

## I. Introduction

1. *Motion A105 “Zionism is Racism”* (“the Motion”) has been submitted for debate at the forthcoming Spring Conference of the Green Party of England and Wales on 28 March 2026. While framed as a principled stand against racism and structural oppression, the Motion and the accompanying briefing paper (“the Briefing Paper”) rest on a series of definitional distortions, historical inaccuracies, and legally unsustainable claims. In doing so, it mischaracterises a diverse and historically complex national movement as inherently racist and advocates a policy that would violate basic tenets of international law.
2. Moreover, by defining Zionism as structurally racist in all its forms, the Motion risks placing many Jewish members, for whom Zionism is intertwined with cultural identity, historical memory, and collective security, in the position of being associated with racism as a matter of identity rather than conduct. Even where the Motion formally distinguishes between Jews and Zionists, its operative language makes that distinction functionally unstable in practice.
3. The opening paragraph of the Briefing Paper<sup>1</sup> states that the Motion has been drafted and developed by Palestinian members in consultation with a range of external campaign groups, including explicitly anti-Zionist organisations such as the International Jewish Anti-Zionist Network (IJAN) and the Jewish Network for Palestine (JNP).<sup>2</sup> There is no indication that Jewish members or organisations who identify as Zionist, whether liberal, socialist, religious, or otherwise, were consulted at any stage. The Motion declares that a world view central to the self-understanding of a significant proportion of the world’s Jewish population is inherently racist. Procedural fairness and intellectual integrity require meaningful engagement with those who hold that identity. Consultation exclusively or overwhelmingly with groups

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<sup>1</sup> Page 7

<sup>2</sup> See <https://jewishnetworkforpalestine.uk/about>: “Jewish Network for Palestine (JNP) was founded by UK members of the USA organisation ‘Jewish Voice for Peace’. JNP is guided by a vision of justice, equality and freedom for all people. We unequivocally oppose Zionism because it is counter to those ideals.”

already committed to the conclusion that “*Zionism is racism*” cannot reasonably be described as pluralistic or balanced.

4. This memorandum does not attempt to provide an exhaustive account of the Motion’s manifold deficiencies. The sections below concentrate on the most serious problems it raises, from constitutional, legal and factual standpoints.

## II. The Motion conflicts with the Party’s existing policy, philosophical basis, codes of conduct and guidelines

### Conflict with existing policy

5. The Green Party’s existing Regional Policy on Palestine and Israel contains a number of points which the Motion directly contradicts. These include the following:

*“IP601 Such a solution [to the Arab-Israeli conflict] may be achieved in one state or two within the former Palestine mandate (hereinafter referred to as Palestine), but as a matter of fact is achieved in neither. A fair choice needs to be made and accepted by both Israelis and Palestinians for their common future in Palestine. **Exclusive possession of Palestine by either side is never going to be an achievable and just solution.**”*

*“IP610 The Green Party supports calls for **mutual recognition of the rights of independent statehood** and for **recognised, agreed and secure borders** for Palestinians and Israelis in Palestine.”*

*“IP620 The Green Party believes that all Israelis, Palestinians, and their families should have and be able to exercise **full human and civil rights** throughout Israel, Palestine and the occupied territories in Palestine.”*

*“IP622 The Green Party calls on the democratically elected representatives of the Palestinian people to **recognise the right of the state of Israel to exist within recognised, agreed and secure borders.**” [emphasis added]*

6. The Motion’s insistence on a Palestinian state to replace the current State of Israel is thus in direct contravention of the Green Party’s existing Regional Policy.
7. Article 14(iii) of the Party’s [Constitution](#) states:

*“Proposed alterations to the policies of the Green Party to be approved by Conference must have passed through the process of consultation specified in Standing Orders for the Conduct of Conference. In this process, **every effort shall be made to achieve effective consultation with appropriate bodies both within and outwith the party, with a view to achieving consensus within the party, or where that is unattainable the widest attainable agreement.** ...”*  
[emphasis added]

The requirement in the second sentence of this provision is clearly supplemental to the first sentence. This requirement does not appear to have been complied with. There does not appear to have been any effort to consult with the Policy Development Committee or with Zionists of any kind within or outwith the Party. In the absence of such efforts, consideration of the Motion at Conference would appear to contravene the Constitution.

8. The Motion's "Action Points" propose that it be incorporated into the Green Party's Record of Policy Statements. However, this does not avoid the fact that since it contradicts the existing Regional Policy, it can only be adopted as an alteration to that Policy in accordance with Article 14(iii) of the Constitution.

#### Conflict with philosophical basis

9. The Party's Philosophical Basis includes:

***"PB303 Equality: The Green Party believes that all people are of equal value, and recognises that as individuals and groups characteristics including, but not limited to, disability, age, race, colour, ethnicity, sex, gender, sexual orientation, class, faith or belief can lead to our being subjected to multiple and intersecting forms of discrimination and oppression. The Green Party rejects all forms of unjustified discrimination, and recognises that entrenched beliefs and systemic practices impact on people in very different ways. We believe that discriminatory behaviour by individuals and social institutions should be actively challenged. We accept the need for laws and social institutions to protect the interests of disadvantaged individuals and groups."***

***"PB306 Minorities: Majority rule is insufficient as the basis for resolving conflicts. The Green Party promotes non-violent solutions to conflict situations. The interests of the minority and of future generations must be included in non-violent processes of conflict resolution in order to achieve lasting settlements."*** [emphasis added]

10. The Motion's declaration that Zionism is inherently racist<sup>3</sup> and its support for the Palestinian "right of resistance ... by all available means",<sup>4</sup> apparently including by armed struggle, conflict with the above provisions.

11. Article 14(ii) of the Party's Constitution states:

*"The Philosophical Basis of the Party may be changed only by a two-thirds majority at Conference or by a two thirds majority vote of the membership through a party-wide ballot. ..."*

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<sup>3</sup> Page 4

<sup>4</sup> Para 4, page 5

12. Since the Motion would amend the Philosophical Basis, its adoption at Conference would require a two-thirds majority.

