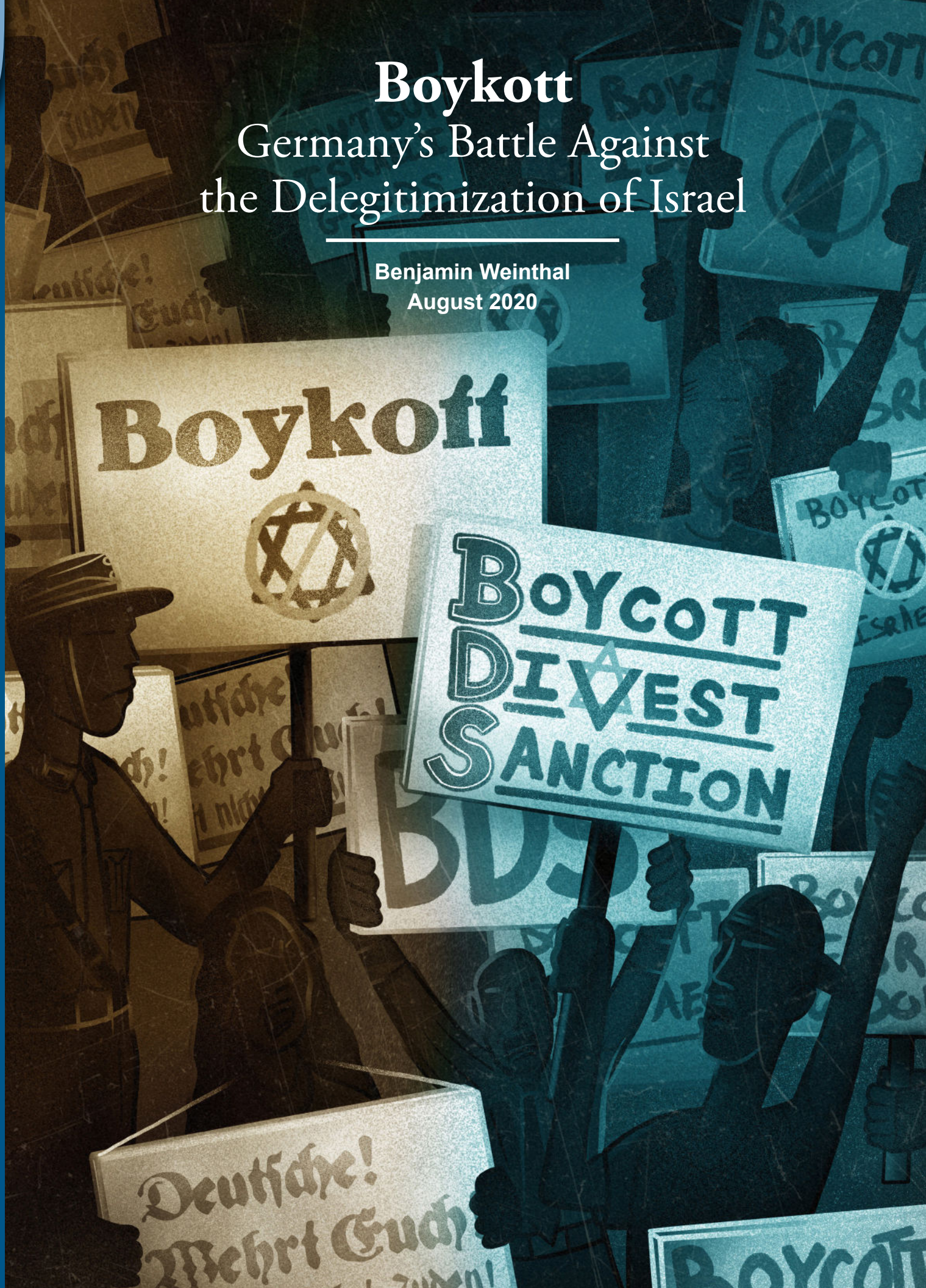




Boykott

Germany's Battle Against the Delegitimization of Israel

Benjamin Weinthal
August 2020



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Cover Illustration: Daniel Ackerman / FDD

The German word *Boycott* (“Boycott”) on the cover page references the Hitler movement’s goal of eliminating German Jews from economic life during the 1930s. The German term *Judenboykott* (“boycott of Jews”), which was used by the Nazis, describes the boycott of Jewish business that began in 1933.

Introduction

With overwhelming support, the German parliament, or Bundestag, passed a resolution last year declaring, “[T]he arguments and methods of the BDS [Boycott, Divestment, and Sanctions] Movement are anti-Semitic.” The resolution explained that the tactics of the BDS campaign “inevitably arouse associations with the Nazi slogan ‘*Kauft nicht bei Juden!*’” (emphasis added)¹ – “Don’t buy from Jews!”

The Bundestag resolution had few tangible effects, since it was not legally binding. Yet it challenged the BDS campaign’s portrayal of itself as an advocate for human rights and an opponent of prejudice. While the resolution made points similar to those offered by the campaign’s other critics, it endowed such arguments with the moral weight of Germany’s efforts to grapple with its own history of anti-Semitism.

The German parliament also brought a new sense of democratic legitimacy to the effort to counter BDS initiatives, since the parliament spoke on behalf of more than 80 million inhabitants of the most populous country in the European Union. There had been no comparable vote in any other country, not even the United States. Six months later, Paris would follow Berlin’s precedent.² Then, in February 2020, the Austrian Parliament unanimously passed an anti-BDS resolution, declaring the campaign to be anti-Semitic.³

While the Holocaust informs much of the German debate about BDS, it does not explain why the Bundestag rejected a common defense of BDS – namely, that objecting to the actions of the Israeli government is in no way anti-Semitic. Indeed, the Bundestag condemned statements “that are formulated as alleged criticism of the policies of the State of Israel, but are actually expressions of hatred of the Jewish people.”⁴

To understand how and why German lawmakers arrived at this position in 2019, one must view BDS in the context of Germany’s evolving relationship with the State of Israel. The governments of both West Germany and the post-Cold War reunified German state interpreted their responsibility for the Holocaust as including an obligation to fight anti-Semitism and protect Jews. A sticking point has been whether Germany has an obligation to serve as protector of the Jewish state.

At the conclusion of the Cold War, it was no longer a question. Germany began to embrace the notion of a special relationship with Israel. This relationship still requires give and take, rather than a mandate for deference to Israeli wishes. For example, Germany and Israel have had sharp differences regarding how to address the threat posed by the Iranian nuclear program. Germany had also, until recently, refused to designate the entirety of Lebanese Hezbollah as a terrorist organization. That ended in April 2020, when Berlin outlawed all Hezbollah activity within its borders.⁵ But this step was taken in line with Germany’s own interest, even if it was prodded by the United States.

1. CDU/CSU, SPD, FDP, und Alliance 90/The Greens, “Der BDS-Bewegung entschlossen entgentreten – Antisemitismus bekämpfen [Resolutely oppose the BDS movement - fight anti-Semitism],” German Bundestag, 19th Parliamentary Term, May 15, 2019. (<http://dip21.bundestag.de/dip21/btd/19/101/1910191.pdf>)

2. “French lawmakers tackle anti-Semitism as Jewish graves desecrated,” *Reuters*, December 4, 2019. (<https://www.reuters.com/article/us-france-antisemitism/french-lawmakers-tackle-anti-semitism-as-jewish-graves-desecrated-idUSKBN1Y81DS>)

3. Raphael Ahren, “Austrian parliament unanimously passes condemnation of anti-Israel boycotts,” *The Times of Israel* (Israel), February 27, 2020. (<https://www.timesofisrael.com/austrian-parliament-unanimously-passes-condemnation-of-anti-israel-boycotts/>)

4. CDU/CSU, SPD, FDP, und Alliance 90/The Greens, “Der BDS-Bewegung entschlossen entgentreten – Antisemitismus bekämpfen [Resolutely oppose the BDS movement - fight anti-Semitism],” German Bundestag, 19th Parliamentary Term, May 15, 2019. (<http://dip21.bundestag.de/dip21/btd/19/101/1910191.pdf>)

5. German Federal Ministry of the Interior, Building and Community, “Betätigungsverbot für Terrororganisation ‘Hizb Allah’ in Deutschland [Activity ban for terrorist organization ‘Hizb Allah’ in Germany],” April 30, 2020. (<https://www.bmi.bund.de/SharedDocs/pressemitteilungen/DE/2020/04/betaetigungsverbot-hizb-allah.html>)

The BDS campaign is an issue that goes beyond traditional foreign policy. It is an ideological issue that touches a raw nerve connected to Germany's troubled past. It should come as no surprise, then, that Germany took a leadership role in countering the campaign.

This study examines the antecedents of the anti-BDS resolution in the Bundestag. The story begins with a 2012 EU initiative to affix special labels to Israeli imports from settlements in the West Bank or Golan Heights. After a debate that lasted through 2015, the government of Chancellor Angela Merkel came down in favor of the labels, a decision that placed it on the side of the BDS campaign. The political environment began to change, however, with a resurgence of anti-Semitism in Europe. Jewish communities across the continent had to contend with violence and verbal abuse. By 2019, the situation in Germany had worsened to the point that Merkel said, "There is to this day not a single synagogue, not a single daycare center for Jewish children, not a single school for Jewish children that does not need to be guarded by German policemen."⁶

Amid heightened concern about rising anti-Semitism and Germany's unique history, opposition to BDS began to mount. Among the first to speak out were student councils at German universities. This came in stark contrast to the United States, where student governments have passed scores of pro-BDS resolutions.⁷ German political parties also began to mobilize, beginning with Merkel's Christian Democratic Union (CDU). Local officials, including the mayors of major cities, moved to condemn BDS and block the use of government resources by the campaign. By 2019, the effort culminated in the Bundestag resolution, to which there was no meaningful opposition.

Germany's financial institutions, courts, and churches have now become prominent arenas for debating BDS. Banks, in particular, have come under to pressure to

halt business with pro-BDS organizations. Meanwhile, German courts have wrestled with the question of whether foreign companies, such as Kuwait Airways, may implement discriminatory anti-Israel policies within Germany's borders. While some German religious leaders have condemned all forms of anti-Semitism, there remain pockets within the religious community where hostility to Israel is tolerated or even welcome.

Despite some minority voices, the German perception of BDS as anti-Semitic has resulted in major setbacks for the campaign. In the German view, the BDS campaign singles out the State of Israel for opprobrium and calls for its complete isolation yet does not advocate any comparable pressure on Hamas or the Palestinian Authority for their abusive and authoritarian conduct. Nor does the BDS campaign demand accountability for the regimes in Damascus and Beijing, whose atrocities exceed by orders of magnitude even the gravest offenses committed in the course of the Arab-Israeli conflict. German lawmakers explicitly assess that the application of double standards to the Jewish state is anti-Semitic in nature. In practice, there is little difference between the slogans "Don't buy from Jews" and "Don't buy from the Jewish state."

