

Political Affairs Digest

A daily summary of political events affecting the Jewish Community

Scottish Council of Jewish Communities

SCoJeC

Contents

Home Affairs

Israel

Relevant Legislation

Consultations

Home Affairs

UK Parliament Early Day Motion

Luciana Berger (Labour Co-op) (1493) Defining antisemitism – That this House recognises that the Macpherson inquiry which followed the murder of Stephen Lawrence changed the way racism is perceived in Britain to a victim-led approach; believes that in order for victims or potential victims of racist abuse to have confidence in societal efforts to address discrimination they must help craft understanding of the racism to which they are being subjected; further believes the effect of racism can have repercussions irrespective of proven intent; notes that the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism together with its accompanying examples, in full, has the confidence of the representative bodies of the Jewish community in the UK and worldwide; further notes the definition was adopted by IHRA's 31 member states including France, Germany, Canada and the US; welcomes the UK's adoption of the formal definition and accompanying examples; further recognises that a recommendation formally to adopt a definition was first made in the All-Party Parliamentary Inquiry into Anti-Semitism report of 2006; further welcomes the cross-party support for the definition evidenced in previous motions of this House; recognises that the Welsh and Scottish Governments, the Greater Manchester Combined Authority, London Assembly, and more than 120 local councils and many European countries have formally adopted the definition; recognises that police forces and others have for some time already used the definition for training purposes; notes that civil society organisations including the NUS have adopted the definition; and calls on all public institutions to fully adopt and implement the IHRA definition of antisemitism.

<https://www.parliament.uk/edm/2017-19/1493>

Court of Appeal

Between: The Queen on the Application of: Jewish Rights Watch Ltd (T/A Jewish Human Rights Watch) and Leicester City Council

1. This is an appeal from the Divisional Court (Simon LJ and Flaux J), which dismissed the appellant's claim for judicial review against the respondent ("the Council") to quash a resolution passed by members of the Council on 13 November 2014. ... "insofar as legal considerations allow, to boycott any produce originating from illegal Israeli settlements in the West Bank until such time as it complies with international law and withdraws from Palestinian Occupied territories." The Divisional Court held that in passing the resolution

- the Council did not breach its obligations in respect of the public sector equality duty ("PSED") set out in section 149 of the Equality Act 2010, nor its obligations under section 17 of the Local Government Act 1988.
2. In its judgment, the Divisional Court also dismissed claims for judicial review of similar resolutions passed by two other local authorities. There is no appeal in relation to those claims ...
 5. The appellant was incorporated as a vehicle to challenge rising antisemitism in the UK which was felt by its founders to be particularly acute during the course of 2014. Its director, Mr Neumann, filed evidence which explained that what concerned him was that various groups and individuals were using condemnation of Israel as a means to attack British Jews. ...
 7. It is the appellant's case that, by passing the resolution, the Council singled out Israel for different treatment than that adopted in respect of other countries and failed properly or sufficiently to consider its effect on the Jewish community, in particular that community in and around Leicester. The appellant contends that in passing the resolution the Council failed to comply with the PSED to which it is subject by failing to have due regard to the need to eliminate discrimination and harassment of Jewish people and the need to foster good relations between those who are Jewish and those who are not. The appellant seeks an order for the resolution to be quashed. ...
 10. As the body with responsibility within the Council for adoption of policies for administration and the delivery of services and the implementation of those policies, when so acting the mayor and cabinet are subject to a legal obligation under section 17 of the 1988 Act to exercise the functions of the Council in relation to any public supply or works contracts of the Council "without reference to matters which are non-commercial matters for the purposes of [the section]". This means that procurement contracts and arrangements cannot be made by the Council on the basis of political considerations such as disapproval of some foreign regime. The Council, therefore, acting by its relevant internal organ, is not able to act to implement the boycott of produce originating from illegal Israeli settlements in the West Bank called for in the resolution. ...
 27. In my judgment, the PSED in section 149(1) of the 2010 Act does apply in relation to the passing of the resolution by the assembly of councillors as the relevant organ of the Council. ... it does not matter that the resolution would not have any impact so far as the practical conduct of the Council's affairs is concerned. However, that is a feature of the case which is capable of bearing on the question of the extent of consideration required of the Council in respect of the matters referred to in section 149(1) in order to satisfy the "due regard" obligation in that provision.
 28. Accordingly, what is in issue in this case is whether the Council, acting by the assembly of councillors, had due regard to the need to eliminate discrimination, harassment, victimisation etc (section 149(1)(a)) and to the need to foster good relations between persons who share a relevant protected characteristic (being Jewish or practising the Jewish religion) and persons who do not share it (section 149(1)(b), read with subsection (5)). ...
 31. Mr Sharland QC for the Council submits that "due regard", as that expression is used in section 149(1), can mean that in some contexts it is permissible to have no regard to the matters set out in that provision, and that this is the case here. In particular, he submits that this is the position in the current context of a resolution passed after debate by the assembly of elected councillors, since otherwise there would be an unwarranted infringement of rights of political free speech. Also, he says, there is difficulty in applying the PSED where a multi-member body such as the assembly exercises a function, since it cannot be known whether each member did or did not have regard to the matters set out in section 149(1).
 32. I do not accept these submissions. ...
 38. As regards the contents of the proposed resolution, the preamble emphasised the values of tolerance, diversity, unity and non-discrimination which were important in Leicester as the foundation for different communities to live together. The motion itself recognised the

