
BREXIT AND THE JEWISH COMMUNITY



BOARD OF DEPUTIES OF
BRITISH JEWS
ADVOCACY FOR THE COMMUNITY



The Board of Deputies of British Jews is the democratic and representative body for the UK's Jewish community. We are the first port of call for Government, the media and others seeking to understand the Jewish community's interests and concerns. The Board of Deputies acts as the Secretariat to the All Party Parliamentary Group (APPG) on British Jews. The APPG aims to broaden and deepen connections between Parliament and the UK's Jewish community.

The Jewish Leadership Council is a Jewish charity which brings together the major British Jewish organisations to work for the good of the British Jewish community. The JLC's mission is to work, through our members, to ensure the continuity in the UK, in this and future generations, of a mainstream Jewish community that is: vibrant and vital; safe and secure; assured of its place within British society; proud of its Jewish identity and culture; confident in its support for Israel.

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INTRODUCTION

Brexit is an extraordinary moment in UK economic, political and social history. This country is used to gradual constitutional change brought about by increments. Brexit, by contrast, has a defined date: 29 March 2019.

The Board of Deputies of British Jews and the Jewish Leadership Council have jointly produced *Brexit and the Jewish Community* to outline the opportunities and challenges it presents to the Jewish community.

Members of the community, as all citizens do, face the prospect of being dramatically affected by Brexit. Most of those changes will affect them as citizens of this country rather than as Jews.

For example, the tightening of immigration from Europe may affect the costs for Jewish communal services that hire European employees, including security for Jewish buildings, culturally-sensitive social care and kosher food. It may make travel to and work in the UK more difficult for Israelis that currently hold European passports.

However, *Brexit and the Jewish Community* only covers those areas of Brexit which affect the Jewish community in particular, and where we are mostly considering known factors: security and the proscription of terror organisations; trade with Israel; and shechita – the religiously permitted slaughter of animals for meat.

KEY ASKS

The paper opens with the six Key Asks that cover these areas:

- The UK's anti-terror policies, in particular its financial sanctions framework, should not be weakened by leaving the EU.
- Ensure that gains in trade liberalisation between the EU and Israel that the UK has benefited from in recent decades are not lost.
- Commit to future trade liberalisation between Israel and the UK.
- Sustain a liberal visa regime between the UK and Israel to allow movement of people between the two countries.
- Carry over rules that obstruct intimidatory boycotts of Israel in the public sector and in higher education.
- Continue to defend religious freedom in animal slaughter following Brexit.

SECURITY

The UK's strongest tool against terror groups is proscription, which is set out in domestic legislation, namely the Terrorism Act of 2000. The Act makes it a criminal offence to be a member of a proscribed organisation or support it in specified ways. This will be unaffected when the UK leaves the EU.

However, both the UK and the EU have financial sanctions policies on terror groups. These policies include bans on trading, account freezes, export bans and asset seizures directed at identified terror organisations. Under the UK regime, terror groups are subject to financial sanctions on the decision of the Treasury, as empowered by the Terrorist Asset-Freezing etc. Act 2010.

However, currently, the UK's list of terror groups which are subject to financial sanctions and the EU's list do not cover the same organisations. Within the EU it is not necessary to have additional proscription at the UK level, because proscription in the EU means automatic proscription in the UK.

Antisemitic terror groups Hamas, the Popular Front for the Liberation of Palestine (PFLP) and The al-Aqsa Martyrs' Brigade are included on the EU list. Of those, only the armed wing of Hamas, the Izzadeen al-Qassam Brigade, is proscribed in the UK. Therefore, unless the Treasury takes action, the PFLP, the political wing of Hamas, and The al-Aqsa Martyrs' Brigade will enjoy the lifting of financial sanctions when the UK leaves the EU.

Financial sanctions ordered under United Nations Security Council resolutions are also imposed by the EU and have effect in the UK. This is mainly relevant to Salafi-jihadis such as ISIS and al-Qaeda.

The government is dealing with the technicalities of leaving the EU financial sanctions regime by passing the Sanctions and Anti-Money Laundering Bill. The Bill will repeal Section 1 of the Terrorist Asset Freezing etc. Act 2010 which gives EU terror sanctions effect in law.

