POLICY BRIEF | CIVIL SOCIETY

Criminalizing Palestine Solidarity Activism in the UK

By: Yara Hawari · June, 2022

Introduction

In January 2022, British education secretary Nadhim Zahawi claimed that the popular phrase, "From the river to the sea, Palestine will be free" is antisemitic, and implied that chanting it should be considered a criminal offense. Zahawi's comments appear against the backdrop of the British government's increasing repression of Palestine solidarity activism, including efforts to ban public bodies from using boycott, divestment, and sanctions tactics, as well as attempts to conflate anti-Zionism with antisemitism.[1]

While the crackdown is reflective of long-standing British foreign policy towards the Israeli regime, it is also part of a wave of legislation aiming to criminalize a wide range of social justice and political movements, with a focus on demonstrations and political actions. The British government has targeted movements such as Black Lives Matter (BLM) that challenge state violence, and in turn these groups have led the effort to push back against this crackdown. This repression has also spurred new solidarity and cross-movement work among targeted groups, which is increasingly apparent at demonstrations and political actions across the UK. In these spaces, Palestine solidarity activists, BLM activists, migrant and refugee activists, and climate activists, among others, are all converging in shared struggle.

While this crackdown is far reaching, this policy brief will focus on the increasingly repressive environment facing those working and organizing within Palestine solidarity spaces in the UK. It explains how this latest iteration is part of a renewed attempt to suppress protest and political expression, and spotlights successful efforts to resist this crackdown on dissent. It concludes with strategies for confronting this repression and strengthening the connections between these movements.[2]

Consistent UK Foreign Policy Towards Zionism

Britain's support for the Zionist project has been unwavering since its colonial inception, and British foreign policy has continually reflected this. Indeed, Britain's political elite was comprised of ardent Christian Zionists, including Prime Minister Lloyd George, who led the coalition government at the time of the 1917 Balfour Declaration. This commitment to Zionism, which necessitated the denial of Palestinian national aspirations, was central to British rule throughout its thirty-year occupation of Palestine, from 1917 to 1948. British colonial authorities facilitated the immigration of tens of thousands of European Jews to Palestine and supported the establishment of Zionist institutions while repeatedly suppressing Palestinian resistance to both British rule and Zionist colonization.

After the Israeli state was established in 1948 on more than 80% of historic Palestine, Britain continued to support the Zionist project. In the 1950s and 1960s, it secretly aided the Israeli regime in developing nuclear weapons. The UK has maintained its sale of arms to the Israeli regime throughout the decades — reaching a new peak in 2018 — despite its continuous war crimes and violations of Palestinian rights. Many of the weapons and technologies sold are then used in the Israeli regime's deadly assaults on Gaza, which has been under military siege for over 15 years.

While the British Labour government condemned the Israeli regime's occupation

of the rest of historic Palestine in 1967, including East Jerusalem, it maintained a strong relationship with the Israeli Labour Party, which was in government at the time. Former British Prime Minister Harold Wilson was an "incomprehensible" advocate of Zionism, and considered the Israeli regime a "wonderful experiment in Socialist politics."

Ironically, it was the Israeli Labour Party that would spearhead the illegal settlement enterprise in the West Bank, Gaza, and the occupied Syrian Golan. The British government has since maintained the official line that "settlements are illegal under international law" and the Israeli regime should "cease immediately" their construction. Yet it not only refuses to hold Israel accountable for these war crimes, but rewards the Israeli regime with deepening trade and diplomatic relations. Today, there are over 620,000 Israeli settlers spread across over 200 settlements in the West Bank. These settlements and their supporting infrastructure take up the majority of land in the West Bank, impinging on every aspect of Palestinian life.

Britain's persistent endorsement of the Zionist project also figures in its current foreign policy considerations. This was articulated by former British Defense Secretary Gavin Williamson, who stated in 2018 that the UK-Israel relationship is the "cornerstone of so much of what we do in the Middle East." In other words, the Israeli regime protects the UK's interests in the region and, in return, the UK protects the Israeli regime. Thus, while Britain's historic ideological alignment with Zionism helps to explain the current wave of repressive measures against Palestine activism in the UK, it is likewise important to stress that it falls within the UK's own strategic interests to do so.