right of the State of Israel to exist in peace and free from incursion, and was concerned only to condemn certain actions of the Government of Israel. The condemnation was in line with a respectable body of opinion, including the UK government, the United Nations General Assembly, the European Union and the International Court of Justice. The criticism made was temperate and legitimate. The proposed boycott had a limited target in line with that criticism. As the CST report correctly points out, there is legitimate scope for criticism of Israel without that implying antisemitic attitudes. There was nothing in the context set by the proposed resolution and the debate to suggest that the resolution was in fact being proposed as a cover for or incitement to antisemitism. ...

39. In my view, the terms of the proposed resolution were such that it is clear that the councillors had due regard to the matters set out in section 149(1). The resolution referred in substance to the need to eliminate discrimination, harassment and victimisation in relation to any community and to the need to foster good relations between persons from different faith and ethnic groups. Councillors voting on the resolution clearly did have regard to those matters. ...
40. ... The resolution was a political gesture. It recognised that the Council was likely to be subject to legal constraints regarding what might be possible, so the assembly was not attempting to set out a detailed and binding procurement policy for the authority. ...
41. ... Calling for boycotts of goods is a well-known gesture of political solidarity with oppressed groups overseas, as illustrated by calls for boycotts of goods from South Africa during the apartheid era. In any event, the resolution expressly stated that the Council recognised the right of existence of the State of Israel, so clearly was not being adopted as part of a wider antisemitic movement ...
43. For these reasons, I would dismiss this appeal. ...

To read the full judgement see

<http://www.bailii.org/ew/cases/EWCA/Civ/2018/1551.html>

TOP

Israel

See also the Court of Appeal judgement in the “Home Affairs” section above.

House of Commons Written Answer

Duke of Cambridge: Royal Visits

Stephen Kinnock (Labour) [158264] To ask the Secretary of State for Foreign and Commonwealth Affairs, whether his Department provided any input and approval to the schedule of HRH Prince William's visit to Israel and the Occupied Palestinian Territories; and what the Government's policy is on referring to East Jerusalem as Occupied Palestinian Territory.

Alistair Burt: All meetings and visits in the programme of HRH The Duke of Cambridge were at the request of the Foreign and Commonwealth Office and in line with the Government's positions in support of a negotiated two-state solution to the Israeli-Palestinian conflict. Since 1967, the UK has regarded Israel as in occupation of East Jerusalem. We believe that the status of Jerusalem should be determined as part of a negotiated settlement between the Israelis and Palestinians. It must ensure Jerusalem is a shared capital of the Israeli and Palestinian states, with access and religious rights of both peoples respected.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-27/158264/>

Department for International Development

DFID Occupied Palestinian Territories Profile: July 2018

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/723247/DFID-Occupied-Palestinian-Territories-Profile-July-2018.pdf

TOP

Relevant Legislation

** new or updated today

UK Parliament

Holocaust (Return of Cultural Objects) (Amendment) Bill

<https://services.parliament.uk/Bills/2017-19/holocaustreturnofculturalobjectsamendment.html>

Marriage Act 1949 (Amendment) Bill

<http://services.parliament.uk/bills/2017-19/marriageact1949amendment.html>

Organ Donation (Deemed Consent) Bill

<http://services.parliament.uk/bills/2017-19/organdonationdeemedconsent.html>

Scottish Parliament

Human Tissue (Authorisation) (Scotland) Bill

<http://www.parliament.scot/parliamentarybusiness/Bills/108681.aspx>

TOP

Consultations

** new or updated today

**** closes in 5 days**

Ecclesiastical exemption and guidance on scheduled monuments (closing date 13 July 2018)

<https://beta.gov.wales/ecclesiastical-exemption-and-guidance-scheduled-monuments>

Financial Memorandum of the Human Tissue (Authorisation) (Scotland) Bill

(closing date 31 August 2018)

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/109042.aspx>

Human Tissue (Authorisation) (Scotland) Bill (closing date 4 September 2018)

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/108999.aspx>

Antisemitism: Survey of European Jews (closing date not stated)

<http://www.eurojews.eu/>

TOP