

“Non violence is a powerful and just weapon,” Rev. Martin Luther King wrote forty years ago in his essay *Why We Can't Wait*. “It is a weapon unique in history, which cuts without wounding . . . It is a sword that heals.”

Two years ago South African Archbishop Desmond Tutu called for the international community to make divestment from Israel a weapon in the struggle for justice. Drawing

In September 2004, a group of prominent members of the Anglican Church toured the West Bank and Gaza Strip. Afterwards, they recommended that the Anglican consultative council, representing 75 million members worldwide, consider adopting divestment as a “moral imperative” that will pressure Israel to end its “miserable occupation” and move towards a peaceful resolution of the conflict

to the Occupied Palestinian Territory and must there be faithfully complied with by Israel.”

The US government dissented from the UN General Assembly resolution accepting the ICJ ruling, which was embraced by 150 countries. On July 15, 2004, 361 Members of Congress endorsed House Resolution 713, deploring the ICJ advisory opinion and supporting Israel’s violation of international law.

The ICJ ruling and the US response to it have brought the world to a critical turning point as the Presbyterian and Anglican churches have recognized. Is Israel to be above the law and exempt from principles of international legitimacy simply because of the power of its benefactor, the United States?

In 1971, an ICJ ruling on South African violations of international law in Namibia fueled the international movement to dismantle the apartheid regime, including a divestment campaign and boycott. The 2004 ICJ ruling on Israel’s Wall gives both the moral authority and momentum to divestment as a non-violent method of working for a just resolution to the Israeli-Palestinian conflict.

DIVESTMENT

WHY IT CAN'T WAIT!

parallels between life under apartheid and under occupation, he praised the student divestment efforts on some 40 campuses, and the pressure being applied on city councils from Berkeley to Ann Arbor to institute municipal divestment. “If apartheid ended,” he wrote, “so can this occupation, but the moral force and international pressure will have to be just as determined” (*International Herald Tribune*, June 14, 2002).

There is now a growing recognition that divestment from Israel can’t wait. In July 2004 the General Assembly of the Presbyterian Church (USA), with 2.5 million members, authorized the church’s investment committee to make recommendations about selective divestment from corporations that do business in Israel which harms Palestinians.

based on international law and United Nations resolutions.

According to Jenny Te Paa, the leader of the Anglican delegation, “there was no question that there has to be a very serious kind of sanction in order to get the world to see that at least one major church institution is taking very, very seriously its moral responsibility. It happened in South Africa, and in South Africa the boycott had an effect. Everybody said it wouldn’t work and it did work” (*UK Guardian*, September 24, 2004).

DIVESTMENT—WHY NOW?

On July 9, 2004 the International Court of Justice (ICJ) ruled by 14-1 that Israel should halt and dismantle the Wall being constructed illegally in occupied Palestinian territory, and that “Israel has the obligation to make reparation for the damage caused.” The Court also ruled that “all States are under obligation not to recognize the illegal situation arising from the construction of the wall,” and should work together “to ensure compliance by Israel with international humanitarian law” as embodied in the Fourth Geneva Convention.

Although this landmark advisory opinion itself is non-binding, the Court emphasized that the international law upon which its opinion was based is binding. It should not be thwarted by the veto power of the United States. The sole dissenter on the Court, US judge Thomas Buergenthal, wrote that he shared “the Court’s conclusion that international humanitarian law, including the Fourth Geneva Convention, and international human rights law are applicable

WHAT IS DIVESTMENT?

Divestment refers to the withdrawal of investments from Israel and from companies that supply weapons to Israel or do business with Israel. Divestment/boycott campaigns seek to build a grassroots movement that will pressure Israel to live up to its obligations under international law by isolating it economically and diplomatically. The struggle against apartheid shows that divestment can have a multiplier effect: by threatening the profit margins of companies, these campaigns encouraged companies to exert pressure of their own on the South African government.

There are a number of divestment/boycott campaigns underway in the US and international community:

• Campus Divestment

On some 40 US campuses there are campaigns to pressure universities to withdraw endowment funds invested in Israel or to divest from US companies that produce and sell arms to Israel until it is in compliance with UN resolutions and international law. On April 17, 2003 the Wayne State University student council passed a resolution



The US Campaign is a diverse coalition working for freedom from occupation and equal rights for all by challenging US policy towards the Israeli-Palestinian conflict. The Campaign is based on human rights and international law, providing a non-sectarian framework for everyone who supports its Call to Action. Its strategy is to inform, educate, and mobilize the public so as to change the US role in the Israeli-Palestinian conflict.

calling on the university's board of governors to divest from companies that do business in Israel (see www.divest-from-israel-campaign.org). University campaigns are modeled on the actions of the 55 US colleges and universities that partly or fully divested from South Africa during the period 1977-1985, when students spearheaded the anti-apartheid movement.