Repressive UK Government Maneuvers

The British government has long taken measures to quell Palestine solidarity

activism. Recent maneuvers, however, mark a new era in British state repression and have serious repercussions for Palestine solidarity activism and allied movements.

One of the government's preferred tactics is to associate the Palestinian struggle for liberation with terrorism, a deliberate attempt to delegitimize the fundamental rights of the Palestinian people. This accelerated following 9/11 and the US "war on terror," which the British government supported and adopted. In 2003, as part of this approach, the British government introduced Prevent, a strategy to deal with "extremism" and to stop those who might become "terrorists" or who might support "terrorism." In 2015, the government passed legislation that institutionalized a "Prevent Duty" in education and health sector entities, requiring professionals to have "due regard to the need to prevent people from being drawn into terrorism."

According to various experts and human rights organizations, this strategy has created a serious risk of human rights violations, particularly in its targeting of "pre-criminality." In other words, it encourages professionals within those sectors to identify potential extremists who have yet to commit a crime. The guidelines and training identify a set of signs that might suggest vulnerability to extremism, including "grievance triggered by aspects of government policy." Unsurprisingly, Muslims have been disproportionately targeted and, in many cases, are simply reported for showing signs of adherence to Islam. Of course, most of the referrals made by professionals in these sectors are unfounded. Nonetheless, they often have very damaging consequences for those referred, including privacy violations, police interrogations, and social stigma.

Prevent also identifies sympathies for, or interests in, Palestine as another possible sign of extremism. "Vocal support for Palestine" and "opposition to Israeli settlements" are included in a list of potential grievances for professionals to watch out for. Ironically, this runs contrary to the British government's official

policy, which claims to oppose Israeli settlements. Using the same logic, the British Foreign, Commonwealth and Development Office would itself be reported for potential extremism.

The detrimental effects of Prevent's demonization of Palestine solidarity activism are abundantly clear. In 2014, a school boy was referred to counterterrorism police by his teachers for wearing a "Free Palestine" badge and handing out leaflets against the Israeli regime's bombing of Gaza. The police interrogated the boy at his home and he was reportedly told not to speak about Palestine at school again. There are also many incidents of students on university campuses being surveilled and harassed for vocally supporting Palestine.

In addition to the defamatory association with terrorism and extremism, Palestine solidarity activism is frequently conflated with antisemitism. Previously spearheaded by the Israeli Ministry of Strategic Affairs — a ministry established in large part to combat the Boycott, Divestment and Sanctions (BDS) movement and Palestine solidarity movements, whose work has since been merged with the Ministry of Foreign Affairs — this strategic conflation has become a global phenomenon.

In 2018, the British government adopted the 2016 International Holocaust Remembrance Association (IHRA) definition of antisemitism, which purposely conflates anti-Zionism with antisemitism. It states that, "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," is a form of antisemitism. The IHRA's definition has thus been disproportionality invoked to target Palestine solidarity groups that naturally critique the Israeli regime, while white nationalist and far-right European groups have received little attention.

Since 2020, universities in the UK have come under pressure to adopt the IHRA

definition. In October 2020, former British Education Secretary Gavin Williamson even threatened that universities could lose funding streams if they failed to do so. In many cases, universities have succumbed to the pressure, with troubling consequences. At Sheffield Hallam University, for example, Palestinian academic Shahd Abusalama was suspended from her post pending an investigation into complaints from external bodies that she had broken the university's rules on the IHRA. The investigation was soon dropped following a widespread campaign in support of Abusalama and after the university failed to substantiate the complaints.

