Motion: Objection to the [UNION]'s adoption of the IHRA definition of anti-Semitism and call for an end to disciplinary actions against any affected Member, Shop Steward, Labourist or Employee accused of anti-Semitism under this definition.

The [UNION] Branch note that trade unionists, workers and Labour Party members are being disciplined around free speech on Israel.

We call upon the Executive Council of the [UNION] to rescind the Union's adoption of the IHRA definition of anti-Semitism and replace it with the OED definition that states anti-Semitism is simply "hostility to or prejudice against Jews"

In addition, we call for an end to disciplinary actions against any affected Member, Shop Steward, Labourist or Employee accused of anti-Semitism under the IHRA definition. Also for the dismissal of any charges that they have brought the union into disrepute by their campaigning against investigations on anti-Semitic charges.

Proposed by:

Seconded by:

EXPLANATORY NOTES TO THE MOTION

THOSE AFFECTED

Paul Jonson, a council worker from Dudley, has been suspended from his job because he participated in a protest lobby outside Ian Austin MP's surgery (pictured) and posted the following message on Facebook: "Stand up for Palestine – Israel is a racist endeavour." [see https://www.expressandstar.com/news/local-hubs/dudley/2018/10/30/dudley-council-officer-suspended-in-anti-semitism-row/]

Edinburgh Labour Party member Peter Gregson is being investigated by the party on charges of anti-Semitism after drawing up a petition on the same theme, at tinyurl.com/israelihra . He has also been suspended by his union, the GMB from his shop steward role at the NHS [see tinyurl.com/gmbnat3].

The case of Paul Jonson is similar to that of LAW secretary Stan Keable, who was sacked from his job at Hammersmith & Fulham council for for saying that the Zionist movement collaborated with the Nazi regime – a well documented if shameful historical fact. This his has serious financial consequences for our comrades, and it is suggested these motions against the sacking of Paul Jonson and Stan Keable are tabled in Labour and union branches.

THE CAUSE

The reason for these disciplinary actions arise because the Labour Party, most Councils, and Trade Unions such as the GMB, Unison and Unite have adopted the IHRA definition of anti-Semitism [available at https://www.holocaustremembrance.com/working-definition-antisemitism] which states that "claiming that the existence of a State of Israel is a racist endeavour" amounts to denying the Jewish people their right to self-determination, and is therefore an anti-Semitic act. Thus those stating that Israel is a racist endeavour are anti-Semites and must be duly punished. Hence the rush of investigations, suspensions, expulsions and dismissals of those speaking out about Israel. Labour

Against the Witch-hunt defend those accused of anti-Semitism and campaign against the IHRA definition as do many other groups, including Jewish Voice for Labour and Free Speech on Israel.

THE CASE FOR THE MOTION

24 Palestinian trade unions wrote to Labour on 28th August 2018, in a statement published just before the unions pushed for the full IHRA at Labour's NEC meeting, where the IHRA definition was adopted. Headed "Labour must reject biased IHRA definition that stifles advocacy for Palestinian rights" this appeal by Palestinian civil society to the British Labour Party and affiliated trade unions was ignored. [see https://www.opendemocracy.net/uk/palestinian-civil-society-groups/labour-must-reject-biased-ihra-definition-that-stifles-advocacy-] These Palestinian trade unions observe that the IHRA is a "politicised and fraudulent definition of anti-Semitism".

Note the reasoned legal opinion of **Hugh Tomlinson QC**, one of the leading experts on media and freedom of expression law, in this paper of 8 March 2017: "*In the matter of the adoption and potential application of the international holocaust remembrance alliance working definition of anti-Semitism*". [at https://freespeechonisrael.org.uk/wp-content/uploads/2017/03/TomlinsonGuidanceIHRA.pdf]
He concludes that "The IHRA "non-legally binding working definition" of anti-Semitism is unclear and confusing and should be used with caution. The "examples" accompanying the IHRA Definition should be understood in the light of the definition and it should be understood that the conduct listed is only anti-Semitic if it manifests hatred towards Jews. The Government's "adoption" of the IHRA Definition has no legal status or effect and, in particular, does not require public authorities to adopt this definition as part of their anti-racism policies. Any public authority which does adopt the IHRA Definition must interpret it in a way which is consistent with its own statutory obligations, particularly its obligation not to act in a matter inconsistent with the Article 10 right to freedom of expression. Article 10 does not permit the prohibition or sanctioning of speech unless it can be seen as a direct or indirect call for or justification of violence, hatred or intolerance. The fact that speech is offensive to particular group is not, of itself, a proper ground for prohibition or sanction. The IHRA Definition should not be adopted without careful additional guidance on these issues. Public authorities are under a positive obligation to protect freedom of speech. In the case of universities and colleges this is an express statutory obligation but Article 10 requires other public authorities to take steps to ensure that everyone is permitted to participate in public debates, even if their opinions and ideas are offensive or irritating to the public or a section of it. Properly understood in its own terms the IHRA Definition does not mean that activities such as describing Israel as a state enacting policies of apartheid, as practicing settler colonialism or calling for policies of boycott divestment or sanctions against Israel can properly be characterized as anti-Semitic. A public authority which sought to apply the IHRA Definition to prohibit or sanction such activities would be acting unlawfully.

