

BRICUP Newsletter 103

BRICUP

British Committee for the
Universities of Palestine

October 2016

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'Your dance company may not be able to formally distance itself from the Israeli government – but I can, and will...'

Artists for Palestine UK.

Earlier this year, English composer and musician Brian Eno discovered that Israeli dance company Batsheva had for some years been performing to a piece of his music, and was intending to do so again in a show supported by the Israeli embassy in Turin, Italy, on September 6.

Eno wrote to Batsheva artistic director Ohad Naharin in June to say he didn't want his music used in a performance sponsored by the Israeli state. 'I feel that your government exploits artists like you,' he told Batsheva, 'playing on your natural desire to keep working — even if it does mean becoming part of a propaganda strategy. Your dance company may not be able to formally distance itself from the Israeli government, but I can and will: I don't want my music to be licensed for any event sponsored by the Israeli embassy.'

Shortly before the performance, newspapers in Italy picked up on the story that Eno had denied permission to Batsheva. La Repubblica published Eno's letter to Naharin [in full](#), La Stampa [quoted](#) from it, and the story was reported [by Italian news agency ANSA](#). On September 8, Peter Beaumont [reported](#) the case in The Guardian, including the information that Eno is one of nearly 1200 signatories of the [Artists' Pledge for Palestine](#).

Below is a translation of the Repubblica article by Stephanie Westbrook of BDS Italia:

The case of Israel-Palestine has erupted at TorinoDanza, the show dedicated to dance in all its forms that opens tomorrow at the Teatro Regio as part of the MiTo (Milan-Turin) festival. Brian Eno, musician and world renowned composer, wrote to the Batsheva Dance Company, which will inaugurate TorinoDanza, to deny the use of his music for the piece "Three" due to "sponsorship by the Israeli Embassy". Eno has long been a supporter of "BDS", the Palestinian-led campaign for "Boycott, divestment and sanctions" against Israel. He is also a signatory, along with 1200 artists in Britain, of the declaration "Artists for Palestine" pledging not to maintain relations with the Israeli government. On the TorinoDanza web site, in fact, the name of Eno has recently been removed, and the music for "Humus", the second act of "Three", created by the director of Batsheva, choreographer Ohad Naharin, has been replaced with another piece. In his letter, while declaring to be "flattered" by the choice of his music for the work, Eno says that its use creates "a serious conflict" for him, since according to the composer, "the Israeli government uses art to promote 'Brand Israel' and divert attention from the occupation of Palestinian lands".

Below is the full text of Brian Eno's letter of June 2016:

Dear Ohad Naharin and the Batsheva company,

It has recently come to my attention that you have been using a piece of my music in a work called HUMUS. I was not aware of this use until last week, and, though in one way I'm flattered that you chose my music for your work, I'm afraid it creates a serious conflict for me. To my understanding, the Israeli Embassy (and therefore the Israeli government) will be sponsoring the upcoming performances, and, given that I've been supporting the BDS campaign for several years now, this is an unacceptable prospect for me. It's often said by opponents of BDS that art shouldn't be used as a political weapon. However, since the Israeli government has made it quite clear that it uses art in exactly that way – to promote 'Brand Israel' and to draw attention away from the occupation of Palestinian land – I consider that

my decision to deny permission is a way of taking this particular weapon out of their hands.

Only a couple of days ago an Israeli army officer murdered 15 year old Mahmud Badran and it isn't clear if he'll even be criminally charged for it, let alone punished. And hundreds of thousands of Palestinians in the West Bank are expected to go through another summer without reliable water services, while the demolition of Palestinian homes and confiscation of Palestinian land goes on without interruption, as it has done for many years now. There is no sign of any attempt to limit settler activity in any way.

I am trying to understand the difficulties that must face any Israeli artist now – and in particular ones like yourselves who have shown some sympathy to the Palestinian cause. I feel that your government exploits artists like you, playing on your natural desire to keep working — even if it does mean becoming part of a propaganda strategy. Your dance company might not be able to formally distance itself from the Israeli government but I can and will: I don't want my music to be licensed for any event sponsored by the Israeli embassy. I discussed this with my friend Ohal, an Israeli artist and another supporter of BDS, and I know that she and her Israeli BDS colleagues can understand the need for a boycott. As artists we should be free to choose to respond to the injustices of governments, yours or mine.