The IHRA definition has also been the backbone of many attacks directed at the BDS movement, and the British government has proposed legislation that directly targets it. In 2016, the government introduced "guidelines" that denounced procurement boycotts by public bodies as "inappropriate." Later in its 2019 general election manifesto, the Conservative Party promised to cement this into policy, pledging to "ban public bodies from imposing their own direct or indirect boycotts, disinvestment or sanctions campaigns against foreign countries."

While the manifesto did not explicitly mention the BDS movement, various Conservative Party politicians have made it clear where their motivations lie. For example, MP Robert Jenrick claimed in an online conference that, "Within a year or two we should… have an absolute ban on BDS here, which would be a great step forwards." Meanwhile, Conservative MP and government-appointed Special Envoy for Post-Holocaust Issues, Eric Pickles, insisted at a conference in Jerusalem in 2019 that the BDS movement is antisemitic and that proposed legislation would not allow public bodies to divest from or boycott the Israeli regime.

It is now clear that anti-BDS legislation will be introduced in Parliament. In her May 2022 speech at the opening of Parliament, the Queen affirmed that the UK government will put forward "legislation [that] will prevent public bodies

engaging in boycotts that undermine community cohesion." Beyond curtailing the work of Palestine solidarity activists, this will also affect those wanting to pursue boycotts as a form of protest against other powers involved in human rights abuses. A statement from a group of British NGOs noted that this will " stifle a wide range of campaigns concerned with the arms trade, climate justice, human rights, international law, and international solidarity with oppressed peoples struggling for justice."

In addition to this crackdown on boycotts, Palestine solidarity activism faces repression from legal maneuvers targeting social justice movements and vulnerable communities, including migrants and refugees. Critics are calling it a plunge towards a "police state" reality. These include the Nationality and Borders Bill, which attempts to halt immigration from certain parts of the world by criminalizing asylum seekers and introducing "offshore" processing centers, and efforts to reform and restrict the Human Rights Act — essentially allowing the government to pick and choose who has access to human rights.

Perhaps most worrisome for political campaigns and movements is the Police, Crime, Sentencing and Courts Bill (PCSC), which expands and extends the powers of the police and other institutional authorities. Human rights groups and activists explain that this is a massive overreach of political power and an attempt to suppress protest. Furthermore, it is "an attack on some of the most fundamental rights of citizens, in particular those from marginalised communities." The PCSC bill gives the Home Office and police officials broad discretion to deem protests illegal and to arrest and charge attendees and organizers. A protest can be deemed illegal if it simply makes too much noise, and anyone may be arrested and charged for organizing or sharing information about protests. The bill also further criminalizes "trespassing," which not only attempts to limit the spaces of political activity, but also directly targets nomadic Gypsy, Romany, and Traveler communities.

In addition to arrests, punishments under the PCSC bill include lengthy prison sentences and hefty fines. Undoubtedly, this will deter many people from participating in protests and political rallies. The UK-based human rights group, Liberty, stated that the provisions in this bill will affect everyone and will dismantle "hard-won and deeply cherished rights to freely assemble and express dissent."

Successful Pushback and Strategies of Defense

These legal maneuvers constitute a clear effort to create a chilling effect in order to deter Palestine solidarity activists and allied movements from organizing. Yet activists have continued to push back against British state repression — and in many cases, successfully so. The following are some examples and possibilities for building further action.

The National Union of Students (NUS), with the support of allied academic staff, has historically fought back with its own strategy of "Preventing Prevent," encouraging campuses to launch campaigns under the title "Students not Suspects." The NUS officially opposes Prevent as a government policy and supports those who have been targeted by it. More broadly, academics and other professionals have publicly denounced Prevent, with one public letter criticizing the strategy as lacking an "evidence base in science."

Academic institutions have likewise been the site of fierce opposition to the IHRA definition of antisemitism. In early 2021, academics at University College London published a report stating that the "specific working definition is not fit for purpose within a university setting and has no legal basis for enforcement." Following this report, an internal academic board urged the university to reject the use of the IHRA definition and forced the university into a review of the decision to adopt it.