However, the UK's anti-terror regime should not be weakened by leaving the EU. The Jewish community would want to see these terror groups continue to be targeted by financial sanctions after Brexit – anything else endangers its security. This can be ensured by unilateral independent action by the Treasury or as part of an agreement with the EU to always include terrorist organisations on the EU list on the UK list. Such action can be built on by including Hamas, the PFLP and The al-Aqsa Martyrs' Brigade on the UK's proscribed list.

Furthermore, we hope that the UK will also go further than the EU and proscribe the entirety of Hezbollah, as currently only the 'armed wing' of Hezbollah is subject to financial sanctions with its 'political wing' left free to operate. Hezbollah itself does not recognise different armed and political wings and views itself as a unitary organisation. The terror group has targeted the Jewish community outside Israel and should face financial sanctions in its entirety and be added to the proscribed list of organisations.

KEY ASK: The UK's anti-terror policies, in particular its financial sanctions framework, should not be weakened by leaving the EU.

TRADE WITH ISRAEL

The EU has made substantial progress in recent years in reducing trade barriers between member states and Israel.

In that time, trade relations between the UK and Israel have strengthened. UK-Israel trade was worth €6.9 billion in 2017, a 25% increase on the 2016 figure. The UK is Israel's second largest export market and Israel has invested more than £300 million in British infrastructure over the last three years, according to research carried out by BICOM.

It is important to note that agreements between the EU and Israel do not just commit the two sides to lower specific trade barriers, but to continue to work to do so.

The UK Jewish community has benefitted from cheaper Israeli goods as a result, including religious items, and the ability to move money between the two countries to support trade and investment.

Obviously, different sides of the Brexit debate will argue whether that progress would have been faster or slower if the UK had not been a member of the EU.

However, the Jewish community would not want to see any of that progress lost on exiting the EU, or slowing of the pace of trade liberalisation between the two countries.

The government has made an encouraging start by setting up a joint working group with the Israeli government in March 2017 to ensure good trade relations between the two countries.

What follows is a survey of trade liberalisation measures currently in place between the EU and Israel. The Jewish community would hope that this level of trade liberalisation between the UK and Israel is exceeded in a post-Brexit world.

Current trade arrangements between Israel and the EU

Trade and travel arrangements between Israel and the EU are currently regulated by the EU-Israel Association Agreement 1995, which was implemented in 2000. As part of the EU-Israel Association Agreement 1995, the EU and Israel are committed to:

The expansion, inter alia, of trade in goods and services, the reciprocal liberalisation of the right of establishment, the further progressive liberalisation of public procurement, the free movement of capital and the intensification of cooperation in science and technology to promote the harmonious development of economic relations between the community and Israel.

Specifically, this agreement and subsequent agreements commit the parties to:

- Liberalisation (low tariffs on goods and the progressive elimination of non-tariff barriers) including agriculture.
- Freedom of movement of capital.
- Scientific and technical co-operation (membership of the Horizon 2020 programme).
- Rules concerning telecommunications operators and government procurement.
- Industrial products harmonisation, particularly of pharmaceuticals, that allows EU and Israeli goods to enter each other's markets without extra certification.
- A 2009 agreement reduced tariffs for agricultural goods.

These agreements affect the Jewish community particularly in regard to access to Israeli goods and services, including religious items and food.

More recently, an Open Skies agreement between the EU and Israel was reached which will come into force in 2018, expanding the number of EU-Israel flight routes, potentially leading to a fall in prices.

The Jewish community would want any post-Brexit trade arrangement with Israel to continue to confer a similar or greater level of benefits as these agreements.

KEY ASK: Ensure that gains in trade liberalisation between the EU and Israel that the UK has benefited from in recent decades are not lost.

KEY ASK: Commit to future trade liberalisation between Israel and the UK.

Ease of movement

Ease of movement between the UK and Israel is vital for the well-being of the UK Jewish community. Many Israelis work in the UK as teachers, youth workers and in other communal roles. British Jews will often have close relatives in Israel.

KEY ASK: Sustain a liberal visa regime between the UK and Israel to allow movement of people between the two countries.

Free trade and boycotts

Attempts to boycott Israel, particularly in the public and universities sectors, directly obstruct free trade. Given the lack of attention given to other conflicts around the world, these initiatives intimidate local Jewish communities.