Yours sincerely,

Brian Eno

Note: BRICUP is grateful to Artists for Palestine UK who provided this article.

Letter responding to an invitation (by a very kind Israeli anthropologist) to give the keynote at the Anthropological Association of Israel conference

Ghassan Hage

Dear ...

I have spent a bit of time writing this so it is a bit formal. That's not the intention. It's more that I want to be as clear as possible about my reasons.

I sincerely appreciate your invitation to give the keynote at the Anthropological Association of Israel. And I accept that it is an invitation made in good faith that emanates from your desire to open up the association to voices that are strongly critical of Israel as it has come to exist in the world today, and that as you say are not heard enough.

I am afraid I have to decline from accepting your invitation. I can't say I am overjoyed to decline. As I mentioned to you before by temperament I am always inclined and disposed to dialogue, but I have thought hard about what my presence would achieve and I feel that the end result is negative not positive. But in thinking what is positive and what is negative I am thinking of how it impacts on the struggle of the Palestinian people to free themselves of colonialism, not the struggle of Israeli anthropologists to make their society more open minded and receptive. It is a mistake to equate the two even though they might occasionally overlap in terms of interest. You probably don't want to hear me giving you a full blast of my reasons. And you might even think that you have heard it all before. But I genuinely accept that you want dialogue. And so I want to quickly say why, while I am also all for dialogue, I am not for the dialogue as you are proposing it, even though I am more than flattered about what you say about my work and thankful that you thought of me as a possible keynoter.

Israeli anthropologists face a number of situations that are similar to those we face in other settler colonial environments such as Australia, New Zealand, Canada and the United States. We are all anthropologists working in a social space that is always already vampirically sucking a native population dry and violently (legally and illegally) blocking its claims to the land. You Israelis have to face the extra situation that your

vampiric history is relatively short and new, the population that has been colonised by you is still relatively strong and still making claims of national sovereignty and autonomy over the land. The dominant forces in your society aspire to get to a situation where this will stop being the case. It aims to efface the existence of Palestinians as claimants of sovereignty and it is subjecting them to horrendous inhumane violence of a scale, intensity and permanence that is so beyond acceptable. This is what your own Baruch Kimmerling has beautifully called politicide. So to me, the beginning of any decolonial anthropology is to be anti-politicidal. It has to be concerned with how to stop this horrendous violence and how to give presence and political and social power to the colonised. It is not about making the anthropologist of the colonising society more liberal and open minded and capable of confronting difference. This I feel is all what me presenting a keynote for your organisation would achieve: some conservatives will be upset. But that's because they are dumb. Then there will be the intelligent liberals who will leave saying "what a feeling. I have heard a genuinely and authentically anti-Zionist intellectual with really confronting views, and with an Arab background to boot. It was a really enriching experience, I must be so open minded and groovy." This does not and never did help the colonised. There will be a minority however who will fully understand these limitations and who will genuinely want to move towards the territory of decolonising anthropology. Those, I would love to work with, but I don't believe the AAI is the best frame for this to be done.

I have many ideas of what a dialogue towards establishing a decolonial Israeli anthropology would entail. The first among them would be for Israeli anthropologists to refuse to belong to an organisation that symbolically absences Palestine from its name, or to belong to an organization that accepts anthropologists from the settlements among its ranks. If I was invited to Israel by an organisation that calls itself the Anthropological association of Israel/Palestine, that would be a good beginning. I will see it as indicating an aspiration to confront the mono-national mono-religious and eliminationist tendencies of the state. I would be happy to meet with Israeli anthropologists who aspire for such a decolonial politics. And it would be a delight for me to discuss with them possible strategies. Given that the numbers in the foreseeable future will be small perhaps we can meet in a Palestinian café

and invite some local Palestinian anthropologists to participate in a dialogue about radically different non-colonial directions. I would genuinely be happy to take part in something like this.

