**Submission to the Commission of Inquiry into Antisemitism at Australian Universities Bill 2024**

This submission is made in my capacity as the branch president of the National Tertiary Education Union at the University of Sydney, where I am an academic. I am also a long-term advocate for Palestine, and, like many other NTEU members, the regular object of vexatious accusations of antisemitism. The submission is consistent with positions democratically adopted by the NTEU at branch and national levels.

**Background**

1. The establishment of the present Commission of Enquiry is a response to the sustained public expression of opposition to Israel's 'plausibly genocidal' (as defined by the International Court of Justice) attacks on Gaza since October last year. The British medical journal *The Lancet* estimates the possible Palestinian death toll as over 186 000;[1] as of August 22, 2024, the verified death-toll stood at 40 223, with 92 981 injured.[2] All Gaza's universities have been destroyed and 85% of its schools damaged.[3] Vast tracts of Gaza have been flattened, and Gazans have been, and are being, subjected to conditions of inhuman privation, displacement and extreme violence.
2. Antisemitism is an abhorrent expression of racism which universities, like all institutions, have an obligation to combat. This obligation is no greater or lesser than the obligation to combat any other kind of systemic racism or discriminatory practice, all of which are violations of fundamental rights.
3. As many researchers, activists and organisations, including Jewish ones, have argued, it is counter-productive to single out any one form of racism or prejudice for individualized treatment. Racism should be opposed universally. Antisemitism, anti-Asian racism, Islamophobia, and racism against First Nations people are all equally intolerable and must be combatted together.
4. Recent months have seen an unprecedented upsurge of public support for the Palestinian people, and intensifying opposition to Israel's genocidal practices (as defined by the ICJ) and apartheid (as confirmed by major Palestinian, Israeli and international human rights organisations including Al Haq, B'Tselem, Amnesty International and Human Rights Watch).
5. The Palestine solidarity movement has repeatedly made clear its opposition to all forms of racism, including antisemitism, and articulated the political goal of equality and democracy for everyone in Israel and the Occupied Territories, regardless of religion, background, national origin, or any other identifying characteristic.
6. The Palestine solidarity movement in Australia, as elsewhere, includes, welcomes and consistently platforms Jewish individuals and organisations. Jewish people are, indeed, among the most prominent and active members of this movement.
7. Despite this, Palestine advocates are regularly accused of antisemitism *simply in virtue of their support for Gaza, or their opposition to the Israeli colonisation of Palestine, or to other Israeli practices like the apartheid imposed on Palestinians.* This accusation is embodied in the International Holocaust Remembrance Association

[1] https://www.thelancet.com/action/showPdf?pii=S0140-6736%2824%2901169-3
[2] https://www.aljazeera.com/news/liveblog/2024/8/21/israels-war-on-gaza-live-israel-bombards-gaza-lebanon-us-says-deal-near?update=3130714
[3] https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza; https://www.aljazeera.com/news/2024/8/14/israels-intensifying-attacks-on-gaza-schools

definition of antisemitism. This definition has been significantly criticised, including by one of its original drafters, for its weaponization of allegations of antisemitism in order to suppress Palestine solidarity. In the words of one scholar writing in the *Australian Journal of Human Rights*, 'the IHRA is a political tool used to censor speech on Palestine and shield Israel from criticism by labelling critical perspectives on Palestine as antisemitic.'[4]

**The situation in universities**

8. Universities have been major sites of pro-Palestinian solidarity. This is unsurprising, and is in keeping with their traditional nature as places where political issues are prominent and seriously debated. Vigorous debate of this kind is essential to universities' ability to fulfil their commonly understood civil-society function.
9. There is no evidence whatsoever of any crisis of antisemitism on university campuses since October last year, *unless anti-Zionism and opposition to apartheid and genocide are interpreted as antisemitic.* This interpretation would be completely unwarranted.
10. At the University of Sydney, significant numbers of staff and students, including many Jewish ones, have participated in pro-Palestine activities.
11. A large meeting of the university's NTEU branch in May, and an even larger meeting of students in August, both voted for various measures in support of Palestine solidarity, including boycotts of and divestment from bodies that support or enable the current genocidal violence against Palestinians. The text of the NTEU motion is included here as an appendix. Since then, several other branches of the NTEU have passed similar motions.
12. In conformity with the guidelines issued by the BDS National Committee in Palestine, boycott targets are not defined on the grounds of their identity, but on the grounds of their complicity with Israel's anti-Palestinian practices.[5] No individual or institution qualifies for boycott or divestment on the grounds of being Israeli, or, still less, of being Jewish. Only organisations that enable or support attacks on Palestinians (for instance, by contributing to weapons and other research that benefits Israel) are the targets of boycott or divestment campaigns.[6]
13. Boycotts are a regular feature of university life and academic professionalism.[7] The American Association of University Professors, the pre-eminent professional body safeguarding academic freedom in the US, has concluded that 'academic boycotts are not in themselves violations of academic freedom; rather, they can be considered legitimate tactical responses to conditions that are fundamentally incompatible with the mission of higher education'. It states that 'faculty members and students should not face institutional or governmental censorship or discipline for participating in academic boycotts, for declining to do so, or for criticizing and debating the choices of those with whom they disagree.'[8]