Israel and the Two Germanys

In the wake of World War II, the democratic state in the west, officially known as the Federal Republic of Germany, grappled continuously with the question of the German people's responsibility for the Holocaust. In the east, the Soviet Union established the German Democratic Republic, a communist dictatorship that considered itself free of the stain of Nazism. West Germany gradually developed a strong relationship with Israel, even though the two clashed sharply at times. By contrast, East Germany, like its Soviet patrons, actively supported Arab efforts to destroy the Jewish state. East

6. "Merkel: All German synagogues, Jewish schools need police protection," *The Times of Israel* (Israel), May 28, 2019. (<https://www.timesofisrael.com/merkel-all-german-synagogues-jewish-schools-need-police-protection/>)

7. David May, "War by Other Means: A History of Anti-Israel Boycotts, From the Arab League to BDS," *Foundation for Defense of Democracies*, January 20, 2020, pages 27–29. (<https://www.fdd.org/analysis/2020/1/20/war-by-other-means>)

Germany even armed and trained Palestinian terrorist groups that vowed to destroy the one national refuge for victims of anti-Semitism.

West Germany

Konrad Adenauer, the first chancellor of West Germany, opened the door to ties with Israel through his call for repentance and restitution. He told the Bundestag in 1951, “[U]nspeakable crimes have been committed in the name of the German people, calling for moral and material indemnity.” In Luxembourg the next year, representatives of West Germany, Israel, and the world’s Jewish community signed two protocols that would pave the way for more than \$60 billion of reparations, including pensions for 275,000 survivors of the Holocaust.⁸ Many Israelis were indignant, including demonstrators who smashed Knesset windows when it convened to approve the agreement. In their view, Israel could never allow Germany to buy forgiveness.⁹

Bonn and Jerusalem did not establish formal diplomatic relations until 1965. Several Arab states immediately punished West Germany by severing ties. The competition between East and West Germany for influence in the Arab world thus served as a constraint on ties between Bonn and Jerusalem.¹⁰

The 1969 election of Willy Brandt, West Germany’s first Social Democratic chancellor, led to cooler relations with Israel; Brandt pursued a policy of engagement with the Soviet bloc and its Arab allies. With regard to the Arab-Israeli conflict, Brandt called

for “evenhandedness.” As one historian noted, Brandt’s government believed that relations with Israel should “no longer be governed by repentance and guilt but would now become as ‘normal’ as with any other country.”¹¹ Still, in 1973, Brandt became the first German leader to visit Israel. He immediately visited the Yad Vashem memorial upon arrival at the airport.¹²

The nadir of Israeli-West German relations came later in 1973, when Brandt proclaimed German neutrality after the surprise invasion of Israel on Yom Kippur by a coalition of Arab states. Even though the attack imperiled millions of Jewish lives, West Germany did not intervene.

Relations between Bonn and Jerusalem remained troubled under Brandt’s successor, Helmut Schmidt, who sought normalized ties with the Jewish state but not a special relationship. Menachem Begin, the Israeli premier from 1977 to 1983, was a harsh critic of Schmidt. He pointed to the German leader’s wartime service as an officer in the *Wehrmacht*.¹³ Schmidt remained a critic of Israel after his departure from office; in 2010, he and more than two dozen EU leaders called for a European boycott of Israeli settlement goods.¹⁴

The Christian Democrats’ return to power in Bonn in 1982 led to warmer relations with Jerusalem, as did the Middle East peace process and the end of the Cold War in the 1990s. In the 1980s, a visible enthusiasm for Jewish and Israeli culture emerged in West Germany, especially among the postwar generation. Whereas those who lived through World

8. “History,” *Claims Conference*, accessed June 25, 2020. (<http://www.claimscon.org/about/history/>)

9. Michael Z. Wise, “Reparations,” *The Atlantic*, October 1993. (<https://www.theatlantic.com/past/docs/unbound/flashbks/nazigold/wise.htm>)

10. Jeffrey Herf, *Undeclared Wars with Israel: East Germany and the West German Far Left, 1967–1989* (Cambridge, UK: Cambridge University Press, 2016), page 37.

11. Carole Fink, “‘The Most Difficult Journey of All’: Willy Brandt’s Trip to Israel in June 1973,” *International History Review*, Vol. 37, No. 3, 2015, page 504. (<https://www.tandfonline.com/doi/abs/10.1080/07075332.2014.933745>)

12. Ibid.

13. Hubert Leber, “Chancellor Helmut Schmidt, His Policy Toward Israel, and the German Responsibility for the Jewish People,” *American Institute for Contemporary German Studies*, December 14, 2015. (<https://www.aicgs.org/publication/chancellor-helmut-schmidt-his-policy-toward-israel-and-the-german-responsibility-for-the-jewish-people/>)

14. Andrew Rettman, “Former EU leaders challenge Ashton on Israel,” *EUobserver* (Belgium), December 10, 2010. (<https://euobserver.com/foreign/31477>)

War II were more eager to close that chapter of German history, the younger generation seemed eager to accept a reckoning with the crimes of the past. On the 40th anniversary of the Nazis' surrender, German President Richard von Weizsäcker delivered remarks that embodied this new approach. "All of us, whether guilty or not, whether old or young, must accept the past. We are all affected by its consequences and liable for it," he told the Bundestag.¹⁵

Subsequent German leaders amplified these sentiments and applied them more directly to their ties with Israel. Angela Merkel's remarks to the Knesset in 2008 clearly articulated this new understanding. "Germany and Israel are and will always remain linked in a special way by the memory of the Shoah," she said, citing Germany's "special historical responsibility for Israel's security. This historical responsibility is part of my country's *raison d'être*."¹⁶

Still, Berlin and Jerusalem have disagreed on how best to secure the Jewish state's existence. For example, in her address to the Knesset, Merkel concurred strongly with the Israeli view that "[i]f Iran ever acquires nuclear weapons, the consequences will be disastrous."¹⁷ Yet vehement Israeli opposition to the flawed 2015 nuclear deal with Iran did not deter Merkel and her coalition partners from embracing the agreement.

East Germany

Following the Soviet line, East Germany briefly sought positive relations with Israel before turning decisively against the Jewish state. In the 1950s, East Germany's ruling party forced out cadres sympathetic to Zionism. In the 1960s, it began to forge close relationships with Palestinian terrorist organizations as well as with the Arab regimes hostile to Israel, especially Syria. East Berlin also worked hand-in-hand with West German

leftists, whose hostility to Israel became pronounced after the Six-Day War in 1967.

There is remarkable continuity between the rhetoric of Israel's German adversaries during the Cold War and the BDS campaign's rhetoric today. Borrowing heavily from both Soviet and Arab language, anti-Israel Germans sought to cast the Jewish state as an embodiment of racist imperialism. They portrayed Jews as a foreign people colonizing land belonging to the indigenous Palestinians. Accusing Israel of mass murder and expulsion, they rarely mentioned terrorist attacks targeting Jews. Anti-Israel Germans denied that anti-Semitism was a factor behind their hostility to the Jewish state, instead accusing Israel's supporters of wielding anti-Semitism as a tool to mute criticism.

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Historian Jeffrey Herf provides an instructive account of East Germany's efforts to undermine the Jewish state. East Berlin provided armaments and training to both Arab state militaries and Palestinian guerrillas. One document from the East German archives describes the sale of 30,000 AK-47 assault rifles to Iraq in 1981, along with 32.1 million ammunition cartridges. As of 1980, East Germany was training military personnel from Egypt, Iran, Iraq, Jordan, Lebanon, Morocco, and both Yemens. The East German defense ministry also signed a training agreement with the Palestine

15. In later years, Weizsäcker would become more negative toward Israel, ultimately signing the same letter as Schmidt that called for a European boycott of Israel settlement goods. "Former EU Leaders Urge Sanctions for Israel Settlements," *BBC News* (UK), December 10, 2010. (<https://www.bbc.com/news/world-middle-east-11968304>)

16. Chancellor Angela Merkel, *Speech to the Knesset in Jerusalem*, March 18, 2008. (https://www.knesset.gov.il/description/eng/doc/speech_merkel_2008_eng.pdf)

17. Ibid.

Liberation Organization (PLO) in 1982. Later that year, during the PLO-Israel war in Lebanon, East German leader Erich Honecker approved the delivery of arms to the PLO, free of charge.¹⁸

The East Germans worked closely with PLO elements, including Fatah, the Popular Front for the Liberation of Palestine (PFLP), and the Democratic Front for the Liberation of Palestine (DFLP). In September 1972, PLO-linked terrorists kidnapped and murdered 11 Israeli athletes and coaches at the Munich Olympics. They also murdered a German policeman. The next year, Honecker welcomed PLO Chairman Yasser Arafat to East Berlin, where the ruling party's daily newspaper published a front-page photo of the two. The newspaper reported that Honecker and Arafat shared a "common struggle against imperialism, colonialism, and Zionism."¹⁹

In June 1976, two West German terrorists worked with the PFLP to hijack a Paris-bound flight from Tel Aviv, which they diverted to Uganda. The hijackers held onto the Jewish and Israeli passengers while releasing the others. In fact, the Germans watched over the selection of Jews from non-Jews, evoking the concentration camp selection process during the Holocaust.²⁰

Rhetorically, German communists followed the Soviet line, which emphasized points now popular among BDS advocates. Along with the Soviets, East Germany co-sponsored a UN General Assembly resolution calling for the elimination of "Zionism, apartheid, and racial discrimination in all its forms." The resolution passed by a vote of 72 to 35, with 32 abstentions, a result that East German officials

celebrated as "a great success for the just cause" of the Palestinians.²¹

Another notable theme was the accusation that Israel had become a nation of Nazis. One of the unmet demands of the attackers at the Munich Olympics was the release of West German terrorist Ulrike Meinhof. Writing from her prison cell, she celebrated the death of Israeli athletes as a blow against "Israel's Nazi fascism" and its "policy of extermination" toward Palestinians.²²

East Berlin also sought to preempt charges of anti-Semitism by finding Jews to endorse its positions. After the Six-Day War, it instructed a rare Jewish member of the East German Politburo to publish "statements by Jewish citizens of the GDR which express indignation about the Israeli aggression and the Israel-Washington-Bonn conspiracy."²³

Like the country itself, the East German campaign against Israel did not survive the Cold War. During the brief period in 1990 when East Germany had a freely elected parliament, it voted 379 to zero in favor of a resolution taking responsibility for Nazi crimes, asking "the people in Israel for forgiveness for the hypocrisy and hostility of the official GDR policy," and apologizing for the persecution of Jews in East Germany.²⁴

The Rise of BDS in Germany

BDS advocates often express disappointment with German support for Israel. One activist describes it as "a fetish to assuage Holocaust-related guilt and responsibility."²⁵ The belief that memories of the Holocaust produce irrational sympathy for Israel is

18. Jeffrey Herf, *Undeclared Wars with Israel: East Germany and the West German Far Left, 1967–1989* (Cambridge, UK: Cambridge University Press, 2016), pages 363, 369–70, and 381.

