed the homes to prevent terrorists from operating there. This process is far more humane than the

process used by most countries when faced with terror attacks: Collective destruction of entire villages and murder of their occupants (i.e. Hama, Syria, February 1982).

It should be noted that this practice is very controversial within Israeli society and many Israelis oppose it. Since Israel is a democracy, these Israelis are free to protest and are working with their elected officials to end this policy.

For more information, please see:

<http://www.jewishvirtuallibrary.org/jsources/Terrorism/tunnel.html>

<http://www.jewishvirtuallibrary.org/jsource/myths/mf19.html#ee>

<http://www.jewishvirtuallibrary.org/jsource/myths/mf22.html#gg>

SCAI Point 5: Engage in practices that institutionally discriminate against people of a specific race, religion, or ethnicity.

Critique: Israel's defensive practices (road blocks, curfews, the defensive barrier, lock downs, stopping trucks and ambulances to search for terrorists and arms and explosives, arrest of known terrorists) are in no way discriminatory against specific races, religions, or ethnicities. Most Israelis are the same race as most Palestinians. Race is not a factor.

Within Israel today, the Arab minority enjoy full civil rights. Arabs serve in the Knesset and have served in other high-level government positions in the Cabinet. There is currently an Arab-Israeli Supreme Court Justice and the Deputy Consul of Israel in San Francisco is a Bedouin Arab-Israeli. Israel grants full voting rights to its Arab citizens, recognizes Arabic as an official national language and allows freedom of movement and assembly. Furthermore, in Israel, a citizen of any ethnicity can live in any public city in the country. Arab-Israelis are born in the same hospitals, attend the same universities, and enjoy the same beaches, as Jewish-Israelis.

Palestinians living in Gaza and the West Bank are not Israeli citizens and therefore they do not enjoy the same rights as Israelis. They elect their own government, the Palestinian Authority, which makes laws and has international recognition. However, Palestinians are allowed to hold and vote in elections, run for political office, attend schools and universities, and work in Israel. The security requirements of the nation of Israel, and a violent insurrection in the territories, forced Israel to impose restrictions on Arab residents of the West Bank that are not necessary inside Israel's pre-1967 borders and the newly disengaged Gaza Strip. This is unfortunate and causes many people much distress. We should be working toward a day when a safe, economically viable, Palestinian state can exist peacefully beside its neighbor Israel.

For more information, please see:

<http://www.jewishvirtuallibrary.org/jsource/myths/mf18.html>

www.adl.org/Israel/apartheid/behind_the_line.asp

www.adl.org/israel/advocacy/how_to_respond/zionism.asp?xflag=1

<http://www.freedomhouse.org/template.cfm?page=22&year=2006&country=6985>

SCAI Conclusion: Given that divestment helped end systemic apartheid in South Africa and greatly advanced the dialogue on human rights violations in the Sudan, we believe that it can generate the pressure to bring the Israelis and Palestinians to the negotiating table and produce peace.

Critique: Divestment did help bring about the end of the Apartheid rule in South Africa. But there is no Apartheid in Israel, as even Jimmy Carter himself says on page 186 of his new book.

Apartheid is a government-instituted practice that systematically separates groups of people by race in order for one race to dominate the other. This practice was official government policy in South Africa from 1948 through 1994. The use of the word apartheid to describe the current socio-political situation in Israel is not accurate. Israel has no policy or plan to segregate or mistreat the Arab population. That is not to say that racism doesn't exist within Israel, or that there is complete equality between Jewish-Israelis, Christian-Israelis, Druzes, and Arab-Israelis. Like every country, Israel struggles with issues of poverty and inequality and each year they strive to improve the lives of all their citizens. But to describe the existence of some inequality within Israel as apartheid, is a gross misrepresentation of the current situation and is degrading to the millions of Black South Africans who suffered under a true apartheid regime.

Divestment from Israel and calls of apartheid will not bring peace nor encourage Israel to negotiate with the Palestinians. While Israel is a nation with a powerful military, it is important to remember that decades of terrorism and international isolation as well as the long history of persecution suffered by the Jewish people, have resulted in Israelis feeling threatened and isolated. Divestment seriously threatens to deepen that isolation. Together and independently, Christians, Muslims and Jews should give the parties to the conflict the confidence they need to move toward peace. For the Israelis, concessions on land and settlements as well as the relaxation of security and the resulting improved conditions for Palestinians will not come as the result of further isolation. History has shown that the greatest strides by the Israelis have come as a result of international support.

To work toward peace, there needs to be a focus on programs that will foster a generation of Israelis and Palestinians that will work and live side-by-side – and move past the teaching of hate and the resort to violence to efforts to reach an equitable two-state solution and for securing the security and human rights of Palestinians and Israelis alike.

SCAI Conclusion: Finally, we call upon the university to heed the words of former Stanford President Kennedy, who wrote that “apartheid is a form of mandated segregation that no civilized nation should continue to tolerate.”

Critique: President Don Kennedy was right and still is. But there is not apartheid in Israel. Israel is a democracy in which the majority provides equal opportunity of access to all its citizens.

What is most disturbing about SCAI quoting President Kennedy is President Kennedy's deep opposition to SCAI's divestment campaign. When asked recently whether he was aware that SCAI was quoting him, President Don Kennedy's response was this:

“I will certainly be glad to oppose this “movement” in any way I can. I note that the quotation attributed to me referred explicitly to the situation in South Africa before apartheid ended, and is therefore a quotation entirely out of context. Apparently SCAI had borrowed a label President Carter applied to the Israel situation in his most recent book. Although I served in President

Carter's administration and admire him greatly, I think his choice of the word in this case is both inaccurate and unfortunate."