• **Divestment by Municipalities**

There are efforts underway in communities from Seattle, Washington to Somerville, Massachusetts to get municipalities to remove retirement pension funds invested in companies that sell equipment to Israel's military occupation—United Technologies, General Electric, Boeing, General Dynamics, Northrop Grumman, Oshkosh Truck and Caterpillar (see www.endtheoccupation.org).

• **Caterpillar Campaign**

The campaign against Caterpillar encompasses both university and community groups. They are demanding that colleges, municipalities, trade unions and other organizations and individuals divest their holdings in the Caterpillar corporation, and that Caterpillar stop providing Israel with the giant D9 bulldozers that have demolished thousands of Palestinian homes, uprooted hundreds of thousands of Palestinian-owned trees, destroyed agricultural land and killed US peace activist Rachel Corrie.

Protestors have petitioned Members of Congress to request that the General Accounting Office investigate the use Israel is making of Caterpillar bulldozers as a possible violation of the Arms Export Control Act. In April 2004 at the annual shareholders meeting in Chicago the Sisters of Loretto, who own 600 shares of Caterpillar stock, and Jewish Voice for Peace, which purchased Caterpillar shares as part of its campaign, demanded that Caterpillar, Inc. live up to its code of worldwide business conduct. The code states that Caterpillar "accepts the responsibilities of global citizenship. Wherever we conduct business or invest our resources around the world, we know that our commitment to financial success must also take into account social, economic, political and environmental priorities."

The following month Jean Ziegler, the Special Rapporteur on the right to food for the UN High Commission on Human Rights,

wrote to Caterpillar CEO Jim Owens expressing concern about the use Israel was making of its bulldozers, and stating that the company may be complicit in human rights violations. Groups like SUSTAIN in the US, and Caterpillar Out of Palestine in the UK have initiated creative direct actions outside Caterpillar offices. (See www.sustaincampaign.org).

• **Isolating Israeli Settlers**

In August 2004, after Israel refused to heed the ICJ ruling on the Wall, the 115-country Organization of Non-Aligned States adopted a resolution calling on members to bar residents of Israeli settlements from entering their countries. It also agreed to adopt economic and political sanctions that targeted settlements and the Wall.

• **Boycotts**

Consumer boycotts of Israeli products are getting off the ground in Europe and various parts of the Arab world. In the US a fledgling boycott movement has focused on US companies that have major investments in Israel, including Starbucks, Burger King and McDonalds (see www.boycottusa.org; www.boycottisraeligoods.org). UK professors have initiated an academic boycott of Israel, modeling their actions on the cultural, artistic, academic and sports boycott that isolated South Africa.

• **Targeting Israel Bonds**

A campaign which may soon gather force focuses on the boycott of Israel Bonds. Israel Bonds are securities issued by Israel which are sold in the US through the New York-based Development Corporation for Israel and backed by the credit of the Israeli government. Money raised through their sale goes directly into Israel's treasury, and is used for infrastructure projects including by-pass roads and settlement building in the West Bank and Gaza. State and local governments, trade unions, banks, insurance companies, chambers of commerce and educational entities all invest heavily in Israel Bonds, despite the fact that they are a poor investment and carry a high risk. A boycott of Israel Bonds has symbolic value. It can also bring an array of groups into the divestment movement and play a similar role to the consciousness-raising boycott of

Krugerands in the anti-apartheid movement (see www.endtheoccupation.org).

WITH RIGHT ON OUR SIDE

In late September 13 Members of Congress, prompted by the Zionist Organization of America, sent a letter to the US Department of Commerce's Office of Anti-Boycott Compliance urging it to "investigate the national boycott campaign against Israel, shut down the illegal divestment campaigns and impose the appropriate penalties" (*Forward*, October 1, 2004). Some Members of Congress and Jewish organizations have leaned heavily on the Presbyterian Church, charging that it has "knowingly gone on record calling for jeopardizing the existence of the State of Israel."

But in fact, it is the US government that has been acting illegally, in violation of both international law and our own domestic law, including the US Arms Export Control Act and the amended Foreign Assistance Act of 1961. Now is the time for us to proclaim that right is on the side of the beleaguered Presbyterian Church and committed activists who have worked to exert international pressure on Israel as occupier. For the sake of the people of Palestine and Israel and a world in which military power does not always trump justice, we must work together to forge the divestment movement into Dr. King's healing sword. ■

What You Can Do

- 1) Consult the websites cited in this text.
- 2) **Work for an end to Israel's occupation of Palestine.** The US Campaign to End the Israeli Occupation (www.endtheoccupation.org) provides resources, materials, and actions for its member groups to end US support for Israel's occupation. Join the US Campaign which will showcase your group's divestment work.
- 3) Contact Global Exchange at palestine@globalexchange.org for a copy of *Activism for Peace and Justice in the Middle East: A Handbook on Lobbying, Divestment, and Activist Organizing on the Palestinian/Israeli Conflict*.