19. *Ibid.*, page 199.

20. *Ibid.*, pages 317–326.

21. *Ibid.*, pages 288–291.

22. *Ibid.*, pages 189–93.

23. *Ibid.*, page 51.

24. *Ibid.*, page 444.

25. Shir Hever, "BDS Suppression Attempts in Germany Backfire," *Journal of Palestine Studies*, Vol. 48, No. 3, spring 2019, pages 86–87. (<https://online.ucpress.edu/jps/article/48/3/86/55126/BDS-Suppression-Attempts-in-Germany-Backfire>)

common among BDS activists. Omar Barghouti, perhaps the most prominent BDS activist, has denounced European countries “bent on repenting for their Holocaust by sacrificing Palestinian rights under international law.”²⁶

Nevertheless, the BDS campaign has managed to build an infrastructure in Germany that resembles its base in other countries. The campaign has chapters in all of Germany's major cities, including Berlin, Hamburg, and Bonn. It draws support from a range of organizations that see Israel as the aggressor in the Israeli-Palestinian conflict, many hailing from the far left. The campaign also gets support from within the Bundestag, where there are BDS supporters and sympathizers in both the Green Party and Die Linke (“The Left”), the successor to the East German ruling party. There are also some within the CDU, such as Norbert Röttgen, and within the CDU's coalition partner, the Social Democratic Party (SPD), although these individuals are generally averse to publicizing their views.²⁷ Niels Annen, the SPD minister of state in the German foreign ministry, has showed a lack of enthusiasm for the implementation of the Bundestag's anti-BDS resolution.

Despite this base of support, the BDS campaign has gained little traction on the German left compared to other Western European countries. Indeed, Germany is a rare case in which the left is also home to pro-Israel voices that arose after the collapse of the Berlin Wall. In Germany, pro-Israel leftists range from communists to anti-fascists to socialists and anti-nationalists. There is even a cottage industry of

left-wing publications that have published pro-Israel and anti-boycott perspectives.²⁸

BDS Supplants the Arab Boycott

The economic warfare campaign against Israel is, of course, nothing new. The Arab community in Mandatory Palestine first encouraged boycotts of Jewish businesses as early as 1922. In 1945, the new League of Arab States enacted a general boycott designed to prevent the emergence of a Jewish state and then to sap Israel's economic resources. Egypt repudiated the boycott when it made peace with Israel in 1979. After the end of the Cold War and the signing of the Oslo Accords in 1993, the boycott unraveled further. The new Palestinian Authority also rejected the boycott, albeit with some inconsistency.²⁹

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The demise of the state-led Arab boycott left a vacuum to be filled by non-state actors. The revival of the campaign began in 2001, at a non-governmental organization (NGO) forum held alongside the UN-sponsored World Conference Against Racism in Durban, South Africa. The forum called for the “complete and total isolation of Israel as an apartheid state, as in the case of South Africa, which

26. Omar Barghouti, *Boycott, Divestment, Sanctions: The Global Struggle for Palestinian Rights* (Chicago: Haymarket Books, 2011), page 102.

27. Michael Wolffsohn, “‘Der Spiegel’ und das gefährliche Spiel mit den Israel-Freunden [‘The Mirror’ and the dangerous game with Israel friends],” *Welt* (Germany), July 14, 2019. (<https://www.welt.de/debatte/kommentare/article196829743/Der-Spiegel-und-das-gefaehrliche-Spiel-mit-den-Israel-Freunden.html>)

28. Benjamin Weinthal, “Letter From Berlin: The anti-anti-Zionists,” *Haaretz* (Israel), August 3, 2007. (<https://www.haaretz.com/life/books/letter-from-berlin-the-anti-anti-zionists-1.5492157>). One small but vocal pro-Israel faction is the “anti-Germans,” whose roots lie in the pre-1989 communist left. The group's name reflects its extreme anti-nationalism. See: Simon Erlanger, “‘The Anti-Germans’ – The Pro-Israel German Left,” *Jerusalem Center for Public Affairs*, June 30, 2009. (<https://jcpa.org/article/the-anti-germans-the-pro-israel-german-left/>)

29. David May, “War by Other Means: A History of Anti-Israel Boycotts, From the Arab League to BDS,” *Foundation for Defense of Democracies*, January 20, 2020. (<https://www.fdd.org/analysis/2020/1/20/war-by-other-means>); Gil Feiler, *From Boycott to Economic Cooperation: The Political Economy of the Arab Boycott of Israel* (London: Frank Cass Publishers, 1998).

means the imposition of mandatory and comprehensive sanctions and embargoes.”³⁰ While purportedly opposing racism, participants at the NGO forum distributed anti-Semitic literature, including praise for Adolf Hitler.³¹

In July 2005, the BDS Call distilled the campaign's goals into three specific demands of Israel:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall [in the West Bank].
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.³²

While framed in terms of human rights and international law, the Call contains ambiguities that suggest opposition to Israel as a Jewish state. Ending the occupation of “all” Arab lands suggests that Israeli control is illegitimate even within the country's 1949 borders. According to BDS advocates, all Palestinians have a “right of return” to Israel that would render Jews a minority within the world's lone Jewish state.

The BDS campaign is often a platform for calls to eradicate the Jewish state. Omar Barghouti, one of the campaign's founders, described “euthanasia” for Israel as the only acceptable solution to the conflict.³³ He also said the campaign “oppose[s] a Jewish state in any part of Palestine.”³⁴

The BDS Network in Germany

European and North American activists drove the effort to isolate Israel in the aftermath of the Durban forum in 2001. In the years leading up to the BDS Call, those activists built the infrastructure for the BDS campaign, which later acquired nominal West Bank leadership. Germany was a late arrival to the campaign.

The BDS campaign in Germany draws support from existing Palestinian organizations, such as Fatah, the PFLP, and affiliates of the Muslim Brotherhood.³⁵ But it also includes organizations such as AK Nahost Berlin (The Middle East Working Group Berlin) and KoPI (The German Coordination Committee Palestine Israel). The founder of AK Nahost Berlin was the late Alisa Fuss, a German-born Jew who later joined the anti-Zionist Palestine Communist Party. While very few German Jews hold favorable views of BDS, German Jews and Israelis in Germany are prominent within the campaign. Their views are primarily heard through a group called Jewish Voice for a Just Peace in the Middle East.

There is little historical material on the BDS campaign in Germany. The date of the campaign's founding is uncertain. However, the national website includes a May 2011 open letter from BDS Berlin to Die Linke regarding the party's decision to repudiate an “anti-Semitic leaflet” calling for the boycott of Israeli goods. The letter warned against the “defamation” of the BDS

30. Tom Lantos, “The Durban Debacle: An Insider's View of the World Racism Conference at Durban,” *The Fletcher Forum of World Affairs*, Winter/Spring 2002. (http://www.humanrightsvoices.org/assets/attachments/articles/568_durban_debacle.pdf); “World Conference Against Racism: NGO Forum Declaration,” *International Progress Organization*, September 3, 2001. (<https://www.i-p-o.org/racism-ngo-decl.htm>)

31. Harris Schoenberg, “Demonization in Durban: The World Conference Against Racism,” *The American Jewish Year Book*, Vol. 102, 2002, pages 97–98. (<http://www.staff.city.ac.uk/p.willetts/NGOS/WCAR/SCHOENBG.PDF>); “Durban Watch: Photos from the 2001 UN World Conference Against Racism, Durban, South Africa,” *Human Rights Voices*, accessed December 6, 2019. (<http://www.humanrightsvoices.org/EYEontheUN/antisemitism/durban/?l=36&p=350>)

32. “Palestinian Civil Society Call for BDS,” *BDS*, July 9, 2005. (<https://bdsmovement.net/call>)

33. Omar Barghouti, “Relative Humanity: The Fundamental Obstacle to a One-State Solution in Historic Palestine (1/2),” *The Electronic Intifada*, January 6, 2004. (<https://electronicintifada.net/content/relative-humanity-fundamental-obstacle-one-state-solution-historic-palestine-12/4939>)

34. “Omar Barghouti – Strategies for change,” *Vimeo*, September 23, 2013. (<https://vimeo.com/75201955>); Omar Barghouti, “Why Americans Should Support BDS,” *The Nation*, July 29, 2019. (<https://www.thenation.com/article/bds-house-resolution-trump-squad-omar-aoc/>)

35. Ehud Rosen, “The Spider Web: The Roots of BDS and the Campaign to Delegitimize Israel,” *Jerusalem Center for Public Affairs*, July 9, 2018, pages 25–51. (https://jcpa.org/pdf/ehud_rosen_spiders_web_22oct2018_online.pdf)

campaign as anti-Semitic, even if the leaflet expressed such sentiment.³⁶ The exchange illustrates that BDS groups in Germany see a need to distance themselves from activism with an anti-Semitic component.

In the past year, German BDS initiatives have included the boycott of a Berlin pop culture festival because of its partnership with the Israeli embassy; protesting a French insurance firm that invests in the Israeli defense sector; boycotting the sports apparel manufacturer Puma, which sponsors Israeli soccer teams; and boycotting Hewlett Packard, which sells information technology to the Israeli military.³⁷ In most cases, German BDS initiatives align closely with those of other national BDS campaigns. For example, BDS activists have for years targeted Hewlett Packard on both sides of the Atlantic.