Conflict with codes of conduct and guidance

13. The [Members Code of Conduct](#) contains a number of relevant paragraphs which would be breached should the Motion be passed. It includes, in Section B. Standards of Conduct, the following provisions:

*“9.2 The Green Party should also be a space that is as safe or safer than society as a whole. Therefore discriminatory, oppressive or abusive behaviour should be prevented and stopped when it occurs. The aim is to provide an environment free of this. Any form of such behaviour is a breach of this Code, as is failure by a person in a role with responsibility, such as a Chair, Moderator or similar to take appropriate action to prevent or stop it. Members should also be aware of risks and act to mitigate them.”*

*“11.1 Members should welcome diversity in the Party and strive to accommodate the different needs of members wherever possible. Welcoming diversity encompasses respect towards and active consideration of people's individual differences as well as their diverse cultural backgrounds.”*

*“11.3 Members must not behave in a discriminatory manner towards someone on the basis of any protected characteristic that person may have.”*

*“12.1 As the Green Party welcomes people from a wide range of backgrounds, members may encounter people who hold differing political or philosophical worldviews. Freedom of belief and the right to change that belief is a fundamental human right. Members should therefore show tolerance and respect towards people that hold political or philosophical worldviews that differ from their own.” [emphasis added]*

14. Declaring that Zionism is inherently racist is not compatible with these provisions in the Code of Conduct.
15. The Green Party's Framework of Ethics and Conduct 2024 likewise provides that its aim *“is to help ensure that all members, in particular those belonging to socially marginalised or oppressed groups, are treated with respect and allowed to feel safe in the Green Party of England and Wales. Each document is prepared and adopted to support our members in working to achieve this together.”*
16. To that end, the Green Party has adopted a resource called *“Antisemitism: A Guidance”*. This Guidance is described as an *“educational resource to enable the disciplinary committee to identify and understand antisemitism”*. In its Introduction, the drafters acknowledge the rise of antisemitism with the following statement: *“The Green Party should not presume that we are immune from this. Antisemitic attitudes,*

*actions and ideology are present throughout all spheres of society. We are an ideologically antiracist party, committed to eradicating antisemitism wherever we find it, including within our own party. Defining, identifying, understanding, and opposing antisemitism is a key part of our opposition to racism. As the Jewish poet Emma Lazarus wrote, foreshadowing Martin Luther King ‘until we are all free, we are none of us free’.”*

17. To this end, the Guidance explains that *“This document is intended to protect legitimate criticism of Israel, while providing the guidance needed for the disciplinary committee to fully deal with those who are racist, and those who pretend to be antizionist to make their racism seem more acceptable.”*
18. The Guidance includes an FAQ section which explains the differences between legitimate criticism of Israel and antisemitism under the mask of anti-Zionism. It explains, for instance, that *“Attempts to point to Israel as the singular and only example of racism could very well be motivated by antisemitism, and a desire to frame Jews as the only perpetrators of racism.”* It also refers extensively to the IHRA definition of antisemitism as a guiding framework for understanding antisemitism, as well as to other literary works which help to conceptualise anti-Zionism as antisemitism.
19. The Motion completely disregards the Green Party’s Framework of Ethics and Conduct and the associated Guidance on Antisemitism. For the reasons set out above, and pursuant to its own Guidance document, the Green Party’s disciplinary committee should, in relation to this Motion and its drafters, *“fully deal with those who pretend to be antizionist to make their racism seem more acceptable”*.

### **III. The Motion, if passed, is liable to result in the Party violating the Equality Act 2010**

20. As an association, the Green Party is prohibited by section 101 of the Equality Act 2010 (“the Act”) from discriminating against members by depriving them of membership or subjecting them to any other detriment. It is also prohibited from harassing members. The Party has similar legal obligations to its staff under sections 39 and 40 of the Act.
21. Direct discrimination, defined in section 13 of the Act, covers treating a person less favourably because of a protected characteristic, whether of that person or of another person or persons with whom that person associates or is associated (associational discrimination).
22. Harassment is defined in section 26(1) of the Act as engaging in unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

23. The protected characteristics include nationality and ethnicity (sections 4 and 9) as well as religion and philosophical belief (sections 4 and 10). Direct discrimination because of these characteristics cannot be justified under the Act.
24. Philosophical belief has been defined by the criteria set out in [\*Grainger v Nicholson\*](#), namely:
- “(i) The belief must be genuinely held.*
  - (ii) It must be a belief and not an opinion or viewpoint based on the present state of information available.*
  - (iii) It must be a belief as to a weighty and substantial aspect of human life and behaviour.*
  - (iv) It must attain a certain level of cogency, seriousness, cohesion and importance.*
  - (v) It must be worthy of respect in a democratic society, be not incompatible with human dignity and not conflict with the fundamental rights of others.”*
25. In accordance with the *Grainger* criteria, it has been held that a belief in Scottish independence ([\*McEleny v Ministry of Defence\*](#)) and anti-Zionism ([\*Miller v University of Bristol\*](#)) can be protected characteristics. By the same token, Zionism can be a protected characteristic, as well as Israeli nationality and Jewish ethnicity or religion.
26. If the Motion, defining all forms of Zionism as racism, is adopted, Party members who are sympathetic to *any* form of Zionism will be liable to be disciplined under Article 4(x)-(xi) of the Constitution and potentially suspended or expelled under Article 4(viii). Indeed, this is envisaged by para 2 of the Action Points of the Motion: *“Zionism, as defined above, will be treated as any other form of racism, and this motion will be implemented by the Anti-Racism Policy Working Group as appropriate and in accordance with its ordinary practice.”*
27. Staff of the Party sympathetic to any form of Zionism would also be liable to be disciplined, suspended and/or expelled on the same basis.
28. Such action, and even the jeopardy to such action, would subject such members and staff to detriment. This would amount to discrimination in breach of the Equality Act because of their Zionism, where it is a protected characteristic, and also because of the protected characteristics of Israeli nationality and Jewish ethnicity and religion, where Zionism is intrinsic to those members’ national, ethnic and/or religious identity.