This situation actually reminds me a bit of the politics of positive discrimination. When you are aiming for structural change, your politics can be incommensurate with individual interests and unfair to genuinely nice people. That is, you can be aiming for more women in management and you end up discriminating against a genuinely charming feminist guy. Likewise, I want to participate in dialogues that open up the space for more Palestinian anthropologists to be as subjects and participants in shaping the future of anthropology in Israel/Palestine, even if I have to forgo interacting with excellent, open-minded and charming Israeli anthropologists.

Best wishes, Ghassan Hage

ghage@unimelb.edu.au. *Reproduced with Ghassan's permission.*

Ghassan received a reply from the President of the Israeli Anthropological Association, Nir Avieli, and has published it on his facebook page <https://www.facebook.com/ghahagea/posts/10153926262337963>

So both letters are now in the public domain. In the interest of freedom of speech, we also reproduce Nir Avieli's letter here.

Dear Ghassan

Thank you for your frank mail.

I am disappointed but I am certainly not surprised by your decision to decline my invitation. Colleagues I consulted in Israel and abroad told me that inviting a Palestinian and/or Middle Eastern anthropologist as a keynote for the Israeli Anthropological Association (IAA) annual meeting would be futile if not foolish: "no self-respecting Palestinian or Arab intellectual would accept such invitation", they said. "Yes", they added, "Edward Said came. But that was Said and the visit took place in a very different time". Previous IAA presidents also confided in me that they made genuine efforts to invite prominent Arab anthropologists in the past: invitations that were declined.

As I wrote in my original email, I do hope my invitation was not too bold, or indeed, insensitive. But because we intend to hold the annual meeting in Kfar Qasim, an Arab town known for its tragic history – I thought this might indicate our serious intentions to create genuine dialogue, rather than simply feature you as a fig-leaf for liberal minded pious anthropologists.

I also felt that not even trying to invite you would be yet another indication of how we in the academic community have succumbed to the ruling regime. Giving up without even trying seems to plague the Israeli-Palestinian conflict. This is especially the case when we consider the death of the "the Israeli left" over the past decades, whose members once struggled for peace and reconciliation, but have now lost all political power and hope. We now make an invisible, silent few – the academia is perhaps the last bastion. In this sense, I hope our email exchange was a forgone conclusion, though I respect and understand your decision. To be honest, I don't think we really disagree on the fundamentals: The IAA has officially condemned the occupation of Palestine and called upon the Israeli government to stop the military control and human and civil rights abuse and engage in peace talks. And as you convincingly argue: "Israeli anthropologists face a number of situations that are similar to those we face in other settler colonial environments such as Australia, New Zealand, Canada and the United States. We are all anthropologists working in a social space that is always already vampirically sucking a native population dry and violently (legally and illegally) blocking its claims to the land". Indeed, you and I face similar difficulties and dilemmas (for instance, working in public universities in Israel or Australia). The way I understand it, our privileged position demands that we critically engage in discussing sociopolitical problems, however intractable. I also feel that this is our only way of influencing others (our students or, at least, some of them) and, perhaps, having an impact.

I also agree with you that the main question at hand is what would be the most effective way of assisting the Palestinians in their struggle for freedom and independence. In a week in which the US administration committed 37 billion dollars of the US tax payers money in military assistance to Israel, the largest ever sum of money

given by the US to any foreign country, it is clear that the occupation of Palestine is an American interest and that the occupation is fueled by American tax payers. It is, of course, also maintained politically by the US and its allies, not least 'Fortress Australia': perhaps the most loyal of US allies.

The way I understand it, the most effective way of assisting the Palestinians in their struggle is by demanding that the US and its allies stop supporting the occupation. I realize that anthropologists anywhere have very little political power, but this is probably the only way to help the Palestinians.

Talking to Israeli anthropologists might not be very effective, but I do believe it can generate a productive discussion, to the chagrin of the ruling power. I could have written now that "I look forward for better times", but this would be just another self-righteous and meaningless phrase. For lack of better words I'll just say that I'll keep on trying...