The Debate Over Israeli Settlement Goods

In 2012, a debate erupted in Germany over whether to put special labels on goods from Israeli settlements. The controversy began in May of that year, when the foreign ministers of the European Union's 27 member states declared they would "implement existing EU legislation and agreements with Israel regarding

products from the settlements." This decision became the basis for an initiative to mandate labels identifying any Israeli goods produced in disputed territories.³⁸ The next April, foreign ministers from 13 EU member states sent a letter to the EU foreign policy chief requesting labeling guidelines for the entire European Union. Among the signatories were the French and British foreign ministers but not their German counterpart.³⁹

Nevertheless, the European labeling debate took off in Germany. In November 2012, the right-wing extremist German National Party (NPD) proposed a labeling initiative in the federal state of Mecklenburg-Western Pomerania. This came as no great surprise. Three years earlier, a senior NPD official (a Holocaust denier) had called for boycott of all Israeli goods. The NPD leader in Mecklenburg-Western Pomerania previously said he considered Germany to be a "Jew Republic."⁴⁰ The party, widely criticized for its overt anti-Semitism, insisted that its effort was driven by the need to inform consumers that "settlements violate international law."⁴¹ The NPD effort gained little momentum.⁴²

The following year, the Green Party provoked a stronger reaction when it introduced a similar initiative in the Bundestag. Founded in 1980, with lineage tracing back to the West German radical movements of the 1960s and 1970s, the Greens have long had a cohort that is fiercely critical of Israel. A

36. BDS Group in Berlin, "Open letter addressed to the Executive Board of the party DIE LINKE (The Left)," May 16, 2011. (<https://www.scribd.com/document/199357718/110516-Open-letter-addressed-to-the-Executive-Board-of-the-party-DIE-LINKE-The-Left>)

37. Palestinian Campaign for the Academic and Cultural Boycott of Israel, Press Statement, "Boycott Pop-Kultur Berlin Festival 2019," July 30, 2019. (<https://bdsmovement.net/news/boycott-pop-kultur-berlin-festival-2019>); Palestinian BDS National Committee, "AXA, divest from Israel's climate apartheid: Day of Action Roundup," *BDS*, December 10, 2019. (<https://bdsmovement.net/news/axa-divest-israels-climate-apartheid-day-action-roundup>); "Boycott Puma," *BDS*, accessed June 25, 2020. (<https://bdsmovement.net/boycott-puma>); "HP - a target of the international BDS campaign," *Stop HP*, accessed June 25, 2020. (<http://stophp.de/>)

38. Barak Ravid, "EU Foreign Ministers Pushing to Label All Settlement Products," *Haaretz* (Israel), October 3, 2012. (<https://www.haaretz.com/eu-pushing-to-tag-settlement-exports-1.5174090>)

39. Barak Ravid, "Half of EU Countries Support Labeling Settlement Goods From West Bank, East Jerusalem," *Haaretz* (Israel), April 20, 2013. (<https://www.haaretz.com/.premium-half-of-eu-back-settlement-labels-1.5238932?=&ts=1579627365278>)

40. Benjamin Weinthal, "Europe's economic war on Israel," *New York Post*, June 11, 2015. (<https://nypost.com/2015/06/11/europes-economic-war-on-israel/>)

41. German National Party, "Palästinensische und israelische Produkte verbraucherfreundlich kennzeichnen – dem Beispiel anderer europäischer Länder folgen und klare Herkunftsbezeichnungen einführen [Palestinian and Israeli products consumer-friendly labeling - the example of other European countries to follow and establishing clear designations of origin]," November 21, 2012. (https://www.landtag-mv.de/fileadmin/media/Dokumente/Parlamentsdokumente/Drucksachen/6_Wahlperiode/D06-1000/Drs06-1351.pdf)

42. Ibid.

prominent figure within the Green Party's predecessor in Berlin was Dieter Kunzelmann, the leader of a West German faction that attempted to bomb a Jewish community center in 1969 on the anniversary of *Kristallnacht*.⁴³ A pamphlet taking credit for the bombing compared Israel to Nazi Germany and condemned West Germany's sympathy for Israel as produced "under the guilt-laden pretext of coming to terms with the fascist atrocities against the Jews."⁴⁴ A calendar produced by the Green movement in 1983 included the headline "Israel, the gang of murderers" and called for a boycott of Israeli goods.⁴⁵

The labeling initiative had little chance of success while the Greens were in opposition. Still, it was sign of things to come. In April 2015, a coalition of EU foreign ministers renewed their effort for labeling settlement products. Once again, the effort was led by the British and the French but not the Germans.⁴⁶ In September, the European Parliament voted overwhelmingly in favor of labeling, by a margin of 525 to 70. Israeli Prime Minister Benjamin Netanyahu called the decision a "perversion of justice" and compared it to the German marking of Jewish products under the Nazi regime.⁴⁷

In November 2015, the European Union's executive arm, the European Commission, adopted guidelines on labeling. In an explanatory note, the Commission

contended that a "Made in Israel" label could be misinterpreted as including settlement products, since the European Union recognizes Israeli sovereignty only over the country's 1967 borders. The note suggested the use of labels such as "Product from West Bank (Israeli settlement)." Anticipating objections, the note added, "The EU does not support any form of boycott or sanctions against Israel," nor does it "intend to impose any boycott on Israeli exports from the settlements."⁴⁸

“In April 2015, a coalition of EU foreign ministers renewed their effort for labeling settlement products. Once again, the effort was led by the British and the French but not the Germans.”

Netanyahu pushed back. "The labeling of products of the Jewish state by the European Union brings back dark memories. Europe should be ashamed of itself," he said, adding, "Of the hundreds of territorial conflicts around the world, [the European Union] chose to single out Israel."⁴⁹ Adding to Netanyahu's criticism, the Israeli Foreign Ministry said, "[L]abeling will strengthen the radical elements advocating a boycott against Israel."⁵⁰

43. "Politaktivist Dieter Kunzelmann ist tot [Political activist Dieter Kunzelmann is dead]," *Zeit Online* (Germany), May 16, 2018. (<https://www.zeit.de/gesellschaft/zeitgeschehen/2018-05/kommune-1-dieter-kunzelmann-gruender-tot>)

44. Jeffrey Herf, *Undeclared Wars with Israel: East Germany and the West German Far Left, 1967–1989* (Cambridge, UK: Cambridge University Press, 2016), pages 102–105.

45. "Zwischen Antisemitismus und Israelkritik [Between anti-Semitism and criticism of Israel]," *Cicero* (Germany), accessed June 25, 2020. (<https://www.cicero.de/aussenpolitik/zwischen-antisemitismus-und-israelkritik/42754>)

46. Barak Ravid, "Exclusive: European FMs Urge Policy Chief: Label West Bank Settlement Products," *Haaretz* (Israel), April 16, 2015. (<https://www.haaretz.com/european-fms-label-west-bank-settlement-products-1.5351837>)

47. Barak Ravid, "European Parliament Expresses Support for Labeling Settlement Goods," *Haaretz* (Israel), September 10, 2015. (<https://www.haaretz.com/premium-euro-parliament-endorses-labels-for-settlement-goods-1.5397774>)

48. European Commission, "Fact Sheet," November 11, 2015. (<https://www.regeringen.se/4ac65f/contentassets/47df0a1e8008488e8314f187f37b4e57/2015-11-11-indication-of-origin-fact-sheet-final.pdf>)

49. Israeli Ministry of Foreign Affairs, "PM Netanyahu's response to EU decision regarding product labeling," November 11, 2015. (<https://mfa.gov.il/MFA/PressRoom/2015/Pages/PM-Netanyahu-responds-to-EU-decision-regarding-product-labeling-11-November-2015.aspx>)

50. Robin Emmott and Luke Baker, "EU moves ahead with labeling goods made in Israeli settlements," *Reuters*, November 11, 2015. (<https://www.reuters.com/article/us-israel-eu-labelling/eu-moves-ahead-with-labeling-goods-made-in-israeli-settlements-idUSKCN0T013B20151111>)

Since each EU member state could implement the guidance as it saw fit, the Merkel government had considerable discretion, which it exercised at first by remaining silent. Yet days after the European Union published its guidance, a major Berlin department store removed Golan Heights wine from its shelves. Critics of the move included Netanyahu, who said, “We expect the German government, which came out against product labeling, to act on this grave matter.”⁵¹ However, only weeks later, her foreign ministry defended the European Union on the grounds that the labels were not stigmatizing, but “only a clear designation of the origin of the products.” Even so, the president of the Bundestag, a Christian Democratic ally of Merkel, said Germany rejected the EU decision. He added that Germany’s bleak history “taught us the meaning of discriminatory labeling.”⁵² Eventually, however, Merkel made it clear that she accepted the EU guidance.⁵³

In hindsight, the German government’s support for labeling seems surprising. But the decision stemmed primarily from Germany’s post-war commitment to European unity and international law. Indeed, repudiating EU guidance would be extremely difficult for any German leader, even if the guidance was deemed problematic. Moreover, framing the measure as “only a clear designation of the origin of the products” allowed the government to provide assurances that the labeling would not initiate a slide toward BDS – even if that was the intent.

The Rise of Anti-Semitism and the Turn Against BDS

The German government’s willingness to engage in labeling in 2015 reflected the country’s relative lack of concern about anti-Semitism at the time. But this concern evolved rapidly and alarmingly in the years that followed. A major EU survey in 2018 found that 61 percent of Germans believed anti-Semitism had escalated over the past five years.⁵⁴ Alongside this shift in public opinion, the movement to condemn BDS as anti-Semitic gained substantial momentum.

Germany’s interior ministry released statistics showing a 20 percent increase from 2017 to 2018 in anti-Semitic hate crimes. The number of physical attacks against Jews nearly doubled, rising from 37 to 69.⁵⁵ The ministry attributed nine out of 10 incidents to the far right, yet Arab and Muslim anti-Semitism was also a visible factor. The surge of 1.2 million refugees into Germany, mainly from Syria, led authorities to warn of a growing potential for Islamic extremism and anti-Semitism. A German newspaper in October 2015 published an internal report produced by Germany’s four major security agencies, which concluded, “We are importing Islamic extremism, Arab anti-Semitism, national and ethnic conflicts of other peoples as well as a different societal and legal understanding.”⁵⁶ Of equal concern, said one unnamed official, is that “[m]ainstream civil

51. The Prime Minister of Israel, *Facebook*, November 22, 2015. (https://www.facebook.com/IsraeliPM/posts/1194276553920421?comment_id=1194371633910913)

52. Benjamin Weinthal, “German Foreign Ministry backs labeling Israeli settlement products,” *The Jerusalem Post* (Israel), December 4, 2015. (<https://www.jpost.com/Israel-News/Politics-And-Diplomacy/German-foreign-minister-backs-EU-labels-of-Israeli-settlement-products-436340>)

53. Benjamin Weinthal, “Analysis: Are EU labels on settlement products triggering anti-Semitism?,” *The Jerusalem Post* (Israel), December 8, 2015. (<https://www.jpost.com/israel-news/politics-and-diplomacy/analysis-are-eu-labels-on-settlement-products-triggering-anti-semitism-436646>)

54. European Commission, “Public Opinion,” accessed June 25, 2020. (<https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2220>). The survey was the first of its kind by the European Union, so one cannot compare the results to previous iterations, which would be methodologically preferable.