29. The Motion would also be likely to result in an intimidating, hostile, degrading, humiliating or offensive environment for such members and staff, thus amounting to harassment in breach of the Act.<sup>5</sup>

Erroneous comments on case-law in Briefing Paper

30. The Motion's Briefing Paper refers to the judgment of the Employment Tribunal in *Miller v University of Bristol* but provides an inaccurate description of what it decided. It should also be noted that this judgment has been appealed to the Employment Appeal Tribunal, whose [decision is currently pending](#).
31. The Briefing Paper claims<sup>6</sup> that the Employment Tribunal's judgment established "*that anti-Zionist beliefs constitute a "philosophical belief" protected under the Equality Act 2010, making its suppression unlawful discrimination... This precedent legally affirms that using the IHRA definition to police criticism of Zionism risks violating fundamental rights*". This overstates the Tribunal's ruling in *Miller* and also conflicts with the High Court judgment in [Husain v SRA](#).
32. The Tribunal found in *Miller* that that the particular Claimant held a particular belief, defined by himself as "Anti-Zionist", which fulfilled the *Grainger* criteria for a protected philosophical belief. The ruling was highly specific to that Claimant and the circumstances surrounding his dismissal by the University of Bristol. It did not find that *all* Anti-Zionist beliefs are protected, given the highly case-dependent nature of the *Grainger* criteria.
33. In particular, the Claimant in that case had said that his Anti-Zionist belief had "*nothing to do with the inherent nature of the State of Israel*", and that in his view, it was "*possible for a non-racist State of Israel to exist ... if Israel were to abandon or reverse all of its racist policies, laws and practices...*".<sup>7</sup> The Claimant also made clear that he "*is not and was not supportive or "open to" violence as a means of opposing Zionism*".<sup>8</sup>
34. In relation to the last of the *Grainger* criteria – that in order to constitute a protected belief, the belief must not be "*incompatible with the rights of others and/or unworthy of respect in a democratic society*"<sup>9</sup> - the Tribunal noted that only those beliefs whose characteristics are such that they would fall outside the scope of Article 9 of the European Convention of Human Rights (ECHR) by virtue of its Article 17 would fail to satisfy that criterion. "*Very few beliefs*" would fail that hurdle, but some examples

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<sup>5</sup> Religion and belief are not relevant protected characteristics in relation to harassment of members (section 103 of the Act), but they are in relation to harassment of staff. Nationality and ethnicity are relevant protected characteristics in relation to harassment of both members and staff.

<sup>6</sup> Section 6, page 15

<sup>7</sup> paras. 223, 230.

<sup>8</sup> para. 237.

<sup>9</sup> para. 212(iv).

might be advocating Nazism, pursuing totalitarianism or espousing violence and hatred in the gravest of forms.<sup>10</sup> Because the Claimant was not opposed to the “*idea of Jewish self-determination or of a preponderantly Jewish state existing in the world*” and because he was opposed to “*violence as a means of opposing Zionism*”, the Tribunal had to find that his beliefs fulfilled the *Grainger* criteria.<sup>11</sup>

35. Crucially, the Tribunal did not rule upon whether his interpretation of Zionism or of the history of the State of Israel was factually correct – its role was only to rule on whether his belief, as he defined it, amounted to a philosophical belief within the meaning of section 10 of the Equality Act 2010.
36. The Tribunal also found that the University’s aims in dismissing the Claimant – including “*the protection of the rights of others to hold religious beliefs and to associate with the University “undaunted by harassment, intimidation or hostility”*” – were legitimate.<sup>12</sup> However, it concluded that a “*less intrusive means than dismissal could have been used by the University without unacceptably compromising the achievement of its objectives.*”<sup>13</sup>
37. Thus, the assertion in the Briefing Paper<sup>14</sup> that the Tribunal found “*that anti-Zionist beliefs constitute a “philosophical belief” protected under the Equality Act 2010, making its suppression unlawful discrimination*” is incorrect.
38. The Briefing Paper also claims<sup>15</sup> that the Tribunal “*explicitly ruled that the IHRA definition’s examples were “not capable of forming the basis of a legally binding definition” and were “objectively incapable” of determining whether an incident was antisemitic. This judicial finding confirms the definition’s unsuitability for institutional policy and its potential to cause unlawful discrimination.*” This is incorrect. None of these findings appear in the *Miller* case.
39. The authors of the Briefing Paper appear to have confused the *Miller* case with the separate case of [\*Husain v SRA \[2025\] EWHC 1170 \(Admin\)\*](#) in the High Court, referring to the *Miller* case as “*Miller (Hussein) v University of Bristol Employment Tribunal (2022)*”. This confusion itself evidences the inadequacy of their legal analysis.
40. An earlier reference in the Briefing Paper to the judgment in *Husain v SRA* claims<sup>16</sup> that it “*ruled not only were the IHRA examples “not capable of forming the basis of a legally binding definition.” but also that several of the “examples” were not*

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<sup>10</sup> Paras. 234-237.

<sup>11</sup> Para. 237

<sup>12</sup> Para. 274.

<sup>13</sup> Para. 314.

<sup>14</sup> Section 6, page 15

<sup>15</sup> Section 6, page 15

<sup>16</sup> Section 5, page 12

*presumptively antisemitic and were protected by Article 10 rights of freedom of expression.*” These comments are also inaccurate and the judgment did not contain the quoted text.

41. The IHRA working definition expressly states that it is not legally binding. The judgment in *Husain* notes that the examples of the IHRA definition are expressed to be examples of conduct which could, taking into account the overall context, constitute antisemitism. The judgment particularly examined the seventh, eighth and tenth examples and concluded:

*“108. ... where speech is said to fall within the seventh and eighth of the IHRA's examples, it is unlikely that the substantive content of the message alone will justify the label "antisemitic". However, depending on the language used, and in context, the speech may be antisemitic. The focus of the court or tribunal should therefore be on the language and context.”*

*“109. ... Depending on the context, a criticism of Israel which pointedly uses Nazi language and imagery as a racialised taunt of this kind could reasonably be regarded as antisemitic.”*

42. The Briefing Paper’s inaccurate references to these cases do not alter the position that the Motion will result in discrimination and harassment of Members because of protected characteristics in breach of the Equality Act 2010. They do, however, reinforce the point that this Motion requires, but does not appear to have received, careful legal consideration.