Sincerely

Nir Avieli, President, The Israeli Anthropological Association

Editorial comment. This is an unusual situation in that the IAA has officially condemned the occupation of Palestine and has called upon the Israeli government to stop the military control and human and civil rights abuse and engage in peace talks." Dr Avieli argues that "the most effective way of assisting the Palestinians in their struggle is by demanding that the US and its allies stop supporting the occupation". Yet he realizes that anthropologists have very little direct political power. So the unanswered question is,"How is this pressure on the USA and its allies to be generated? 68 years for discussion has only seen the situation worsen. Surely, BDS is the answer and Ghassan's refusal to address the Israeli Anthropological Association, and similar actions by other academics and cultural workers, may be far more powerful than sometimes appears to be the case.

BRICUP signs letter in support for Professor Simona Sharoni

Aurdip, Bricup and others

To: Dr. John Ettling, President, State University of New York, Plattsburgh, Dr. Jake Liszka, Provost and Vice President for Academic Affairs, Professor Andrew Buckser, Dean of the School of Arts and Sciences.

We write to express our support for Professor Simona Sharoni, Professor of Gender and Women's Studies at SUNY Plattsburg. Professor Sharoni is under personal and professional attack for her publicly stated support for the constitutionally protected Boycott, Divestment, and Sanctions movement against Israel. It is our understanding that the pro-Israel group "Stand With Us" has now made 10 FOIL requests to the University about Professor Sharoni. She has also been subject to threatening e-mails and twitter posts. These efforts at political intimidation are reprehensible. They are attempts to violate both Professor Sharoni's academic freedom and First Amendment rights. We urge you to provide Professor Sharoni undivided support, and to make your support public. Although Dr. Ettling's recent general statement of support affirming the college's commitment to free speech and academic freedom was a step in the right direction, it is incumbent upon the SUNY administration to state its unequivocal support for Professor Sharoni, and its opposition to campaigns of intimidation.

As has been noted by the organization Palestine Legal and the Center for Constitutional Rights, scholars expressing support for Palestinian human rights are routinely subject to personal and political attacks at American universities. [1] We believe that it is the urgent responsibility of University administrators to stand resolutely behind the rights to free speech and academic freedom for faculty expressing support for Palestinian rights. There is also evidence that Professor Sharoni is under attack for expressing support for female victims of sexual violence. Professor Sharoni must be protected from openly misogynistic attacks on her scholarship and political viewpoints.

We also second the appeal by the Middle East Studies Association, of which Sharoni is a member, for SUNY Plattsburgh to vigorously defend Professor Sharoni from a [campaign of harassment and intimidation](#) based on political

viewpoint. It is crucial for the success of open inquiry, research and intellectual debate on University campuses that Professor Sharoni and all faculty are free to operate in an environment free of intimidating, bullying and abuse.

We urge you to take immediate public steps to support Professor Sharoni, and to oppose campaigns of intimidation.

Respectfully,

Labour for Palestine

Jews for Palestinian Right of Return

AURDIP (Association of Academics for the Respect of International Law in Palestine)

BRICUP (British Committee for Universities for Palestine)

Free Speech on Israel (UK)

Campus Defence Coalition for Palestine

Member groups :

International Jewish Anti-Zionist Network (IJAN)

Jewish Voice for Peace's Academic Advisory Council

National Lawyers Guild

Open University Project

Palestine Legal

USACBI (United States Campaign for the Academic and Cultural Boycott of Israel)

September 13, 2016

The unbearable lightness of being...an Oxfam Global Ambassador

The Artists for Palestine UK Collective

Senegalese singer Baaba Maal performed in the Israeli-occupied Old City of Jerusalem September 20 and 21. Activists and fans (often the same person), particularly in the UK and France, but also from Senegal, the African diaspora, and Israeli organisation [Boycott from Within](#), spent the previous two months urging him to respect the Palestinian call for a cultural boycott and not dignify the Israeli occupation of East Jerusalem with his presence (see, for example, Artists for Palestine UK's first Open Letter [here](#), and further coverage of the campaign [here](#)).

Since the concerts happened, however, it's become doubtful how much Baaba Maal really understands of the situation; on September 26 he told [an interviewer from Le Monde](#) that if the Palestinians invited him, he would give them the message that they need to 'believe in their ability to give young Palestinians the opportunity to grow up in peace' (perhaps after a total surrender to the Israelis...).