The British government has clarified that such boycotts are illegal, through WTO regulations and through EU Directive 2014/24, which was incorporated into UK law through The Public Contracts Regulations 2015 (PCR). The Local Government Act 1988 also obstructs such boycotts.

The PCR will still have force in law immediately following Brexit, as EU Directive 2014/24 is due to be incorporated into the UK statute book to avoid a regulatory 'cliff edge'. We would urge the UK government and those parties that aspire to govern to maintain those elements of the PCR that bar intimidatory boycotts.

KEY ASK: The Government should carry over rules that obstruct intimidatory boycotts of Israel in the public and universities sector.

SHECHITA – THE JEWISH METHOD OF ANIMAL SLAUGHTER FOR FOOD

Traditionally, Jews only consume meat which has been slaughtered according to the relevant Jewish law, called shechita.

Shechita is marked by a concern for animal welfare. According to Jewish Law, animals must be unharmed before slaughter, which can only be carried out by a highly trained slaughterer with a blade of surgical sharpness which must render the animal insensitive to pain as swiftly as possible.

However, misunderstandings and misconceptions about shechita, and failure to understand all the relevant facts, can lead to campaigning against the practice.

A key element in the protection of the practice of shechita slaughter in this country has been the UK's membership of the EU, given its competence over agricultural policy.

Currently, the laws governing animal slaughter for food within EU member states are enshrined in EU Regulation 1099/2009. This sets a default requirement that all animals should be mechanically stunned before slaughter but allows member states to make exceptions that respect religious practices such as shechita and Muslim dhabihah.

This framework was particularly powerful in the UK as it echoed the UK's original legislation on the matter which was passed in 1933. Furthermore, when asked about the possibility of shechita slaughter being banned, UK ministers have always championed the UK's history of respect and tolerance while stating that the issue is an area of EU competence.

Member states can go beyond the minimum requirement set out in the Regulation to ensure animal welfare in general. But the Regulation bestows on member states the capacity to make exemptions for religious practice, explicitly so that Article 10 of the Charter of Fundamental Rights of the EU – which defends the “right to manifest religion or belief in worship, teaching, observance and practice” – is respected. This appears to be a guarantee for the legal status of shechita.

The UK exercises the exemption for religious practice, but only to allow for the use by Jewish and Muslim communities.

Shechita is currently banned in two EU member states: Sweden and Denmark. Sweden had a ban in place since the Nazi era of the 1930s. Denmark banned shechita in 2014 despite there not having been any shechita in Denmark this century. Neither of these bans has been legally tested.

Both the Walloon and Flemish regions of Belgium have passed bans on shechita, due to come into force in 2019, which are currently being legally challenged by Belgium's Jewish community. The community is contesting the bans on the basis of respecting religious freedoms, as protected in the Belgium Constitution, the European Declaration of Human Rights (overseen by the non-EU European Court of Human Rights), and the Charter of Fundamental Rights of the EU (overseen by the EU's European Court of Justice).

While the UK will continue to be a signatory to the European Declaration of Human Rights after Brexit, it may leave the jurisdiction of the European Court of Justice, so the Charter of Fundamental Rights of the EU may not apply. Therefore, if this case reaches the supranational courts, it may be seen whether membership of the EU does afford shechita greater protection.

KEY ASK: Continue to defend religious freedom in animal slaughter following Brexit.

CONCLUSION

Many details of the UK's post Brexit settlement, from trade to religious freedom to security, remain unset. There is nothing yet inevitable about the type of Brexit the UK and the EU will agree on, or how the UK will act with repatriated powers.

However, it is certainly true that the UK's membership of the EU enabled groups in society an additional layer of governance to engage with in pursuit of their rights and interests. This may be perceived as a positive or negative aspect of the EU. Either way, post-Brexit, with powers returning from the EU to Westminster, there will be an additional moral responsibility on the UK government to listen to groups, such as the Jewish community, who represent small and vulnerable minorities.

We hope that on the issues of trade, religious freedom and security, the Government, and those parties that aspire to govern, listen to the Jewish community, to help ensure as successful a post-Brexit era as possible for all UK citizens.



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