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[4] Tatour, L. (2024). Censoring Palestine: human rights, academic freedom and the IHRA. *Australian Journal of Human Rights*, 1–9. https://doi.org/10.1080/1323238X.2024.2385504. See also https://overland.org.au/2023/02/deadly-word-games-universities-and-defining-antisemitism/; https://www.abc.net.au/religion/how-should-antisemitism-be-defined/12999818

[5] See https://bdsmovement.net/

[6] See Maya Wind, *Towers of Ivory and Steel. How Israeli Universities Deny Palestinian Freedom*. London, Verso, 2024.

[7] For discussion, see chapter 2 of Nick Riemer, *Boycott Theory and the Struggle for Palestine: Universities, Intellectualism and Liberation* (Rowman and Littlefield, 2023).

[8] https://www.aaup.org/report/statement-academic-boycotts

**Conclusion**

14. Structural racism is a serious problem in universities, as it is in Australian society in general, but there is no antisemitism crisis on Australian campuses. Universities have been starved of federal funds for decades, a situation which seriously jeopardizes their ability to serve their communities as they should. What they need is a sustained financial commitment, not extra regulatory scrutiny aimed at instituting McCarthyist attacks on Palestine supporters and their politics of equality and democracy for all.
15. Weaponizing the legitimate and necessary struggle against antisemitism for the narrow purpose of suppressing opposition to the genocidal practices of the state of Israel seriously undermines the combat against all racism, antisemitism included.

— Nick Riemer, branch president, University of Sydney NTEU branch

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**Appendix: University of Sydney NTEU branch Palestine solidarity resolution, May 9, 2024**

*The branch notes:*

1. The International Court of Justice preliminary ruling that the state of Israel is plausibly committing genocide in the Gaza Strip, and Israel's failure to comply with the court's preliminary orders to prevent this;

2. The ties that The University of Sydney maintains with weapons manufacturers and militaries that arm or support Israel, and that are therefore implicated in the killing of Palestinians;

3. The incompatibility of these ties with the university's commitment to 'leading to improve the world around us' and 'education for all, leadership for good'. The university should not contribute to the development of weapons or to the profits of arms companies, regardless of the conflicts in which these weapons are used or any civil applications weapons technology may also have;

4. That staff and students must not be exposed to the charge that either they or their own institution is aiding and abetting war crimes, crimes against humanity and/or plausible acts of genocide.

*We further note:*

5. The death-toll in Gaza of 33,000+ people (with more than 13,000 children killed), and the targeting of hospitals, doctors, humanitarian workers and journalists;

6. The fact that all Gaza's universities have been destroyed and numerous Gazan academics have been killed in targeted assassinations;

7. The fact that multiple international authorities recognise that Israel commits the crime of apartheid;

8. The fact that Israeli universities all directly serve the project of Israeli settler colonialism and apartheid, in particular through their roles in weapons research, military training, and in the oppression of Palestinian students on their own campuses.

*In particular, we also note:*

9. The call from Palestinian trade unions to oppose the arming of Israel;

10. The call from universities throughout Palestine, and from our colleagues in the Palestinian universities' union, for international university workers to implement an institutional academic boycott of Israel. This does not prevent collaboration with individual academics, but only affects collaboration with, or officially mediated by, Israeli universities as institutions;

11. The NTEU National Council resolution of October 2022, committing the union to active solidarity with Palestine.

*Therefore, the branch:*

12. Calls on University of Sydney management to cut ties with all organisations that enable the current Gaza violence. This includes all Israeli universities.

13. Calls on University of Sydney management to cut its ties with the weapons industry and militaries in general.

14. Calls on University of Sydney management to establish dedicated international scholarships for Palestinian students, and to welcome Palestinian academics through the Scholars at Risk program.

15. Calls on University of Sydney management to replace the funding of all staff whose position at the university depends on arms companies, to enable them to undertake research for the public good.

*Finally, the branch:*

16. Expects and encourages members to implement the institutional boycott of Israeli universities (not of individual colleagues).

17. Calls on the wider university community to do the same.

18. Calls on other NTEU branches and the NTEU nationally to pass similar motions to this one.

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