#### **IV. The Motion advocates violating fundamental rights of Israelis to self-determination and rejecting the UN framework for resolving the Israeli-Palestinian conflict**

43. The Motion repeatedly calls for a political settlement to the Israeli-Palestinian conflict that would eliminate the existing State of Israel and replace it with a new Palestinian State. Notwithstanding the Motion’s repeated invocation of human rights and international law, it calls for the exercise of self-determination of the Palestinian people to the exclusion of that same right held by the Israeli people. A human rights-centred approach founded on international law cannot selectively apply the right to self-determination to one people while denying it to another.

44. The subparagraphs below cite a number of passages that are contained within the Motion or Briefing Paper:

44.1. *“Rejecting Zionism and supporting the liberation of the Palestinian people is not discriminatory against Jewish people. Nor is it discriminatory to support the*

*establishment of a single democratic Palestinian State between the Jordan river and the Mediterranean Sea with equal rights for all.”<sup>17</sup>*

44.2. *“Following from Motion E05, which affirmed that Israel is an apartheid State committing genocide, and Motion E07 supporting reparations and accountability, the Green Party supports the establishment of a single democratic Palestinian State in all of historic Palestine with Jerusalem as its capital, equal rights for all, and the right of return for Palestinians and their descendants.”<sup>18</sup>*

44.3. *“4. The Green Party affirms the Palestinian people's inalienable right to self-determination, including the right of the Palestinian people to resistance and liberation from Israeli occupation, domination and subjugation, and acknowledges that the struggle to achieve that liberation by all available means under international law is legitimate.”<sup>19</sup>*

44.4. *“Given the repeated failure of past negotiations, which have only led to further oppression, dispossession, apartheid, genocide, and war crimes being committed against the Palestinian people, the only viable solution is the establishment of a single, democratic Palestinian state with equal rights for all. Achieving this demands acknowledgment, accountability and reparations for crimes against Palestinians.”<sup>20</sup>*

44.5. *“We must uphold the right of oppressed people to resist occupation and their fundamental right to self-determination and justice.”<sup>21</sup>*

45. In addition to repeatedly “rejecting Zionism”, the Motion also affirms the right to self-determination of the Palestinian people and supports the establishment of a single democratic Palestinian State in all of “historic Palestine”. That position necessarily entails the elimination of the existing expression of the right of Israelis to self-determination. It also jeopardises a range of fundamental human rights held by Israeli people under international law.

46. The UN Charter, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) all form the codified basis of the internationally recognised right to self-determination.<sup>22</sup> The right to self-determination is the “right of peoples to freely

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<sup>17</sup> Motion, page 4

<sup>18</sup> Motion, para 3, page 5

<sup>19</sup> Motion, para 4, page 5

<sup>20</sup> Briefing Paper, page 8

<sup>21</sup> Briefing Paper, page 8

<sup>22</sup> See UN Charter, Article 1(2): “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace”; ICCPR, Article 1(1): “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic,

*determine their political status and freely pursue their economic, social, and cultural development.”*<sup>23</sup>

47. While the right to self-determination is sometimes linked to the right over particular territory,<sup>24</sup> international law firmly recognises the concurrent existing right of self-determination *for all peoples*; it does not provide that one people’s exercise of the right to self-determination should nullify another’s.
48. Moreover, the right to self-determination must be exercised in a manner that is consistent with the UN Charter and existing international law. Replacing an existing State with another, in order to exercise one people’s right to self-determination, directly contravenes the principle of sovereignty and territorial integrity enshrined in the UN Charter, including Article 2(1) (the prohibition on non-intervention) and Article 2(4) (the prohibition on the threat or use of force against the territorial integrity or political independence of any State).
49. The Motion affirms the right to self-determination of the Palestinian people but calls for the replacement of the State of Israel with a “*single democratic Palestinian State between the Jordan river and the Mediterranean Sea with equal rights for all*”. Advocating for the dissolution of the existing State of Israel, while expressly rejecting a negotiated framework for a two-state solution based on consent,<sup>25</sup> is not a lawful exercise of the right to self-determination, and runs contrary to the UN Charter and the principles of sovereignty and territorial integrity.
50. Israelis constitute a people. Replacing Israel with a Palestinian state in “*all of historic Palestine*” would entail loss of Israeli nationality and subjugation of Israeli citizens to a different sovereign authority without their collective consent. The approach implies the transformation of Israeli citizens into a national minority in a new state defined as Palestinian.
51. Even if framed as “*equal rights for all*”, the demographic and political implications of replacing Israel with a new Palestinian State amount to a structural disenfranchisement of at least one existing national group. This is evidenced in

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*social and cultural development”*; ICESCR, Article 1(1): “*All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*”

<sup>23</sup> See Thomas Weatherall, *The Right to Self-Determination in International Law* (Oxford University Press, 2025), p. 1.

<sup>24</sup> There are two elements to self-determination: the internal element of the exercise of the right requires that the human rights of a ‘people’ are respected, whereas the international element of the right is linked to rights over particular territory – but not over territory that is already populated by another ‘people’. See generally, Thomas Weatherall, *The Right to Self-Determination in International Law* (Oxford University Press, 2025).

<sup>25</sup> The Briefing Paper states: “*Given the repeated failure of past negotiations, which have only led to further oppression, dispossession, apartheid, genocide, and war crimes being committed against the Palestinian people, the only viable solution is the establishment of a single, democratic Palestinian state with equal rights for all...*”.

particular by clauses contained in the new draft Palestinian constitution, published last month, which omits any mention of Jews or Judaism, committing itself instead to preserving Jerusalem's "Islamic and Christian sanctities", designating the official religion of a Palestinian state as Islam and Islamic Sharia principles as a primary source for legislation, describing Christianity (but not Judaism) as having a "status" in Palestine.<sup>26</sup>

52. The replacement of the State of Israel with a Palestinian State would also run contrary to the UN Security Council and General Assembly framework, which support a negotiated settlement to the Israeli-Palestinian conflict, based on a "*two-state solution*". The Motion ignores, for example,

52.1. UN Security Council Resolutions 1397 (2002)<sup>27</sup> and 2735 (2024);<sup>28</sup>

52.2. General Assembly Resolution 181(II),<sup>29</sup> which called for the partition of the Mandate of Palestine into two States: one Arab and one Jewish;

52.3. the three General Assembly resolutions adopted in December 2024,<sup>30</sup> which called for a two-State solution to the Israeli-Palestinian conflict;

52.4. the UN General Assembly's endorsement of the New York Declaration on Two-State Solution between Israel and Palestine, 12 September 2025;<sup>31</sup>

52.5. the statement by UN Secretary-General Antonio Guterres, January 2024 that "*Any refusal to accept the two-State solution by **any party** must be firmly rejected,*" stressing that the only way to address the legitimate aspirations of both Israelis and Palestinians is through that formula;<sup>32</sup>

52.6. the statement by UN Secretary-General Antonio Guterres, September 2025, asking countries to "*recommit... to a two-State solution before it's too late*"

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<sup>26</sup> Arts. 3 and 4 of the Draft of the Temporary Constitution of the State of Palestine, February 2026, available at <https://constitutionnet.org/sites/default/files/2026-02/2026.02%20-%20Draft%20constitution%20%28English%29.pdf> (translated to English).