Note that **Geoffrey Robertson QC**, joint head of Doughty Street Chambers and renowned human rights lawyer, concludes in this article of 31/8/18 [https://www.doughtystreet.co.uk/news/ihra-definition-antisemitism-not-fit-purpose] , that the "IHRA definition of antisemitism is not fit for purpose". He points out that the IHRA adopted by the UK government was not intended to be binding and was not drafted as a comprehensible definition.

With reference to free speech, these QCs had this to say:

Hugh Tomlinson QC in an Opinion declared, as have all other lawyers, that the IHRA had

> ‘a potential chilling effect on public bodies which, in the absence of definitional clarity, may seek to sanction or prohibit any conduct which has been labelled by third parties as antisemitic without applying any clear criterion of assessment.’

Geoffrey Robertson QC, described the IHRA as

> ‘likely to chill criticism of action by the Government of Israel and advocacy of sanctions as a means to deter human rights abuses in Gaza and elsewhere.’

He also found that when it comes to **genuine** anti-Semitism, the IHRA is very weak.

> ‘By pivoting upon racial hatred ... it fails to catch those who exhibit hostility and prejudice – or apply discrimination – against Jewish people for no reason other than that they are Jewish.’

Even the principal author of the IHRA definition, **Kenneth Stern**, acknowledged that it was being used in ways that were never intended, as a means of chilling free speech. In testimony to the House of Representatives in November 2017, he warned that:

> ‘The definition was not drafted, and was never intended, as a tool to target or chill speech on a college campus. In fact, at a conference in 2010 about the impact of the definition, I highlighted this misuse, and the damage it could do.’

Stern spoke about how the IHRA was ‘*was being employed in an attempt to restrict academic freedom and punish political speech’*. Stern asked a question particularly relevant to the current debate.

> ‘Imagine a definition designed for Palestinians. If “denying the Jewish people their right to self- determination, and denying Israel the right to exist” is antisemitism, then shouldn’t “Denying the Palestinian people their right to self- determination, and denying Palestine the right to exist” be anti -Palestinianism?’

Stern described how the IHRA had been used to curtail free speech in Britain, listing the “Israel Apartheid Week” event which was cancelled by Central Lancashire University and the case of the Holocaust survivor who was required to change the title of a campus talk by Manchester university *after an Israeli diplomat complained that the title violated the definition.’* Stern described as ‘*Perhaps most egregious’* of all the call on a university to conduct an inquiry of **Professor Rebecca Gould** for ‘antisemitism’, based on an article she had written years before. Accurately describing what had happened as *‘chilling and McCarthy -like.’* Professor Gould’s description of what happened is on Open Democracy.

Stern thinks the IHRA is being used to stifle free speech. [see "Why the man who drafted the IHRA definition condemns its use" at https://www.jewishvoiceforlabour.org.uk/blog/why-the-man-who-drafted-the-ihra-definition-condemns-its-use/].

The IHRA definition of anti-Semitism was originally called the EUMC Working Definition of Anti-Semitism when it was drawn up in 2005. It is still called a “Working Definition”. It was explicitly drawn up as a means of conflating criticism of Israel with anti-Semitism. That much is admitted by the person who wrote it: Kenneth Stern.

The definition is 38 words:

> **"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."**

Note this is not a definition. It is open ended. For what is '*a certain perception'*? Whose perception? The victim, the perpetrator, the reasonable bystander? If anti-Semitism '*may be expressed as anti-Semitism'* what else may it be expressed as? Anti-Zionism? And why does it define anti-Semitism as hatred? If someone says that they don't wish their children to go to school with Jews *'but they don't hate Jews'* then according to the IHRA they are not anti-Semitic.