55. Matthew Robinson, “German Jews warned not to wear kippahs in public following spike in anti-Semitism,” *CNN*, May 27, 2019. (<https://edition.cnn.com/2019/05/26/europe/germany-antisemitism-kippah-intl-scli-ger/index.html>)

56. Stefan Aust and Claus Christian Malzahn, “Sicherheitsexperten entsetzt über deutsche Politik [Security experts appalled by German politics],” *Welt* (Germany), October 25, 2015. (<https://www.welt.de/politik/deutschland/article148000968/Sicherheitsexperten-entsetzt-ueber-deutsche-Politik.html>)

society is undergoing radicalization” in response to mass immigration.⁵⁷

The German response to rising anti-Semitism took numerous forms. After a 2018 attack on a man wearing a kippah in Berlin, local papers called for their readers to wear one in solidarity, which many did during demonstrations against anti-Semitism.⁵⁸ Merkel's government also appointed the diplomat Felix Klein as Germany's first special commissioner for Jewish life and combating anti-Semitism.⁵⁹

Amidst heightened concern for the safety of German Jews, the country's political parties and student councils worked to expose the anti-Semitism of anti-Israel groups. Such activism among students and politicians is not unusual, thanks to the prominent role the major political parties' youth organizations play in the country. The student groups in Germany mark a sharp contrast from the United States, where students have shown a greater inclination to support BDS. Students at roughly 70 U.S. academic institutions have voted to divest from Israel, while anti-Semitic incidents have risen on American campuses.⁶⁰

The first high-profile effort to condemn BDS on campus came in neighboring Austria. In March 2016,

the student council at the University of Vienna issued a statement denouncing all forms of anti-Semitism, including right-wing nationalism and BDS. The Austrian measure drew support from council delegates associated with the student arms of the country's Green and Social Democratic parties.⁶¹

In Germany, students at Merkel's alma mater, Leipzig University, passed an anti-BDS resolution in 2016 after a British professor promoted BDS. The resolution compared BDS tactics to the Nazi slogan *Kauft nicht bei Juden!* (“Don't buy from Jews!”) and said the campaign seeks nothing less than the “abolition of the State of Israel.” Both socialist and liberal students played a key role in the resolution's passage.⁶²

In 2017, the student parliament at Goethe University in Frankfurt passed a similar resolution. “The anti-Semitism of the BDS movement appears today clearly in the always recurrent labeling of Israel as an ‘apartheid regime,’” the resolution said, calling this false analogy “part of an attempt to demonize Israel.” The Goethe resolution also took to task students at the University of Duisburg-Essen, who had hosted a Palestinian BDS advocate and representative of the DFLP, a terror group responsible for attacking an Israeli elementary school in 1974, killing 22 children. Duisburg-Essen students subsequently ousted the student leader who invited him.⁶³

57. Ibid.

58. Melissa Eddy, “In Berlin, a Show of Solidarity Does Little to Dampen Jewish Fears,” *The New York Times*, April 25, 2018. (<https://www.nytimes.com/2018/04/25/world/europe/anti-semitism-germany-jews-kippa-solidarity.html>)

59. German Federal Ministry of the Interior, Building and Community, Press Release, “New Commissioner at the Federal Ministry of the Interior,” April 11, 2018. (<https://www.bmi.bund.de/SharedDocs/pressemitteilungen/EN/2018/appointment-klein.html>)

60. David May, “War by Other Means: A History of Anti-Israel Boycotts, From the Arab League to BDS,” *Foundation for Defense of Democracies*, January 20, 2020, pages 27–29. (<https://www.fdd.org/analysis/2020/1/20/war-by-other-means>)

61. “ÖH Uni Wien spricht sich gegen Israeli Apartheid Week von BDS aus [ÖH Uni Wien speaks out against Israeli Apartheid Week from BDS],” *Student Association at the University of Vienna*, accessed June 25, 2020. (<https://www.oeh.univie.ac.at/aktuelles/stories/oeh-uni-wien-spricht-sich-gegen-israeli-apartheid-week-von-bds-aus>); Benjamin Weinthal, “Austrian student groups reject BDS, slam US universities,” *The Jerusalem Post* (Israel), March 9, 2016. (<https://www.jpost.com/Diaspora/Austrian-student-groups-reject-BDS-slam-US-universities-447346>)

62. Leipzig University Student Council, “Boykott antisemitischer Kampagnen [Boycott anti-Semitic Campaigns],” July 26, 2016. (https://stura.uni-leipzig.de/sites/stura.uni-leipzig.de/files/dokumente/2016/07/bds_antrag_fsr_kuwi.pdf). The British professor described the resolution as “cheap propaganda” intended to “defame BDS.” Benjamin Weinthal, “German University students declare BDS anti-Semitic,” *The Jerusalem Post* (Israel), August 20, 2016. (<https://www.jpost.com/diaspora/german-university-students-declare-bds-anti-semitic-464596>)

63. General Student Committee of Goethe University Frankfurt am Main, “Resolution Against Anti-Semitic Boycott Movements,” August 3, 2017. (<https://asta-frankfurt.de/aktuelles/resolution-gegen-antisemitische-boykott-bewegungen>)

In May 2018, students at two more leading universities confronted BDS. At Heidelberg University, the student council voted to classify BDS as anti-Semitic and deny space to its advocates. (The vote was close, however, and later reversed on a technicality.)⁶⁴ At Gutenberg University in Mainz, a binding resolution barred student body entities from supporting or participating in boycotts against Israel.⁶⁵ The resolution marked a symbolic reversal; in 2011, a lecturer at the school disinvited an Israeli scholar from an academic conference because of the latter's affiliation with Ariel University in the West Bank.⁶⁶

Another important force in the effort to counter BDS was the Amadeu Antonio Foundation, named for a contract worker from Angola who was the victim of racist violence following the reunification of the two Germanys. The foundation works to strengthen civil society as a means to combat racism, right-wing extremism, and anti-Semitism.⁶⁷ The foundation distributed educational materials on anti-Semitism as well as annual reports on anti-Semitism in Germany. Both products identify the abolition of the Jewish state as the goal of the BDS campaign. The materials also criticize BDS sharply for activities that foster violence and anti-Semitism, such as featuring a terrorist as a spokesperson for the campaign.⁶⁸

Political Opposition to BDS

The first political party to move against BDS was Merkel's CDU. At the party's December 2016 conference, it approved a motion comparing BDS to the Nazi boycotts of the 1930s, calling the BDS campaign "nothing more than coarse anti-Semitism." The CDU also condemned BDS for dressing up anti-Semitism as anti-Zionism, disguising an old prejudice in "new clothes of the 21st century."⁶⁹

Ten months later, the Green Party in the state of Bavaria resolved, "The BDS campaign is, in its totality, anti-Semitic, hostile to Israel, reactionary and anti-enlightenment." Demonstrating the close ties between student and party activism, the Bavarian Greens' youth arm initiated the resolution. The resolution was more controversial than its CDU counterpart because the Green Party's branches in other states and at the federal level included BDS sympathizers. The resolution called on the party's two national foundations to end their cooperation, logistical and financial, with pro-BDS groups.⁷⁰

In the ranks of the SPD, the junior partner in Merkel's governing coalition, prominent mayors led the challenge

64. "Stura zieht Boykott zurück [Stura withdraws boycott]," *Rhein-Neckar-Zeitung* (Germany), June 20, 2018. (https://www.rnz.de/campus_artikel,-israelkritische-bds-kampagne-stura-zieht-boykott-zurueck-_arid,366877.html)

65. "Mainzer Studierendenparlament gegen BDS [Mainz student parliament against BDS]," *Ruhr barons* (Germany), May 24, 2018. (<https://beta.ruhrbarone.de/mainzer-stupa-stellt-sich-gegen-bds/155009>)

66. "Ausladung eines israelischen Iranforschers rückgängig gemacht." [Disinvitation of Israeli Iranian researcher reversed]," *Israelnetz* (Germany), September 8, 2011. (<https://www.israelnetz.com/nachrichten/2011/09/08/ausladung-eines-israelischen-iranforschers-rueckgaengig-gemacht/>). Public exposure of the incident led to a reversal of the disinvitation.

67. "Die Amadeu Antonio Stiftung stellt sich vor [Introducing the Amadeu Antonio Foundation]," *Amadeu Antonio Foundation*, accessed June 25, 2020. (<https://www.amadeu-antonio-stiftung.de/ueber-uns/>)

68. "Lagebild Antisemitismus 2016/2017 [Picture of the Situation of Anti-Semitism 2016/2017]," *Amadeu Antonio Foundation*, August 2017, pages 12–13. (<https://www.amadeu-antonio-stiftung.de/w/files/pdfs/lagebild-deutschland-internet.pdf>); "»Man wird ja wohl Israel noch kritisieren dürfen...?« [It is assumed that one can still criticize Israel?]" *Amadeu Antonio Foundation*, 2016, pages 22–26. (<https://www.amadeu-antonio-stiftung.de/wp-content/uploads/2018/12/paedagogischer-umgang-mit-israelbezogenem-antisemitismus.pdf>). The PFLP terrorist in question is Leila Khaled. See section titled "BDS in German Banks."

69. Christian Democratic Union, "Sammlung der Anträge und Empfehlungen der Antragskommission [Collection of Applications and Recommendations of the Request Commission]," December 7, 2016. (https://www.cdu.de/system/tuf/media/dokumente/29_parteitag_antragsbroschuere_mit_deckblaettern.pdf?file=1)

70. Benjamin Weinthal, "Bavaria's Green Party: BDS same as Nazi 'Don't buy from Jews' slogan," *The Jerusalem Post* (Israel), October 8, 2017. (<https://www.jpost.com/Diaspora/Bavarias-Green-Party-BDS-same-as-Nazi-Dont-buy-from-Jews-slogan-506976>)

to BDS. For example, Berlin Mayor Michael Mueller, who initially did not take a proactive stance against Hezbollah, Iran, PFLP, or other radical groups active in his city,⁷¹ announced in 2017 that Berlin would deny venues and funding to BDS groups and events.⁷²

In April 2019, two Bundestag members from the Free Democratic Party (FDP) initiated a legislative effort to declare BDS anti-Semitic.⁷³ The FDP is a classically liberal party that is currently in opposition but spent four years as the junior partner of Merkel's CDU in a coalition government.

There was little outright opposition to the initiative, but the Bundestag found itself having to choose from three options. The CDU, SPD, FDP, and Greens introduced a strongly worded but non-binding resolution. It stated, "[T]he arguments and methods of the BDS movement are anti-Semitic," and asserted that the tactics of the BDS campaign "inevitably arouse associations with the Nazi slogan 'Don't buy from Jews!'" With regard to policy, the resolution called on the government to withhold support from BDS, while pledging that the Bundestag would never finance pro-boycott projects.⁷⁴

Sensing an opportunity to defuse accusations regarding its own anti-Semitism, the Alternative fuer Deutschland ("Alternative for Germany," or AfD), a populist party with ties to the far right that capitalized on deep popular resentment toward Merkel's immigration policy, sought to outflank the established parties by calling for an outright ban on BDS in Germany.⁷⁵ One AfD member in the Bundestag described his party as "Israel's one true friend in parliament," adding, "Anti-Semitism comes from the left and it comes from Islam."⁷⁶

The final option, introduced by a member of Die Linke, substantially softened the original resolution by condemning any boycott activities that "recall anti-Semitic positions of Nazi fascism," yet refusing to condemn BDS as anti-Semitic.⁷⁷

One opponent of the Bundestag initiative was Juergen Trittin, a Green legislator who had served as the party's leader when it sought to require labels on imports from Israeli settlements. He claimed, "There is a climate of intimidation towards critics of Israel's occupation policy." He claimed the Green Party only supported the anti-BDS resolution because so many of its members were