<sup>27</sup> [https://docs.un.org/en/s/RES/1397\(2002\)](https://docs.un.org/en/s/RES/1397(2002)), preamble: "*Affirming a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders*".

<sup>28</sup> [https://docs.un.org/en/s/RES/2735\(2024\)](https://docs.un.org/en/s/RES/2735(2024)), para. 6: "*Reiterates its unwavering commitment to the vision of the two-State solution where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders, consistent with international law and relevant UN resolutions*".

<sup>29</sup> [https://docs.un.org/en/A/RES/181\(II\)](https://docs.un.org/en/A/RES/181(II)), Plan of Partition with Economic Union, para. 3: "*Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in part III of this plan, shall come into existence in Palestine*"

<sup>30</sup> <https://press.un.org/en/2024/ga12661.doc.htm>

<sup>31</sup> <https://www.ungeneva.org/en/news-media/news/2025/09/110546/general-assembly-endorses-new-york-declaration-two-state-solution>

<sup>32</sup> <https://press.un.org/en/2024/sc15569.doc.htm>

emphasising that “*without two States, there will be no peace in the Middle East, and radicalism will spread around the world*”;<sup>33</sup>

52.7. the statement of Sigrid Kaag, UN Special Coordinator for the Middle East Peace Process ad interim to the UN Security Council, February 2025, emphasising the need for “*the creation of independent Israel and Palestine coexisting peacefully side by side*.”<sup>34</sup> [emphasis added]

53. The Motion also completely disregards the Palestinian leadership’s own recognition of the State of Israel and the mutual assurances made as part of the Oslo peace process. As part of that process, on 9 September 1993, Palestinian Liberation Organization (“PLO”) Chairman Yasser Arafat sent a letter to Israeli Prime Minister Yitzhak Rabin, in which he stated that the PLO recognised the right of the State of Israel to exist in peace and security, accepted UN Security Council Resolutions 242 and 383 as the basis for negotiations, and committed to renounce terrorism and violence and abide by obligations of the peace process. In response, Rabin confirmed that Israel recognised the PLO as the representative of the Palestinian people and agreed to commence negotiations.<sup>35</sup>

## **V. The Motion and Briefing Paper are based on fundamental misconceptions of what Zionism is**

54. Another key defect of the Motion and Briefing Paper lies in their misconceptions as to what Zionism is.

55. The Motion opens with the assertions: “*Zionism is a political ideology which called for the creation – and, now it exists, the continuity – of an ethnonationalist Jewish State in historic Palestine to the exclusion and/or domination of the non-Jewish population ... This is based upon European settler-colonial systems of domination and oppression, which has also created racial hierarchies between Jews of different ethnicities in Palestine.*”

56. This characterisation of Zionism is plainly incorrect and deeply offensive. Zionism, at its core, is a national self-determination movement of a particular people (the Jewish people) historically defined by religion, ethnicity and shared history. It is comparable, ideologically and structurally, to other national self-determination movements such as Kurdayetî (‘Kurdishness’ or, broadly, Kurdish nationalism), which is founded on a belief that Kurds are a distinct people with a historical right to self-determination in their ancestral homeland of Kurdistan.<sup>36</sup>

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<sup>33</sup> <https://www.ungeneva.org/en/news-media/news/2025/09/110829/recommit-two-state-solution-israel-palestine-conflict-its-too-late>

<sup>34</sup> <https://press.un.org/en/2025/sc16007.doc.htm>

<sup>35</sup> [https://ecf.org.il/media\\_items/300](https://ecf.org.il/media_items/300)

<sup>36</sup> See e.g., William Gourlay, ‘Kurdayetî: Pan-Kurdish Sentiment and Solidarity’ in *The Kurds in Erdogan’s Turkey: Balancing Identity, Resistance and Citizenship* (Edinburgh University Press, 2020),

57. Zionism is not based on “*European settler-colonial systems of domination and oppression*”: it is neither European nor settler-colonialist.

57.1. First, the Jewish people’s historical connection to the land of Israel predates modern colonial frameworks by over 3,000 years. Jewish people are indigenous to the land that is the modern State of Israel.

57.2. Second, settler-colonialist systems involve a metropole or ‘mother country’ retaining sovereignty over another country and extracting that country’s resources. Zionism did not involve a European metropole retaining sovereignty over Israel or a colonial extraction regime on behalf of Europe. Conversely, the realisation of Zionism constitutes the exercise of Jewish self-determination over the Jewish people’s ancestral homeland.

57.3. Finally, over half of Israeli Jews descend from Middle Eastern and North African communities, mostly expelled or displaced from Arab states since 1948 – they are not “*European settlers*”, and to describe them as such is false as well as racist.

58. Interpreting Zionism as a “*European settler-colonial system of domination and oppression*” ignores the indigenous roots of the Jewish people in Israel, the absence of a European colonial metropole, and the post-Holocaust statelessness context from which the modern State of Israel arose. It also ignores the fact that the Jewish people were themselves persecuted in Europe by successive European governments over centuries. Equating Israel with a European colonial power completely ignores this reality.