A more sophisticated definition of anti-Semitism has come from Oxford academic **Dr Brian Klug**, an expert in anti-Semitism. In his 2013 lecture to the Jewish Museum in Berlin '*What Do We Mean When We Say 'Antisemitsm'? Echoes of shattering glass***'** given on the 75th anniversary of Kristallnacht, Klug suggested the following definition:

> *'antisemitism is a form of hostility to Jews as Jews, where Jews are perceived as something other than what they are'* or more succinctly *'hostility to Jews as not Jews'* because the Jew that anti-Semites hate is not a real person but a mythical creature.

Another critic of the IHRA is **Professor David Feldman**, who was Vice-Chair of the Chakrabarti Inquiry and is Director of the Pears Institute for the Study of Anti-Semitism. Feldman described the definition as *'*bewilderingly imprecise*.'*

Note that **Sir Stephen Sedley**, who is Jewish and was a Judge in the Court of Appeal wrote in Defining Anti-Semitism that the IHRA*'fails the first test of any definition: it is indefinite.'* In what is the most concise critique of the IHRA, Sedley wrote that:

> the IHRA definition offers encouragement to pro-Israel militants whose targets for abuse and disruption in London have recently included the leading American scholar and critic of Israel Richard Falk, and discouragement to university authorities which do not want to act as censors but worry that the IHRA definition requires them to do so.

In a passage of some relevance to the charges against Peter Gregson, Sedley commented specifically upon one of the illustration of anti-Semitism:

> Denying the Jewish people their right to self-determination, e.g. by claiming that the existence of a state of Israel is a racist endeavour.

Sedley said that this example:

> 'bristles with contentious assumptions about the racial identity of Jews, assumptions contested by many diaspora Jews but on which both Zionism and anti-Semitism fasten, and about Israel as the embodiment of a collective right of Jews to self-determination.'

Sedley described the problem of the IHRA was that it only allowed

> 'such criticism as can be made of other states, placing the historical, political, military and humanitarian uniqueness of Israel's occupation and colonisation of Palestine beyond permissible criticism.'

Note that **Jewish Voice for Labour** take a stronger view in condemning the IHRA. Just before the 4th Sept NEC meeting, they said "no definition ever saved a Jew from experiencing antisemitism. It's time to abandon this tainted and deeply flawed text" . [see https://www.jewishvoiceforlabour.org.uk/blog/ditch-the-ihra-definition-fight-racism-together/] It notes "As Neve Gordon writes: 'The Israeli government needs the "new anti-Semitism" to justify its actions and to protect it from international and domestic condemnation. Anti-Semitism is effectively weaponised, not only to stifle speech . . . but also to suppress a politics of liberation.' " [see https://www.lrb.co.uk/v40/n01/neve-gordon/the-new-anti-semitism]

The article continues "As for what adoption meant: Only 6 of 31 governments whose countries are members of IHRA have formally endorsed/adopted the definition, and it's not clear whether they adopted the examples or not. However, we do know that:

- – the UK Government adopted the definition but not the list of examples;
- – the LSE adopted the IHRA definition but clarified that it 'does not accept . . . all the examples';
- – the European Parliament adopted the definition without the examples in June 2017"

[see https://ssrn.com/abstract=3178109]

Note that over **30 Jewish organisations world-wide** say NO to the full IHRA. [See Jewish Voice for Peace at https://jewishvoiceforpeace.org/30jewishgroupsbds/].

Note that on 14th Sept, union leader **Mark Serwotka**, (PCS general secretary), and now TUC president, suggested at a TUC event that Israel had created the anti-Semitism row to hide what he called its own "atrocities". We consider he had clearly hit a raw nerve, as the usual suspects Labour Against Anti-Semitism, Matt Zarb-Cousin and the Board of Deputies of British Jews piled in to condemn him and demand he apologise and grovel forthwith. [https://www.bbc.co.uk/news/uk-politics-45517094]

Note this article by **Miko Peled**, a Jew from Jerusalem who wrote that "Conflating Anti-Zionism with Anti-Semitism is a Dangerous and Useful Ploy for Zionists" [published 13/9/18 at https://www.mintpressnews.com/conflating-anti-zionism-with-anti-semitism-a-dangerous-and-useful-ploy/249293/]