Baaba Maal is a Global Ambassador for Oxfam, whose [position](#) on 'the Israel-Palestine conflict' excludes support for BDS but opposes Israeli settlement policy. Artists for Palestine UK (APUK) engaged in discussion with Oxfam, arguing that an NGO which recruits artists to promote its values needs to make sure the artists' actions are consistent with those values. Baaba Maal appearing in occupied East Jerusalem was not consistent with Oxfam's opposition to Israeli colonisation policy.

Oxfam accepted this argument in 2014 when Global Ambassador Scarlett Johansson took work promoting SodaStream, at that point based in a settlement in the Occupied West Bank, and refused to give it up. When Johansson resigned as an ambassador, Oxfam [said](#), 'While [we] respect the independence of our ambassadors, Ms Johansson's role promoting the company SodaStream is incompatible with her role as an Oxfam Global Ambassador'.

This is an edited version of APUK's last letter to its Oxfam interlocutors, published a week before the Baaba Maal concerts. There has been no reply from Oxfam.

Dear Oxfam,

We've been reflecting on Oxfam's unwillingness to take any kind of stand against Baaba Maal's imminent performance in occupied East Jerusalem. Your last letter to Artists for Palestine UK said, 'Oxfam's policy does not extend to supporting a boycott of Israel'. But this is to misunderstand the meaning of Baaba Maal's action and its very real challenge to Oxfam policy. Oxfam is behaving inconsistently with respect to Israeli violations of international law. By agreeing to perform in a Jerusalem Municipality event in occupied East Jerusalem, Baaba is signalling that he considers as legitimate

Israel's illegal annexation of East Jerusalem (the basis on which Israel controls East Jerusalem). It would be different if Baaba were performing at a Palestinian event in East Jerusalem. But he is participating in an official Israeli initiative.

Oxfam would not support a Global Ambassador who performed at the invitation of a settlement municipality in the West Bank, because to do so would be to endorse the illegal settlement enterprise. Oxfam should not support an ambassador who performs at the invitation of the Jerusalem Municipality in East Jerusalem, because the Municipality is the equivalent of an Israeli settlement municipality – it is an Israeli local government authority which exercises control over Palestinian territory by virtue of an illegal annexation. The Jerusalem Municipality is the main authority behind Israel's settlement and ethnic cleansing campaign in East Jerusalem, which results in severe violations of Palestinian human rights. In particular, it is official Municipality policy to 'Judaize' Jerusalem (as mayor Nir Barkat boasted to a Likud gathering on 25 August: <http://www.haaretz.com/israel-news/premium-1.738541>). The Municipality is responsible for planning and approving illegal settlements, demolishing Palestinian homes, and putting in place a myriad discriminatory measures that disadvantage Palestinians and privilege Israeli Jews, including in the fields of culture and tourism.

At both moral and political levels, it sends out the wrong message for an Oxfam Global Ambassador to accept an invitation from the Jerusalem Municipality, and it is inappropriate for Oxfam to endorse an ambassador who would accept such an invitation. Oxfam needs to take public steps to criticise the performance and distance itself from Baaba.

Non-binding pro-BDS resolutions by councillors are lawful in England and Wales

Robert Wintemute

On 28 June 2016, the England and Wales High Court (EWHC) dismissed judicial review claims brought by the new (incorporated in December 2014) NGO "Jewish Rights Watch, trading as Jewish Human Rights Watch" (JHRW) against three local authorities: Leicester City Council, Gwynedd Council, and City and County of

Swansea. The judgment, available at <http://www.bailii.org/ew/cases/EWHC/Admin/2016/1512.html>, is a victory for the freedom of political expression of local authority councillors, when they adopt non-binding resolutions. But the EWHC implies that the outcome would be different if a local authority's executive adopted a policy of not purchasing goods or services from Israeli companies based in, eg, East Jerusalem or the rest of the West Bank.

In 2014, Leicester City Council resolved "insofar as legal considerations allow, to boycott any produce originating from illegal Israeli settlements in the West Bank until such time as [Israel] complies with international law and withdraws from Palestinian Occupied territories". Also in 2014, Gwynedd Council "call[ed] for a trade embargo with Israel and condemn[ed] the over-reaction and savageness used [in Gaza]. ... [The Council] confirm[ed] ... [its] decision [not to invest] in Israel or in that country's establishments". In 2010, Swansea City and County Council "[noted] with regret that Veolia is involved in ... contracts with the City & County of Swansea. Calls on the Leader & Chief Executive to support the position of the UN in regards to the Israeli settlements in East Jerusalem, so long as to do so would not be in breach of any relevant legislation. And asks [her/him] to note that Council does not wish to do business with any company in breach of international law ..., so long as [same proviso]."