59. The following passage in the briefing note is also fundamentally wrong:<sup>37</sup> “*Zionism is not the expression of the right to self-determination by the Jewish people, as claimed by Zionists. Afrikaner nationalists in South Africa said the same thing about apartheid, also dressing up that system of racial domination and oppression in anti-colonial language. Zionism, just like apartheid, denies the indigenous people their self-determination, through state violence, ethnic cleansing and the denial of basic rights.*”

60. To maintain that Zionism is not an expression of Jewish self-determination requires denying that Jews constitute a “*people*” under international law or denying that they

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p. 141: “*Kurdayeti is sometimes regarded as a form of Kurdish nationalism that amounts to a desire for an independent Kurdish homeland.*” See also Huseyn Tunc, ‘*Kurdayeti and Kurdish Nationalism: The Need for Distinction*’ (2018) 2(1) *Zanj: The Journal of Critical Global South Studies*, 43, 48: “*Primordialists of Kurdish nationalism believe in the antiquity and historical continuity of a united and distinct Kurdish nation and origin in the past in a more or less compact territory (Kurdistan—the land of the Kurds) with a distinct language, culture, and historical experience of self-rule, including among the early agrarian civilizations in the Fertile Crescent of Mesopotamia.*”

<sup>37</sup> Section 1C, page 9

are indigenous to the land of Israel. Both positions contradict established historical facts and international laws.

61. The analogy to South Africa's apartheid regime fails in several structural respects.
  - 61.1. First, in contrast to the Jewish people in Israel, Afrikaner nationalists in South Africa are not indigenous to South Africa.
  - 61.2. Second, South Africa's apartheid regime denied political participation to the Black majority categorically. In contrast, in Israel, Israeli Arab citizens have equal rights to Israeli Jewish citizens: they vote, sit in parliament, serve in politics and as judges, including on the Supreme Court.
  - 61.3. Third, South Africa's apartheid regime was explicitly structured as racial domination by a settler minority with no substantiated competing national claim to the territory. In contrast, the Israeli-Palestinian conflict is a territorial conflict between two national movements, with competing claims over the same territory.
62. Additional passages in the Motion and Briefing Paper allege that Zionism constitutes the foundation for an "ethnonationalist", "racist", "white supremacist", and "apartheid" system:
  - 62.1. *"The practice of Zionist ideology, promoting ethnonationalism, privileges one ethnic group on the basis of the subjugation of others."*<sup>38</sup>
  - 62.2. *"Zionism has created and seeks to maintain – and where possible – expand, an apartheid regime between the Jordan River and the Mediterranean Sea, designed to cement the supremacy of one group, Jews, over another, Palestinians. As such, Zionism is racist."*<sup>39</sup>
  - 62.3. *"Zionism is a racist ideology which functions as a settler-colonial project that enforces a system of apartheid and "Jewish supremacy" over the indigenous Palestinian population, deliberately co-opting Judaism to justify the displacement, disenfranchisement, and systemic violence against Palestinians, while internally replicating white supremacist hierarchies that also privilege Ashkenazi Jews over Mizrahi, Sephardi, and Ethiopian Jewish communities, thereby establishing a political structure rooted in ethnic and racial discrimination. We re-iterate that not all Jews are Zionists and not all Zionists are Jews."*<sup>40</sup>
63. These interpretations of Zionism are, again, incorrect and deeply offensive. Under the Apartheid Convention and the Rome Statute of the International Criminal Court,

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<sup>38</sup> Motion, page 4

<sup>39</sup> Motion, page 4

<sup>40</sup> Briefing paper, section 1B, page 9

apartheid is a crime defined by institutionalised domination by one racial group over another, with intent to maintain that regime. To assert that Zionism is a racist ideology which enforces a system of apartheid would require demonstrating that the ideology itself mandates racial domination – which it does not – and that the state structure in Israel is legally organised on racial – not national or citizenship – grounds, which it is not. One may argue discrimination exists in Israel, as it does in most states. But equating Zionism with apartheid is historically and factually flawed.

64. Moreover, contrary to assertions made in the Briefing Paper, the International Court of Justice (ICJ) has not issued any binding ruling concluding that Israel operates apartheid practices or an apartheid regime as defined in international criminal law: see below. While some human rights organisations have claimed this to be the case, conflating NGO assessments with legally binding statements on international law is a categorical error.

## **VI. The Briefing Paper misinterprets applicable international law**

65. This section draws attention to errors of international law in the Briefing Paper which are particularly relevant to the Motion’s claim that “*Zionism is racism*” and its support for “*resistance*” by “*all available means*”, apparently including terrorism and the targeting of Israeli civilians. The selection of these errors is not comprehensive.
66. The Briefing Paper asserts that the ICJ, in its Advisory Opinion of July 2024, found that “*Israel’s policies breach the convention prohibiting racial segregation and amount to apartheid... As a serious crime under international law, the ICJ’s finding of apartheid is a powerful rebuke.*”<sup>41</sup> This is incorrect.
- 66.1. First, Advisory Opinions of the ICJ are not legally binding; they are opinions addressed to the requesting body, in this case, the UN General Assembly.
- 66.2. Second, the ICJ did not say that Israel’s policies “*amount to apartheid*”. It deliberately refrained from classifying the policies as such.<sup>42</sup>
- 66.3. Third, the international *crime* of apartheid is legally and materially distinct from a breach of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which the ICJ was considering. The ICJ does not exercise criminal jurisdiction; it is concerned with violations of international obligations by States, not the commission of crimes by individuals. No court or

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<sup>41</sup> Section 3, page 10

<sup>42</sup> See *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, Case No. 186 (Advisory Opinion), 19 July 2024, para. 229; and the separate Opinion of Judge Nolte, para 8 (“*the Opinion cannot be understood as finding that the prohibition of apartheid has indeed been violated by Israel*”)

body has ever found any individual in Israel responsible for committing the international crime of apartheid.

67. The Briefing Paper also invokes UN General Assembly Resolution 3379 which characterised Zionism as “*a form of racism and racial discrimination*”. It states: “*Although the UN revoked this resolution in 1991 to facilitate peace talks and Israel’s participation in the Madrid Peace Conference, it is crucial to note that the repeal was a political manoeuvre, not a reassessment of Zionism itself. It did not state that Zionism was no longer a form of racism, nor absolve Israel of its systemic violations of international law, or redefine the ideology. Therefore, the revocation (Resolution 46/86) was not based on any change in Zionism’s doctrine or practice, nor on any rebuttal on the findings in Resolution 3379.*”<sup>43</sup>

68. This advances a historically selective and logically inconsistent interpretation of the political context in which Resolution 3379 was adopted and later revoked. The adoption of this Resolution in 1995, sponsored by the Soviet Union, was itself a political manoeuvre, aimed at normalising antisemitism through a new, politically correct lens. While it is true that Israel made revocation of Resolution 3379 a condition of its participation in the Madrid Peace Conference, that fact alone does not establish that the General Assembly’s decision to revoke the resolution was solely – or even principally – motivated by that consideration.