Note the view of **the Monitoring Group** , one of the leading organisations in the UK specialising in supporting families and communities experiencing state neglect, racism and marginalisation, best known for its public interest campaigns in the UK on cases such as Blair Peach, Kuldip Sekhon, Stephen Lawrence, Ricky Reel, Michael Menson, Zahid Mubarek, Victoria Climbie, Amarjit Chohan family and international campaigns for victims of the Bhoppal Gas Disaster (1984) and Gujarat genocide (2002) and the Indian Community in Malaysia. Their statement on the IHRA was signed by over 100 organisations and they sent a delegation to meet senior members of the Labour Party to convince them of their anti-IHRA position. [see http://www.kidsnotsuits.com/wp-content/uploads/2018/10/LP-Final-BME-Statement-on-IHRA.pdf]

Note the view of **Norman Finkelstein**, whose parents suffered in the Warsaw Ghetto, who says in his blog of 28th August 2018 "Why the British Labour Party should not adopt the IHRA definition or any other definition of antisemitism" [see http://normanfinkelstein.com/2018/08/28/why-the-british-labour-party-should-not-adopt-the-ihra-definition-or-any-other-definition-of-antisemitism/] who states:

“Even as the revised code of conduct explicitly outlaws anti-Semitism, representatives of British Jewry have issued an ultimatum to Labour: it must also incorporate the IHRA definition of antisemitism in all its parts—or else! It is, to begin with, unclear why Jews warrant special treatment. Indeed, of all the protected categories in the rule, British Jews are the richest, best organized, most strategically placed, and least subject to “hostility and prejudice.” If Jewish communal organizations can so openly, brazenly, and relentlessly press this demand on Labour, it’s because of the political muscle they can flex and the political immunity they enjoy. Further, the demand is on the unseemly side, as it implies that Jewish lives are somehow more worthy. It recalls the nauseating ethnic chauvinism at play in the stipulation that *The Holocaust* must be separated out from run-of-the-mill “other genocides.””

To understand why Israel has worked (successfully, thus far) to get the world to adopt the IHRA, read the "**If Americans Knew**" blog of 17 May 2017 documents the progress of Israel’s achievement in “International campaign is criminalizing criticism of Israel as ‘antisemitism’”. [see https://israelpalestinenews.org/iak-investigation-international-campaign-is-criminalizing-criticism-of-israel-as-antisemitism/]

Note that a **UN Report in 2017** said "Israel was a ‘racist state’ and ‘apartheid regime’" (see https://www.irishtimes.com/news/world/middle-east/un-report-says-israel-a-racist-state-and-apartheid-regime-1.3012189]

Note that since then Israel has enacted the **Nation state law** in July 2018 which categorises residents into “Nationals” and “Citizens”. Only Jews can be Nationals and their rights far outstrip those of Citizens. Most notably Citizens must seek permission to protest from Nationals; that permission can be refused or withdrawn on a whim [see the 23 minute video of 18/10/18 ‘Know your Stuff: Israel’s “Jewish Nation-State Law” Explained’ by **Dr. Shir Hever** [see http://www.actvism.org/en/politics/jewish-nation-state-law-hever/]

Note this observation in an article by **BDS** , in the Guardian of 14th August 2018 [see https://www.theguardian.com/news/2018/aug/14/bds-boycott-divestment-sanctions-movement-transformed-israeli-palestinian-debate] 'Perhaps Israel’s most powerful tool in the campaign against de-legitimisation has been to accuse the country’s critics of anti-Semitism. Doing so required changing official definitions of the term. This effort began during the final years of the second intifada, in 2003 and 2004, as pre-BDS calls to boycott and divest from Israel were gaining steam. At that time, a group of institutes and experts, including Dina Porat – a Tel Aviv University scholar who had a been a member of the Israeli foreign ministry’s delegation to the 2001 UN world conference against racism in Durban, South Africa – proposed creating a new definition of antisemitism that would equate criticisms of Israel with hatred of Jews.'

In conclusion, refer to the **Universal Declaration of Human Rights** Articles 18–21, which sanctions the so-called "constitutional liberties", with spiritual, public, and political freedoms, such as freedom of thought, opinion, religion and conscience, word, and peaceful association of the individual. Surely the unions, the Labour Party and public bodies cannot deny these rights?