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## **EJJP open letter to EU High Representative, Josep Borrell: Discussing Apartheid in Israel is not Antisemitic**

We, European Jews for a Just Peace, profoundly disagree with your recent suggestion that using the term apartheid in connection to Israel is antisemitic.

In your written answer to the European Parliament from 20 January 2023 you stated that the European Commission 'considers that it is not appropriate to use the term apartheid in connection with the State of Israel'.

Your statement then continues in affirming that the European Commission uses the non-legally binding working definition of antisemitism of the International Holocaust Remembrance Alliance (IHRA definition) as a practical guidance tool and a basis for the Commission's work to combat antisemitism.

You then stated that 'claiming that the existence of a State of Israel is a racist endeavour is amongst the illustrative examples included under the IHRA definition'.

Thus, taking these three sentences together, the general framing is clear: Using the term apartheid in connection to Israel is not only not appropriate. It is antisemitic.

The problem is that the IHRA definition, adopted in 2016 in Bucharest, is causing confusion and is generating controversy, which is actually weakening the important fight against antisemitism.

The IHRA Definition includes 11 examples of antisemitism, 7 of which focus on the State of Israel. Unfortunately, the IHRA definition is misleading, mixing antisemitism with other elements, and was politicized, used and instrumentalized by pro-Israeli pressure groups to silence any legitimate critics on Israel.

There is a crucial and widely-felt need to clearly distinguish between what is antisemitism and what is totally legitimate political criticism of Israel, to define more clearly the limits of legitimate political speech concerning Israel and Palestinians' rights, and to protect a democratic space in Europe for an open debate about Israel/Palestine.

We would like to refer you to the Jerusalem Declaration on Antisemitism (JDA), an initiative launched in 2020 in Jerusalem as an alternative to the IHRA Definition, by a number of international scholars working in antisemitism Studies and related fields, including Jewish, Holocaust, Israel, Palestine, and Middle East Studies.

According to the guidelines of the Jerusalem Declaration on Antisemitism, supporting the Palestinian demand for justice and the full grant of their political, national, civil and human rights, as encapsulated in international law, is not antisemitic.

Calling for full equality to all inhabitants between the Jordan River and the Mediterranean is not antisemitic.

Finally, evidence-based criticism of Israel as a state, its institutions, founding principles, policies and practices, is not antisemitic. It is not antisemitic to point out systematic racial discrimination in Israel. Thus, even if contentious, it is not antisemitic to use the term apartheid in connection to Israel.

Whether a state, any state, including Israel, commits the crime of apartheid or not is a question of international law, related to how this crime is defined in the Apartheid Convention and the Rome Statutes of the International Criminal Court.

Freedom of expression is a fundamental right, enshrined in the European Convention on Human Rights (article 10). We urge you not only to fight all kinds of racism, but also to stand strong for freedom of expression in Europe.

European Jews for a Just Peace (EJJP)

Dror Feiler, Chair

Yoav Shemer-Kunz