69. Several facts indicate otherwise.

69.1. General Assembly resolution 46/86 which formally revoked Resolution 3379 was passed by an overwhelming majority of 111 States in favour, and only 25 against.<sup>44</sup>

69.2. In the meeting which adopted resolution 46/86, the USA stated that “*Resolution 3379 (XXX) was one of this body’s most ungenerous acts. It branded the national aspirations of one people, and one people only, as illegitimate – a people that had been homeless, dispersed and exiled for the better part of two millennia. It labelled as racist the national aspirations of the one people more victimised by racism than any other.*”<sup>45</sup>

69.3. In 2004, years after its revocation, UN Secretary-General Kofi Annan publicly stated that “*The United Nations’ record on anti-Semitism had, at times, fallen short of its ideals. The General Assembly resolution of 1975, which equated Zionism with racism, had been an especially unfortunate decision. He was glad it had since been rescinded.*”<sup>46</sup>

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<sup>43</sup> Section 1, page 8

<sup>44</sup> <https://digitallibrary.un.org/record/135193>.

<sup>45</sup> See Statement of the United States of America, *supra* note 29.

<sup>46</sup> <https://press.un.org/en/2004/hr4773.doc.htm>

70. The Briefing Paper also claims that the “*right of peoples’ under colonial domination, alien subjugation, apartheid and racist regimes to resist, including through armed struggle, is affirmed in multiple UN instruments, including General Assembly Resolution 37/43 (1982)*” and that “*International law acknowledges the right of peoples’ to liberation from occupation, domination and subjugation, and acknowledges that the struggle to achieve that liberation by all available means under international law is legitimate.*”<sup>47</sup> Several important qualifications must be made here.

70.1. First, the right of resistance originates from a number of *non-binding* UN General Assembly resolutions regarding self-determination, and has not been clearly articulated, universally accepted or defined in international law.

70.2. Second, it is doubtful whether the right would apply in the context of Israel and Palestine, given that Israel is not a colonial power.

70.3. Third, the right is not absolute. In particular, it is limited by the framework of international humanitarian law, which requires compliance with humanitarian principles, including distinction between civilians and combatants, necessity, proportionality, and precaution.<sup>48</sup> It does not permit actions which do not comply with these principles. Many other actions which might be said to be in exercise of this “right” are also unlawful under other frameworks, such as the international legal framework on counterterrorism.<sup>49</sup>

## **VII. The Briefing Paper misinterprets Israeli law**

71. The Briefing Paper makes a number of allegations based on fundamental misinterpretations of Israel’s laws and policies. The Paper states:

71.1. “*Israel’s 2018 Nation-State Law constitutionally entrenches Zionism’s core tenets, declaring the right to national self-determination in Israel as “unique to the Jewish people,” establishing Jewish settlement as a “national value,” and demoting Arabic from an official language. Leading Israeli legal scholars, such as Professor Mordechai Kremnitzer, have stated this law establishes “a constitutional hierarchy” with Jewish citizens at the top, providing a legal framework for the apartheid practices identified by the ICJ and human rights organisations and thereby legalising systemic discrimination.*”

71.2. “*Zionism promotes ethnonationalism which privileges one ethnic group on the basis of the subjugation of others. Zionism is Israel’s foundational ideology,*

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<sup>47</sup> Section 9, page 17

<sup>48</sup> Additional Protocol I to the Geneva Conventions, provides that “*armed conflicts in which peoples are fighting against colonial domination, alien occupation or racist regimes are to be considered international conflicts*”, thus bringing them within the scope of international humanitarian law. See <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>, art. 1(4).

<sup>49</sup> See e.g., <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e870>, paras 22-24.

*reflected in its Basic Laws which define Israel as the "Nation State of the Jewish People" and embedding Zionist core tenets in its constitutional principles. These are the Basic Laws that ultimately entitled the entirety of the Jewish diaspora to citizenship within the borders of Palestine 1948, all whilst Israel ethnically cleanses Palestinians, both by military means, and also by attempting demographic engineering.”*<sup>50</sup>

72. While Israel’s [Nation-State Law 2018](#) (“the 2018 law”) emphasises the national character of the State, it does not displace Israel’s existing individual rights regime. The clause stating that national self-determination in Israel is “*unique to the Jewish people*” concerns collective national self-determination, not individual civil rights. Many nation-states constitutionally define themselves as nation-states of a particular people. For example,

72.1. The Greek Constitution refers to the “*Nation*”, with “*Greeks*” and the “*Greek People*” as its constitutional subjects, and the Eastern Orthodox Church of Christ as its “*prevailing religion*”.<sup>51</sup>

72.2. Likewise, the preamble to the Latvian Constitution states that “*The State of Latvia...has been established in order to guarantee the existence and development of the Latvian nation, its language and culture throughout the centuries*” and that “*Since ancient times, the identity of Latvia in the European cultural space has been shaped by Latvian and Liv traditions, Latvian folk wisdom, the Latvian language, universal human and Christian values. Loyalty to Latvia, the Latvian language as the only official language, freedom, equality, solidarity, justice, honesty, work ethic and family are the foundations of a cohesive society.*”<sup>52</sup>

73. The 2018 law does not repeal or amend Israel’s other Basic Laws protecting civil and political rights. It does not remove voting rights or citizenship of Arab citizens, bar non-Jewish citizens from positions of public office or create racial classifications in citizenship law. The law does not “*entrench Zionism’s core tenets*” or codify a racial hierarchy of citizens within the State of Israel – it does not even contain the word “Zionism”.