71. Benjamin Weinthal, "Berlin mayor allows Hezbollah to march in 'Zionists out of Israel' rally," *The Jerusalem Post* (Israel), June 23, 2017. (<https://www.jpost.com/Diaspora/Berlin-mayor-allows-Hezbollah-to-march-in-Zionists-out-of-Israel-rally-497756>); "Michael Müller könnte auf Antisemitismus-Liste landen [Michael Müller could end up on the anti-Semitism list]," *Der Tagesspiegel* (Germany), August 29, 2017. (<https://www.tagesspiegel.de/berlin/simon-wiesenthal-zentrum-michael-mueller-koennte-auf-antisemitismus-liste-landen/20256336.html>)

72. "Berlin mayor pledges crackdown on BDS," *Jewish Telegraphic Agency*, September 6, 2017. (<https://www.jta.org/2017/09/06/global/berlin-mayor-pledges-crackdown-on-bds>)

73. Office of Frank Müller-Rosentritt, "Kein Platz für Antisemitismus - FDP-Fraktion beschließt Antrag gegen BDS-Bewegung [No room for anti-Semitism - FDP parliamentary group approves motion against BDS movement]," April 10, 2019. (<https://fmueeller-rosentritt.abgeordnete.fdpbt.de/meldung/kein-platz-f%C3%BCr-antisemitismus-fdp-fraktion-beschlie%C3%9Ft-antrag-gegen-bds-bewegung>)

74. Antrag der Fraktionen CDU/CSU, SPD, FDP, und Alliance 90/The Greens, "Der BDS-Bewegung entschlossen entgegentreten – Antisemitismus bekämpfen [Resolutely oppose the BDS Movement – fight anti-Semitism]," German Bundestag, 19th Parliamentary Term, May 15, 2019. (<http://dip21.bundestag.de/dip21/btd/19/101/1910191.pdf>)

75. Jürgen Braun, Beatrix von Storch, Waldemar Herdt, Anton Friesen, Marcus Bühl, Petr Bystron, Siegbert Droese, Thomas Ehrhorn, Peter Felser, Markus Frohnmaier, Albrecht Glaser, Verena Hartmann, Lars Herrmann, Martin Hess, Karsten Hilse, Martin Hohmann, Stefan Keuter, Jörn König, Enrico Komning, Steffen Kotré, Rainer Kraft, Volker Münz, Christoph Neumann, Gerold Otten, Frank Pasemann, Tobias Matthias Peterka, Jürgen Pohl, Martin Reichardt, Uwe Schulz, Dirk Spaniel, Harald Weyel, Wolfgang Wiehle, Christian Wirth, and the AfD, "BDS-Bewegung verurteilen – Existenz des Staates Israel schützen [Condemn the BDS movement – Protect the existence of the State of Israel]," German Bundestag, 19th Parliamentary Term, April 29, 2019. (<http://dip21.bundestag.de/dip21/btd/19/097/1909757.pdf>)

76. Yaakov Schwartz, "As rowdy German parliament okays landmark anti-BDS law, far-right AfD wants more," *The Times of Israel* (Israel), May 18, 2019. (<https://www.timesofisrael.com/as-rowdy-german-parliament-okays-landmark-anti-bds-law-far-right-afd-wants-more/>)

77. Die Linke, "BDS-Bewegung ablehnen – Friedliche Lösung im Nahen Osten befördern [Reject BDS Movement – Promote Peaceful Solution in the Middle East]," German Bundestag, 19th Parliamentary Term, May 15, 2019. (<http://dip21.bundestag.de/dip21/btd/19/102/1910261.pdf>)

terrified of being labeled as anti-Semites. Trittin conceded that the BDS campaign deserved criticism for failing to address anti-Semitism in its own ranks, but insisted that equating BDS with anti-Semitism would slander “groups that campaign non-violently for the two-state solution.”⁷⁸ Trittin was apparently unaware of the fact that many BDS groups reject the two-state solution.

The anti-BDS resolution came up for a vote at a raucous session of the Bundestag on May 17, 2019. Yet for all the interruptions and jeering, it was a one-sided debate. Repeatedly, speakers rejected the notion that the BDS campaign was an exercise of free speech or that condemning it limited that speech. Speeches emphasized the lessons of the Holocaust and the BDS campaign's rejection of Israel's right to exist. As one member of the SPD noted, “Anti-Semitism and hatred of Israel are two sides of the same coin.”

“Repeatedly, speakers rejected the notion that the BDS campaign was an exercise of free speech or that condemning it limited that speech. Speeches emphasized the lessons of the Holocaust and the BDS campaign's rejection of Israel's right to exist.”

For its part, the AfD failed decisively to win over supporters. Instead, it provoked a new controversy when AfD lawmaker Jürgen Braun referred to other Bundestag parties as *altparteien* (“old parties”). The Bundestag's presiding member admonished Braun, reminding him that in “the darkest times in

[Germany's] history, this word was used repeatedly by Joseph Goebbels” to denigrate the Nazis' democratic rivals. In the end, the Bundestag voted down the AfD resolution and approved the CDU-SPD-FDP-Green version by a margin of 431 to 62.⁷⁹

In a fitting coda to the Bundestag vote, German students introduced a similar initiative of their own less than a month later. At the first ever “German-Israeli Student Conference” in June, a broad alliance of student organizations passed a resolution that said, “The boycott campaign against Israel is a particularly aggressive expression of Israel-related anti-Semitism, for which there must be no space at German universities.” Accordingly, “all cooperation with BDS, its actors, supporters, and partners is fundamentally excluded.”⁸⁰

The resolution was a joint initiative of the student arms of the CDU, the SPD, the FDP, and the Green Party, the same four parties that sponsored the resolution in the Bundestag.⁸¹ The Jewish Students Union of Germany and the Youth Forum of the German-Israeli Society also played important roles.

BDS in German Banks

Against the backdrop of rising anti-Semitism in Germany beginning in 2015, German banks encountered growing pressure to distance themselves from pro-BDS account holders as well as from neo-Nazis. BDS-related accounts also became an increasing liability as the nexus between BDS activists and terrorist organizations designated by the United States and European Union was exposed.

78. “Ein Klima der Einschüchterung” [‘A climate of intimidation’], *Taz* (Germany), May 16, 2019. (<https://taz.de/Juergen-Trittin-zur-Boykottbewegung-BDS/!5592992/>)

79. German Bundestag, “Bundestag verurteilt Boykottaufrufe gegen Israel [Bundestag condemns boycott calls against Israel],” May 17, 2019. (<https://www.bundestag.de/dokumente/textarchiv/2019/kw20-de-bds-642892>)

80. Von Frederik Schindler, “Breites Studentenbündnis gegen antisemitische BDS-Kampagne [Broad Student coalition against anti-Semitic BDS campaign],” *Welt* (Germany), June 14, 2019. (<https://amp.welt.de/politik/deutschland/article195227213/Hochschulen-Breites-Buendnis-gegen-antisemitische-BDS-Kampagne.html>)

81. In another illustrative postscript to the Bundestag vote, an FDP member of the Bundestag threatened to resign from the advisory board of the German-Palestinian Society if it continued to support BDS. Benjamin Weinthal, “After ‘Post’ report, German MP to quit BDS NGO if it does not reject BDS,” *The Jerusalem Post* (Israel), February 5, 2020. (<https://www.jpost.com/International/After-Post-report-German-MP-to-quit-BDS-NGO-if-it-does-not-reject-BDS-616620>)

In June 2016, New York Governor Andrew Cuomo issued an executive order that subjected BDS to the campaign's own tactics. "It's very simple: If you boycott against Israel, New York will boycott you," the governor said.⁸² For major global banks whose business depends on access to New York's financial markets, Cuomo's action heightened the risks of associating with BDS. This was not lost on German banks.

But even before Cuomo issued his executive order, DAB Bank, a German subsidiary of the French financial giant BNP Paribas, closed the account of the website *BDS Kampagne*, the online hub for BDS in Germany.⁸³ Austrian banks took similar measures. Erste Group, an Austrian bank, closed the group BDS Austria's account in April, 2016.⁸⁴ In April 2016, Bawag closed the account of Vienna's Austrian-Arab cultural center, which supports the BDS campaign and hosted an event with Leila Khaled of the PFLP.⁸⁵ Khaled hijacked an American aircraft in 1969 and attempted to hijack an Israeli plane in the United Kingdom the following year, but she was captured and jailed before being released as part of a prisoner exchange.

In June 2016, Commerzbank, Germany's second-largest bank, shut down the account of a small

pro-BDS website, *Der Semit*.⁸⁶ Israeli Minister of Strategic Affairs Gilad Erdan called on "other banks to follow Commerzbank's example, particularly those with connections to official state bodies that claim to oppose BDS."⁸⁷

In 2017, the New York state government opened an inquiry into Deutsche Bank after *The Jerusalem Post* revealed that the Marxist-Leninist Party of Germany (MLPD) had four accounts at the bank.⁸⁸ The MLPD accounts raised concerns about terrorism because of the party's links to the PFLP. Less than two months later, both Deutsche Bank and Germany's postal bank shut down their MLPD accounts.⁸⁹ Deutsche Bank had particular reason to be cautious, since U.S. regulators had fined it a quarter of a billion dollars in 2015 for violating sanctions on Iran and Syria, and U.S. and UK regulators had fined it \$630 million in January 2017 for money laundering offenses related to Russia.⁹⁰

The closure that sparked the greatest controversy, however, was the decision by the German Bank for Social Economy (BFS) to permanently shutter the account of the pro-BDS Jewish Voice for a Just Peace in the Middle East. The bank closed Jewish Voice's account in 2016, then reopened it the following

82. Michael Gartland, "Cuomo to businesses: Boycott Israel, and NY will boycott you," *New York Post*, June 5, 2016. (<https://nypost.com/2016/06/05/cuomo-to-businesses-boycott-israel-and-ny-will-boycott-you/>)

83. Rebecca Hillauer, "Deutsche Banken kündigen Konten jüdischer BDS-Unterstützer [German banks terminate accounts of Jewish BDS supporters]," *Deutschlandfunk Kultur* (Germany), February 24, 2017. (https://www.deutschlandfunkkultur.de/massnahmen-gegen-boycott-bewegung-deutsche-banken-kuendigen.1079.de.html?dram:article_id=379810)

84. "Erste Bank: Kein Konto für Israel-Boycott [Erste Bank: No account for boycott of Israel]," *Die Presse* (Austria), May 3, 2016. (<https://www.diepresse.com/4981420/erste-bank-kein-konto-fur-israel-boycott>)

85. Gudrun Springer, "Bawag löst Konto von österreichisch-arabischem Verein auf [Bawag closes the account of Austrian-Arab association]," *Der Standard* (Austria), June 8, 2016. (<https://www.derstandard.at/story/2000038485568/bawag-loeste-konto-von-oesterreichisch-arabischem-verein-auf>)

86. "Second Largest German Bank Closes Anti-Israel Boycott Account," *The Tower*, June 15, 2016. (Archived version available at: <https://web.archive.org/web/20180129050310/http://www.thetower.org/3513-second-largest-german-bank-closes-anti-israel-boycott-account/>)