Around the same time, the British Society for Middle East Studies (BRISMES) published a statement affirming that the definition has been used to delegitimize those who support Palestinian rights, and that it does not substantively contribute to the fight against racism. Other statements and actions followed, including a letter from a group of 135 Israeli academics rejecting the definition, and a letter from Palestinian and Arab academics and intellectuals published in the Guardian. This pushback against IHRA has led many universities to stand steadfast in the face of government pressures to adopt the definition.

The forging of student and academic staff alliances is key to fighting oppressive university policies, as both hold significant collective power. Crucially, academic staff can and must refuse en masse to participate in government-mandated spying on students. Educational institutions have long been sites of refusal and resistance to repressive policy, including to the silencing of Palestine solidarity activism, and must continue to be so.

Legal pushback against the delegitimization of the BDS movement has also been particularly effective. Since 2017, the Palestine Solidarity Campaign (PSC), along with a coalition of allies, has fought the British government's attempts to silence BDS in the courts. In April 2020, the PSC defeated the UK government in a landmark case at the Supreme Court. The court ruled against the aforementioned government guidelines, which restricted the ability of local government pension schemes to remove investments from companies complicit in the Israeli regime's violation of Palestinian fundamental rights.

The PSC's success coincides with other successful legal interventions across Europe in pursuit of upholding the right to boycott. In 2020, a German Regional Constitutional Court ruled against an anti-BDS motion, stating that it impinged on fundamental rights. And in May 2021, a French criminal court in Lyon recognized the legitimacy of the character of the BDS call.

Beyond BDS, the European Legal Support Centre (ELSC), an independent organization established to defend and empower Palestinian rights advocates across Europe, works to bolster the Palestine solidarity movement by combining "monitoring, defensive strategies, impact litigation, trainings and advocacy." It also works to develop "legal tools and engage in strategic litigation to support civil society advocacy and campaigns."

These interventions collectively create a body of legal precedence which can be used by activists and movements across the world. Indeed, PSC alluded to this significance following its court win:

For some years Israel and its allies have been engaged in a battle to delegitimise activism for Palestinian rights and, in particular, to attempt to criminalise action in support of the Palestinian call for Boycott Divestment and Sanctions (BDS). The UK Government's attempts to introduce these regulations must be understood within that context. The Government announced in the Queen's Speech its intention to bring in further anti BDS legislation. Our victory in the Supreme Court today should act as a shot across their bows.

Beyond the rights of Palestine solidarity activists, the PSC argues that their case is also about broader threats to freedom of expression and government overreach in local democracy. Indeed, the Palestine solidarity movement is not the only target of British state repression, as demonstrated by the PCSC bill. As the bill targets a broad range of activists and movements, mobilization against it has been led by a massive coalition of allies, with British Black Lives Matter groups taking a leading role.

Since the beginning of 2021, thousands have taken to the streets across big cities in the UK in "Kill the Bill" protests. The mass mobilization helped push the House of Lords to reject the bill twice due to grave concerns about its repressive nature. However, in a worrying development for political campaigners and social justice

movements, the PCSC bill passed through Parliament on April 28, 2022.

Both the "Kill the Bill" campaign and the legal interventions in defense of the BDS movement confirm the need to fight these latest maneuvers in broad intersectional collectives. These collectives are not only able to exert greater pressure on the government, but they are rooted in the conviction of the connectedness of struggles, as well as a shared belief in resistance to oppression.

Deputy director of the PSC, Ryvka Barnard, writes that it is this collective power "that scares our complicit government and the corporations that enjoy its carte blanche to profit from death and destruction." Indeed, as the British government adopts police-state policies, this collective strategy is what will most effectively defend against ongoing government repression and lay the foundation for future struggle.

1. *To read this piece in French, please click here. Al-Shabaka is grateful for the efforts by human rights advocates to translate its pieces, but is not responsible for any change in meaning.*
2. *The author would like to thank both Hussein Sameh and Ryvka Barnard for their invaluable expertise and insights into this topic.*

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