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<sup>50</sup> Section 2, pages 9-10

<sup>51</sup> <https://www.hellenicparliament.gr/UserFiles/f3c70a23-7696-49db-9148-f24dce6a27c8/THE%20CONSTITUTION%20OF%20GREECE.pdf>, article 1(3) “*All powers derive from the People and exist for the People and the Nation*”; article 3(1) “*The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ*”; article 4(1) “*All Greeks are equal before the law*”; article 4(2) “*Greek men and women have equal rights and equal obligations*”; article 26(3) “*The judicial powers shall be exercised by courts of law, the decisions of which shall be executed in the name of the Greek People*”.

<sup>52</sup> [https://www.constituteproject.org/constitution/Latvia\\_2016](https://www.constituteproject.org/constitution/Latvia_2016)

74. The 2018 law states that Hebrew is the state language and that Arabic has “*special status*”.<sup>53</sup> This is not akin to “*demoting Arabic from an official language*”. The status of Arabic in Israel derived from British Mandate law, which was subsequently absorbed into Israeli law,<sup>54</sup> but its official status was never constitutionally entrenched in Israeli Basic Laws (Israel’s constitutional framework). The 2018 law was the first constitutional declaration of Israel’s official language. It did not abolish the use of Arabic in courts, governments or signage. The law also explicitly states that “*Nothing in this article shall compromise the status given to the Arabic language in practice, before this basic law came into force.*”<sup>55</sup>
75. The 2018 law states that the State of Israel “*views the development of Jewish settlement as a national value*”.<sup>56</sup> However, this clause applies *within* Israel proper: It does not mandate the establishment of settlements in the West Bank,<sup>57</sup> does not override land laws, does not authorise discrimination in housing, and does not mandate segregation.<sup>58</sup>
76. The 2018 law has been criticised by some; people in Israel have the freedom to openly criticise whichever laws they see fit. However, criticism or interpretation by one Israeli scholar does not equate to an authoritative legal conclusion as to the effect or purpose of the law. The Israeli Supreme Court upheld the 2018 law in 2021 and ruled that it does not alter Israel’s democratic character. Instead, the Court interpreted it harmoniously with the equality principles embedded in other Basic Laws.<sup>59</sup>
77. In this regard, Israel’s constitutional framework also includes e.g. the Basic Law on Human Dignity and Liberty, and the Proclamation of Independence. Both of these affirm the equal rights of all citizens of Israel.<sup>60</sup> Israel, like any country, is not perfect.

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<sup>53</sup> Art. 4.

<sup>54</sup> Law and Administration Ordinance, 5708–1948, available at: [https://hamoked.org/files/2019/1161670\\_eng.pdf](https://hamoked.org/files/2019/1161670_eng.pdf), section 11: “*The law which existed in Palestine on the 5th Iyar, 5708 (14th May, 1948) shall remain in force...*”.

<sup>55</sup> Art. 4(c).

<sup>56</sup> Art. 7.

<sup>57</sup> See <https://www.acitaskforce.org/wp-content/uploads/2024/02/resource-1624-1.pdf>: “*The Jewish Settlement clause says that “[t]he state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation.” (The term “Jewish Settlement” in this case, refers to the construction of communities for Jews within Israel, not to be confused with West Bank settlement.)*”

<sup>58</sup> Ibid: “*Deputy Attorney General, Raz Nizri explained that “the clause would allow incentives to build Jewish settlements, but would not prevent Arabs from living in them.” Nizri added that “there is a distinction between the rights of a national collective and individual rights. National collective rights in this country are only for Jews, but in terms of individual rights, there is no difference, there must be equality.”*”

<sup>59</sup> <https://www.loc.gov/item/global-legal-monitor/2021-07-27/israel-supreme-court-affirms-constitutionality-of-basic-law-israel-nation-state-of-the-jewish-people>.

<sup>60</sup> See the Basic Law: Human Dignity and Liberty, <https://perma.cc/F82A-VKTV>. See also <https://www.loc.gov/item/global-legal-monitor/2021-07-27/israel-supreme-court-affirms-constitutionality-of-basic-law-israel-nation-state-of-the-jewish-people>: “*Explaining that basic laws must be interpreted broadly and with the objective to unify and harmonize them, Hayut determined that*

However, the fact that there may exist inequalities in practice, just as there are in the UK or in any other country in the world, does not mean that there is a constitutionally codified racial supremacy regime of apartheid in Israel.

78. The suggestion that the 2018 law provides “*a legal framework for the apartheid practices identified by the ICJ and human rights organisations*” is legally and factually incorrect. As explained above, the ICJ has not made any finding that apartheid has been committed by Israel.
79. The 2018 law does not create separate citizenship categories, legislate separate political rights, prohibit minority political participation or in any way codify racial separation. It does not provide a legal framework for the commission of the types of inhuman acts listed in International Convention on the Suppression and Punishment of the Crime of Apartheid, nor any other inhuman acts.

### **VIII. Conclusion**

80. The Motion conflicts with the Green Party’s existing policy, philosophical basis, codes of conduct and guidance. Constitutional requirements for amending the policy have not been complied with. Amendment of the philosophical basis would require a two-thirds majority.
81. If adopted, the Motion is liable to result in the Party violating the Equality Act 2010 by discriminating against and harassing members and staff who are sympathetic to Zionism or for whom Zionism is intrinsic to their Israeli or Jewish identity.
82. The Motion advocates violating fundamental rights of Israelis to self-determination and rejecting the UN framework for resolving the Israeli-Palestinian conflict.
83. The Motion and Briefing Paper are based on fundamental misconceptions of what Zionism is and erroneous interpretations of UK, Israeli and International Law.

Jonathan Turner  
Chief Executive  
4 March 2026

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*section 7 regarding the development of Jewish settlement as a national value should be interpreted “in a manner consistent with sections 2 and 4 of Basic Law: Human Dignity and Liberty.” Hayut reiterated that the constitutional right to equality was derived from the constitutional right to dignity. Such an interpretation leads to the conclusion that the value of Jewish settlement did not necessarily imply harm to equality. An egalitarian policy, she held, could be pursued with respect to the allocation and division of state lands without harming the character of the state as a Jewish state that is “committed to fulfillment of the Zionist enterprise.”... The principle of maintaining equal social and political rights for all citizens, regardless of religion, race, or gender, was expressed in the state’s Proclamation of Independence, and recognized by the Supreme Court as a fundamental constitutional principle that is intertwined with Israel’s basic legal concepts.”*