87. Benjamin Weinthal, "Exclusive: Second largest German bank shuts anti-Israel BDS account," *The Jerusalem Post* (Israel), June 14, 2016. (<https://www.jpost.com/Diaspora/Exclusive-Second-largest-German-bank-shuts-anti-Israel-BDS-account-456721>)

88. Benjamin Weinthal, "NY State probes Deutsche Bank for link to Palestinian terrorist group," *The Jerusalem Post* (Israel), September 30, 2017. (<https://www.jpost.com/Diaspora/NY-State-probes-Deutsche-Bank-for-link-to-Palestinian-terrorist-group-506337>)

89. "Deutsche Bank schließt Konten der Marxistisch-Leninistischen Partei [Deutsche Bank closes accounts of the Marxist-Leninist Party]," *Israelnetz* (Germany), November 17, 2017. (<https://www.israelnetz.com/politik-wirtschaft/politik/2017/11/17/deutsche-bank-schliesst-konten-der-marxistisch-leninistischen-partei/>)

90. Jill Treanor, "Deutsche Bank fined \$630m over Russia money laundering claims," *The Guardian* (UK), January 31, 2017. (<https://www.theguardian.com/business/2017/jan/31/deutsche-bank-fined-630m-over-russia-money-laundering-claims>)

year in response to pressure from pro-BDS and pro-Palestinian activists. This led to even greater pressure from opponents of BDS, leading BFS to reverse itself yet again in 2019 after the Bundestag voted to equate BDS with anti-Semitism. Leading German Jewish organizations pressed the bank to repudiate BDS, as did key government officials responsible for fighting anti-Semitism, including Felix Klein. Israel's Gilad Erdan, U.S. Senators Ted Cruz and Marco Rubio, and U.S. Ambassador to Germany Richard Grenell also voiced support for the move.⁹¹

Jewish Voice did not give up, however. In early 2019, a coalition of pro-BDS organizations, including Jewish Voice, invited PFLP member and convicted killer Rasmea Odeh to speak in Berlin. Odeh made headlines in 2017 when the U.S. government deported her after a federal investigation concluded that she had deliberately concealed her 1970 terrorism conviction in Israel to secure U.S. citizenship. According to the U.S. announcement, "admitted participants in the bombings named Odeh as the person who chose the supermarket as a target, scouted the location and placed the bomb," which killed two students from the Hebrew University of Jerusalem.⁹²

After some hesitation, German authorities moved to prevent Odeh from speaking. The Berlin interior ministry invoked its prerogative to restrict the political activity of foreigners if they endanger public security. The mayor commented, "Anti-Israeli and anti-Semitic resentments, wrapped up in liberation rhetoric, have

no business here."⁹³ These developments may have contributed to the BFS decision to close Jewish Voice's account that year. In addition, a letter from the Israeli NGO Shurat HaDin warned BFS that it risked "civil liability claims under the civil provisions of the [U.S.] Anti-Terrorism Act" because of transactions related to Odeh's planned appearance.⁹⁴

Kuwait Airways

While this episode unfolded, German courts had to rule on whether Kuwait Airways could enforce its anti-Israel boycott in Germany. In 2016, an Israeli student in Germany sued the state-owned airline after it canceled his booking on a flight from Frankfurt to Bangkok with a stopover in Kuwait City. The airline offered to book him on another airline, but he filed suit, seeking to win compensation and challenge the airline's policy. A Frankfurt state court initially found that Kuwait Airways was not liable, since Germany prohibits discrimination on the basis of race and religion but not citizenship. The Central Council of Jews in Germany responded, "It is unacceptable that a foreign company operating on the basis of deeply anti-Semitic laws should be allowed to do business in Germany."⁹⁵

In 2018, a German appeals court upheld the initial ruling, noting that the airline would not be able to fulfill its contractual obligation to the Israeli student, since he would not have been able to use certain airport

91. Benjamin Weinthal, "'Post' exposé leads to closure of BDS group's bank account in Germany," *The Jerusalem Post* (Israel), June 21, 2019. (<https://www.jpost.com/BDS-THREAT/Post-expos%C3%A9-leads-to-closure-of-BDS-groups-bank-account-in-Germany-593176>).

In the original German, Jewish Voice's name is *Jüdische Stimme für gerechten Frieden in Nahost*.

92. U.S. Immigration and Customs Enforcement, Press Release, "Convicted terrorist stripped of citizenship, ordered deported for failing to disclose ties to deadly bombing," August 18, 2017. (<https://www.ice.gov/news/releases/convicted-terrorist-stripped-citizenship-ordered-deported-failing-disclose-ties-deadly>)

93. "Berlin blocks appearance of convicted Palestinian terrorist Rasmea Odeh," *Die Welt* (Germany), March 16, 2019. (<https://www.dw.com/en/berlin-blocks-appearance-of-convicted-palestinian-terrorist-rasmea-odeh/a-47943023>)

94. Benjamin Weinthal, "German bank and BDS group accused of aiding Palestinian terrorists," *The Jerusalem Post* (Israel), June 27, 2019. (<https://www.jpost.com/International/Israel-Law-Center-accuses-German-bank-and-BDS-group-of-aiding-PFLP-terror-593650>)

95. "German court rules Kuwait airline is allowed to ban Israelis," *Reuters*, November 16, 2017. (<https://www.reuters.com/article/germany-court-kuwait-airways/german-court-rules-kuwait-airline-is-allowed-to-ban-israelis-idUSL1N1NM1NJ>)

facilities in Kuwait City.⁹⁶ In its ruling, however, the court condemned the airline's actions on ethical grounds. It also described the outcome of the case as "unsatisfying" for the plaintiff and called on politicians to change the law that protected the airline. Although multiple German ministries criticized the airline's policy, no legislative action followed.⁹⁷

“After U.S. authorities threatened legal action in 2015, the airline ended all flights from New York to London rather than sell tickets to Israeli citizens.”

But the final chapter has not been written on this story. U.S. and British authorities pursued the issue when the German courts dropped it. After U.S. authorities threatened legal action in 2015, the airline ended all flights from New York to London rather than sell tickets to Israeli citizens. This came before Kuwait Airways agreed “to pay substantial damages and legal costs” to an Israeli to whom it refused to sell a ticket for a flight from London to Bangkok.⁹⁸ In February 2020, a leading German attorney sought to renew the legal challenge by filing suit against the travel booking site

Expedia, which sells tickets to the general public but not to Israelis.⁹⁹

BDS and Pax Christi

In 2009, Palestinian Christian leaders published the Kairos document, which called for boycotts and divestment to help bring an end to “Israeli occupation of Palestinian and other Arab territories.”¹⁰⁰ Churches around the world have joined the campaign, with mixed results.

The most influential Christian organization to work with the BDS campaign is the German chapter of Pax Christi, a Catholic peace advocacy group. In 2012, Pax Christi Germany launched the initiative “Occupation Tastes Bitter,” encouraging consumers to boycott Israeli products until labels clearly delineated which products hailed from settlements.¹⁰¹ *BDS Kampagne*, the online hub for BDS in Germany, helped to publicize the Pax Christi initiative.¹⁰²

Within days, the group faced criticism that its actions evoked the anti-Semitic boycotts of the 1930s. It responded that its campaign included “Jewish supporters” as well as Germans at the forefront of the battle against neo-Nazism.¹⁰³ In 2015, Pax Christi

96. Benjamin Weinthal, “German diplomats defend Kuwait Airways’ ‘no Israelis allowed’ policy,” *The Jerusalem Post* (Israel), April 8, 2018. (<https://www.jpost.com/International/German-diplomats-defend-Kuwait-Airways-no-Israelis-allowed-policy-549117>)

97. “German court upholds Kuwait Airways’ barring of Israeli passenger,” *The Times of Israel* (Israel), September 25, 2018. (<https://www.timesofisrael.com/german-court-upholds-kuwait-airways-barring-of-israeli-passenger/>)

98. Rosa Doherty, “Kuwait Airways pays damages to woman barred from buying ticket at Heathrow for being Israeli,” *The Jewish Chronicle* (UK), August 8, 2018. (<https://www.thejc.com/news/uk-news/kuwait-airways-pays-damages-to-israeli-stopped-from-boarding-heathrow-flight-1.468122>)

99. Michael Thaidigsmann, “»Expedia macht gemeinsame Sache mit einer antisemitischen Fluggesellschaft« [‘Expedia joins forces with an anti-Semitic airline’],” *Jüdische Allgemeine* (Germany), February 5, 2020. (<https://www.juedische-allgemeine.de/politik/klage-gegen-unternehmen/>)

100. “Kairos Document,” *Kairos Palestine*, accessed June 25, 2020. (<https://www.kairospalestine.ps/index.php/about-kairos/kairos-palestine-document>)

101. “Aktion ‘Besatzung schmeckt bitter’ startet [Action ‘Occupation tastes bitter’ starts],” *Pax Christi*, May 22, 2012. (<https://www.paxchristi.de/meldungen/view/4750923171627008/Aktion%20C2%84Besatzung%20schmeckt%20bitter%C2%93%20startet>)

102. “Obsttüten-Aktion ‘Besatzung schmeckt bitter’ [Fruit bags action ‘Occupation tastes bitter’],” *BDS Kampagne*, April 2, 2012. (<http://bds-kampagne.de/2012/04/02/obsttueten-aktion-besatzung-schmeckt-bitter/>)

103. “Beim Verzicht auf den Kauf von israelischen Siedlungsprodukten geht es um kritischen Konsum im Einklang mit geltendem Völkerrecht” [Refraining from buying Israeli settlement products is about critical consumerism in accordance with current international law],” *Pax Christi*, May 31, 2012. (<https://www.paxchristi.de/meldungen/view/6547739919777792/Beim%20Verzicht%20auf%20den%20Kauf%20von%20israelischen%20Siedlungsprodukten%20geht%20es%20um%20kritischen%20Konsum%20im%20Einklang%20mit%20geltendem%20V%C3%B6lkerrecht>)

welcomed the European Commission's decision to label Israeli settlement products, and the group's website continues to list "Occupation Tastes Bitter" as one of its active campaigns.¹⁰⁴

“Pax Christi International, the movement's governing body, published a 2016 position paper in which it writes, ‘[T]he BDS movement is a legitimate, nonviolent form of resistance.’ The paper endorses the BDS campaign's three main demands, while insisting that Pax Christi favors boycotting only Israeli settlements, not the whole country.”

In 2017, the Pax Christi chapter in neighboring Austria experienced a high-profile setback when its president, Bishop Manfred Scheuer, resigned following controversy over anti-Semitism within the organization's ranks.¹⁰⁵ The following year, Pax Christi's association with BDS advocates again resulted in negative publicity when *Die Welt* listed activists from the “BDS-supporting” Pax Christi among those “ideologically or organizationally close to the anti-Semitic Israel boycott movement BDS.”¹⁰⁶ The chairman of Pax Christi Germany responded by insisting that his group does not support BDS.¹⁰⁷ However, Pax Christi International, the movement's governing body, published a 2016 position paper in which it writes, “[T]he BDS movement is a legitimate, nonviolent form of resistance.” The paper

endorses the BDS campaign's three main demands, while insisting that Pax Christi favors boycotting only Israeli settlements, not the whole country.¹⁰⁸

Policy Recommendations

The recommendations below are intended to help Germany and the United States continue to address the BDS challenge and the anti-Semitism often associated with those that advocate on behalf of the campaign.