The first argument of JHRW was that, before an elected Council adopts a resolution criticising Israel, it must comply with its "public sector equality duty" (PSED, s. 149 of the Equality Act 2010) to "have due regard to the need to ... eliminate discrimination, ... advance equality of opportunity, ... [and] foster good relations between [groups defined by race or religion]". To do so, it must "carry out a conscientious assessment of the impact of any resolution on the local Jewish community". A witness statement for JWHC asserted that "[t]he connection between ... resolutions ... to boycott the Jewish State and the harassment of Jews is direct. Jewish students feel ostracised when their peers endorse BDS and its aims, and I believe Jewish residents in towns and cities feel the same when their councils do so."

The EWHC rejected this argument, because the PSED "is more easily applied to a formal and developed policy than it is to resolutions of a local council following debate". The PSED is likely to arise only "where a resolution is closely focussed and the policy will be directly implemented". In most cases, "Councillors do not (and should not) expect that their speeches will be scrutinised later in [c]ourt to see whether the Council's PSED was being properly addressed ... It would significantly inhibit debate if this were a requirement of the law, and we see no warrant for it." The three resolutions were not binding and had no effect on the procurement policies of each local authority's executive.

The second argument of JHRW was that the Leicester and Swansea resolutions breached s. 17 of the Local Government Act 1988, which was introduced by Margaret Thatcher's government to stop local authorities from supporting the boycott of Apartheid South Africa. Section 17(5) prohibits a local authority from basing procurement decisions on "non-commercial matters", including "the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors".

The EWHC rejected this argument, because "the Council resolutions did not override, or even affect, the lawful exercise of [each Council's] public functions in relation to public supply or works contracts, and no contracts or potential contracts were affected by the resolutions". As for the purpose of non-binding resolutions, "[t]he answer ... may lie in the nature of political discourse in a democracy".

It is worth nothing that s. 17(10) of the 1988 Act (as amended in 2010) permits a local authority to act "with reference to a non-commercial matter to the extent that the authority considers it necessary or expedient to do so to enable or facilitate compliance with ... the duty imposed on it by section 149 of the Equality Act 2010 [its PSED]". A local authority's executive could perhaps argue that introducing BDS into its procurement policy is "necessary or expedient to" facilitate compliance with its PSED, which includes "foster[ing] good relations" between local Muslims, Arab Christians, Jews, non-Arab Christians and others, because the policies of the

Government of Israel are an ongoing cause of tension among and within these groups.

The EWHC cited the UK Government's 17 February 2016 "Public Procurement Note: ensuring compliance with wider international obligations letting public contracts" (<https://www.gov.uk/government/publications/procurement-policy-note-0116-complying-with-international-obligations>), which states (at para. 7) that "[p]ublic procurement should never be used as a tool to boycott tenders from suppliers based in other countries, except where formal legal sanctions, embargoes and restrictions have been put in place by the UK Government".

Similarly, on 15 September 2016 (after the EWHC's judgment), the UK Government published "Local government pension scheme: guidance on preparing and maintaining an investment strategy statement" (<https://www.gov.uk/government/publications/local-government-pension-scheme-guidance-on-preparing-and-maintaining-an-investment-strategy-statement>), which notes that "the Government has made clear that using pension policies to pursue boycotts, divestment and sanctions against foreign nations and UK defence industries are inappropriate, other than where formal legal sanctions, embargoes and restrictions have been put in place by the Government".

Robert Wintemute is Professor of Human Rights Law at King's College, London .

Notices

BRICUP is the British Committee for the Universities of Palestine.

We are always willing to help provide speakers for meetings. All such requests and any comments or suggestions concerning this Newsletter are welcome.

Email them to: newsletter@bricup.org.uk

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You can register as a supporter of BRICUP and of the academic and cultural boycott of Israel [by completing this form](#).

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