United States

- 1. The House and Senate should pass resolutions praising strong German-Israeli trade and political ties but noting that Germany's BDS campaign still presents cause for concern.** By speaking out, congressional bodies could send a message that Congress cares about this issue. In both chambers, the Bipartisan Task Force for Combating Anti-Semitism should continue to brief members on emerging acts of anti-Semitism happening globally and within the United States.
- 2. Congress should require the administration to submit an annual report to Congress on the extent to which the German government has taken steps not just to oppose BDS in words but to counter it in action.**

¹⁰⁴. “EU: Kennzeichnung israelischer Siedlungsprodu [EU: labeling of Israeli settlement products],” *Pax Christi*, November 12, 2015. (<https://www.paxchristi.de/meldungen/view/5845518169145344/EU:%20Kennzeichnung%20israelischer%20Siedlungsprodukte>); “Besatzung schmeckt bitter [Occupation tastes bitter],” *Pax Christi*, accessed June 25, 2020. (<https://www.paxchristi.de/kampagnen/list>)

¹⁰⁵. “‘Pax Christi’ bishop resigns,” *Katholisch*, July 3, 2017. (<https://www.katholisch.de/artikel/13910-pax-christi-bischof-tritt-zurueck>)

¹⁰⁶. Martin Niewendick, “Israel-Feinde zu Gast bei der evangelischen Kirche [Enemies of Israel come to the Evangelical Church],” *Welt* (Germany), September 21, 2018. (<https://www.welt.de/politik/deutschland/article181605610/Antisemitische-BDS-Kampagne-Israel-Feinde-zu-Gast-bei-der-evangelischen-Kirche.html>)

¹⁰⁷. “Counter-notification against allegation of support for the BDS movement,” *Pax Christi*, September 25, 2018. (<https://www.paxchristi.de/meldungen/view/5794432729219072/pax%20christi%20weist%20infame%20Unterstellungen%20zur%C3%BCck>)

¹⁰⁸. “Call for a new Israeli-Palestinian peace process: the moment for renewed commitment,” *Pax Christi International*, December 1, 2016. (<https://paxchristi.net/wp-content/uploads/2019/10/161215-statement-israel-palestine-bds.pdf>)

Germany

1. **The Bundestag should ensure that no facilities under its administration are made available to organizations that are anti-Semitic or question Israel's right to exist.** Since the May 2019 resolution against BDS was non-binding, the Bundestag should adopt and publish a clear set of rules to ensure that all members observe this restriction. Likewise, the chancellor should instruct all ministries and federal government bodies to adopt comparable strictures.
2. **The chancellor should instruct the special commissioner for combating anti-Semitism to review federal appropriations for compliance with the Bundestag's pledge not to fund any projects or organizations that call for boycotting Israel or that challenge its right to exist.** The special commissioner should solicit input both from the Israeli government and from the German public. In particular, there is a need to review funding for humanitarian and development projects, especially in the West Bank and Gaza, where implementing partners support BDS or work with groups that threaten Israel, such as Hamas and PFLP. This review should include projects undertaken by UN agencies that receive German funding, as well as foundations associated with Germany's major political parties.
3. **The Bundestag should actively encourages all states, cities, municipalities, and public actors to adopt policies comparable to its own.** Certain municipalities, such as Munich and Bonn, have set a positive example by adopting binding anti-BDS policies well before the Bundestag vote in 2019. Others should follow suit.
4. **The government should suspend the application of EU labeling policy for Israeli settlement goods until Brussels creates a single standard for disputed territories.** The European Union imports goods from a wide range of disputed and occupied territories, including Western Sahara and Nagorno-Karabakh, yet places unique limits on goods from Israeli settlements.¹⁰⁹ The European Union's inconsistent application of international law requires review and correction.
5. **The government should prohibit all PFLP, DFLP, Hamas, Palestinian Islamic Jihad, and Hezbollah activities and deny entry to all individuals with terrorist ties.** There is no excuse for permissiveness toward violent, pro-BDS, anti-Semitic organizations that the United States and European Union have designated for terrorism.
6. **The government should introduce legislation that prohibits companies such as Kuwait Airways from practicing discriminatory anti-Israel policies inside Germany.** Berlin should likewise call upon the Arab League and all its members to dissolve the official boycott that drives such policies.
7. **Germany's Ministry of Finance should provide more explicit guidance to banks and other financial service providers regarding the accounts of pro-BDS and anti-Semitic organizations.** Until now, banks have taken the initiative based on risk assessment. The government can provide more explicit guidance. The accounts in question should include those associated with BDS organizations and right-wing extremist groups, such as the NPD and The Third Way (*Der III. Weg*), which promote racist and anti-Semitic causes.
8. **Germany's leadership should head the global response in repudiating the false narratives and deceptive terminology that BDS employs to demonize Israel.** Given its troubled past, Germany is uniquely qualified to lead the effort to combat the campaign to delegitimize the Jewish state. It can reject the false analogy between Israeli policies intended to promote security and South African apartheid laws derived from a doctrine of white supremacy. It can further emphasize the historical presence of the Jewish community in the land of Israel, which would discredit claims that Jewish

¹⁰⁹ Svante Cornell and Brenda Shaffer, "Occupied Elsewhere: Selective Policies on Occupations, Protracted Conflicts, and Territorial Disputes," *Foundation for Defense of Democracies*, January 27, 2020. (<https://www.fdd.org/analysis/2020/01/27/occupied-elsewhere/>)

migration to Israel amounts to imperialism and colonialism. Germany's leaders should affirm that Israel is both a liberal democratic state and a Jewish one, and that its Jewish identity does not make Israel any less legitimate than any other country with an official state religion. Finally, leaders should reject any contention that Israeli behavior is comparable in any way to that of the Nazis.

9. Germany should encourage other European countries to adopt anti-BDS measures. Now that the terms of the debate have shifted in Germany, Berlin can push other countries to follow suit. Six months after the Bundestag vote, the French National Assembly passed a bill ruling that anti-Zionism is a modern form of anti-Semitism.¹¹⁰ The United Kingdom's new government also has plans to pass a law restricting BDS activity by government entities.¹¹¹ But many other countries have not yet taken a stand. Germany can lead the way.

10. Germany should mandate that the history of boycott-animating anti-Semitism be included in German school textbooks. This should be included in the national curriculum for all students. This curriculum should include the parallels between BDS and the Nazi and Arab boycotts of Jews.

11. Germany should embrace the U.S. State Department's working definition of anti-Semitism.¹¹² Although Germany is a member of the International Holocaust Remembrance Alliance, it should continue to use the State Department's working definition as a guide for addressing discrimination in Germany's legal system and as guidance to German government agencies.¹¹³

12. Germany should use its leadership role in the European Union to discourage other EU members from adopting pro-BDS resolutions. EU members, such as Ireland, should not pass pro-BDS legislation, which would run afoul of pledges to address anti-Semitism throughout Europe.

13. Germany should communicate with its private sector companies regarding Corporate Social Responsibility (CSR) definitions and should insist that pro-BDS platforms in those definitions be eliminated. Throughout Europe, CSRs are used to encourage responsible investment and use of funds. To the extent pro-BDS resolutions are included in these CSRs, they intrinsically endorse politically motivated boycotts of Israel.

14. German states should adopt anti-BDS resolutions similar to those adopted by many states in the United States. These resolutions allow state pension funds to divest from companies engaged in pro-BDS activity. The central government should also encourage German states to review grants or public funds issued every year, to determine if pro-BDS organizations are receiving funding.

15. Germany should establish a joint memorandum of understanding between the United States, Israel, and Germany to share information on commercial boycotts targeting Israel. This could also include a working group that would evaluate foundations, nonprofit entities, and charities that may be contributing to pro-BDS activities throughout Europe and beyond.

¹¹⁰ Itamar Eichner, "France rules anti-Zionism form of modern anti-Semitism," *Ynet* (Israel), December 3, 2019. (<https://www.ynetnews.com/article/BkztuHNar>); The bill passed by a 2-1 margin, yet the majority of lawmakers abstained. See: Ben Cohen, "French Lawmakers Adopt Definition of Antisemitism That Includes Anti-Zionism," *The Algemeiner*, December 3, 2019. (<https://www.algemeiner.com/2019/12/03/french-lawmakers-adopt-definition-of-antisemitism-that-includes-anti-zionism/>)

¹¹¹ Benjamin Mueller, "U.K. Plans to Pass Anti-B.D.S. Law," *The New York Times*, December 16, 2019. (<https://www.nytimes.com/2019/12/16/world/europe/britain-bds-boycott-israel.html>)

¹¹² U.S. Department of State, Office of International Religious Freedom, "Defining Anti-Semitism," accessed June 25, 2020. (<https://www.state.gov/defining-anti-semitism/>)

¹¹³ Ibid.

16. The German government should build on existing joint efforts with the United States to address the broader threat posed by anti-Semitism. American and German officials have been engaging at various levels to confront anti-Semitic hate crimes.¹¹⁴ The German government should proactively seek to expand these partnerships. In December 2019, the U.S. State Department announced a new project to fund organizations combatting anti-Semitism in Europe, with a focus on “strengthening the legal sector to identify, respond, and prosecute crimes related to anti-Semitic hate.”¹¹⁵ German authorities should encourage such projects and identify ways to coordinate with their American counterparts in developing, funding, and administering these types of programs.

17. The leaders of the relevant Bundestag committees should explore working with their American counterparts to establish an interparliamentary working group focused on BDS and anti-Semitism. The forum would enable legislators to share ongoing assessments of the challenge, exchange views on responses, and encourage coordinated action.

Conclusion

Germany has a dark history with anti-Semitism. But its blunting of the BDS campaign, particularly amidst an alarming rise in global anti-Semitism, is a sign that the country has learned some difficult lessons from its past. Berlin should be commended for the steps it has taken to date.

¹¹⁴. Special Envoy for Holocaust Issues Cherrie Daniels and Special Envoy to Monitor and Combat Anti-Semitism Elan Carr, U.S. Department of State, *Briefing to the press*, January 15, 2020. (<https://www.state.gov/special-envoy-for-holocaust-issues-cherrie-daniels-and-special-envoy-to-monitor-and-combat-anti-semitism-elan-carr/>)

¹¹⁵. U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, “Notice of Funding Opportunity (NOFO): DRL IRF FY19 Promoting Religious Freedom and Combatting Anti-Semitism,” December 13, 2019. (<https://www.state.gov/notice-of-funding-opportunity-nofo-drl-irf-fy19-promoting-religious-freedom-and-combatting-anti-semitism/>)

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