

**PRESS RELEASE 26th March 2013 - FOR IMMEDIATE RELEASE****UNION DEFEATS LEGAL CHALLENGE ALLEGING ANTISEMITISM:  
RIGHT TO ADVOCATE BOYCOTT OF ISRAEL UPHELD**

- \* Judgment says that complainant was trying to use the law for political purposes
- \* Employment Tribunal result hailed as important victory by pro-Palestinian groups

BRICUP today welcomed the outcome of the Employment Tribunal (ET) case brought by Ronnie Fraser against his union, the University and College Union (UCU). The former college teacher's claim of institutional antisemitism on the part of the union was thrown out comprehensively.

"Fraser vs. UCU" was viewed by activists as a test case for all UK unions' right to advocate boycott of Israeli universities and products, and firms that operate in the Occupied Palestinian Territory. It also has important implications for free speech on Palestine and Israel on university campuses.

In the two-week hearing at Kingsway ET last November, Fraser had alleged that he was treated unfairly and with hostility during union debates about academic boycott, and about the decision not to use a contentious 'working definition of antisemitism' that conflated antisemitism with criticism of Israel.

Fraser's case was argued by Anthony Julius, the lawyer who handled Princess Diana's divorce, and author of a recent book on antisemitism. His numerous witnesses included the disgraced former MP Denis MacShane.

Summing up for Fraser, Mr. Julius argued that the 'attachment to Israel' of many Jews in the UK constitutes a 'protected characteristic' under the Equality Act 2010. If the Tribunal had agreed with him, open discussion of Israeli policies – whether in the unions or in the media - would have become almost impossible.

Fraser agreed that he had been able to speak in UCU's boycott debates but claimed that his speeches at UCU's Annual Congress were not applauded because of antisemitism on the part of fellow delegates. But UCU's Counsel, Antony White QC, showed that other Jewish speakers, both for and against the boycott motions, had been applauded.

All ten of Fraser's claims were thrown out by the ET. The judgment says "we greatly regret that the case was ever brought. At heart it represents an impermissible attempt to achieve a political end by litigious means".

The tribunal received a letter signed by 58 Jewish members of UCU who said that they held differing views about academic boycott, but all agreed that their union was not antisemitic.

Fraser is the founder and director of the pressure group Academic Friends of Israel and a member of the Board of Deputies (BoD) of British Jews. The hearing revealed the extent to which pro-Israel lobby groups had attempted to interfere with UCU's policies and decision-making. In his evidence Fraser admitted that "the Friends of the various Israeli University groups" had donated £70,000 to the Fair Play Campaign Group, set up by the BoD and the Jewish Leadership Council to coordinate activity against boycotts of Israel. Fraser further alleged that the Fair Play Campaign Group in turn had given £50,000 to Engage, an organisation campaigning against academic boycott. Fraser and his witnesses admitted under cross-examination that in 2007 he withdrew a Congress motion on antisemitism after pressure from the BoD, the Jewish Leadership Council and Engage.

Tom Hickey, a senior member of UCU's National Executive Committee, said: "This is a landmark judgment. The accusation of antisemitism against UCU because it supports a boycott of Israel is absurd. Its record in fighting racism, including antisemitism, is second to none in the trade union movement. Had this vacuous charge been upheld, unions and universities would have been silenced on the key moral issue of the century".

According to Professor Jonathan Rosenhead of the British Committee for the Universities of Palestine (BRICUP) "The Fraser case against UCU has now been shown up clearly for what it was, an attempt to shut down legitimate debate about Israel. The Israelis have a word for it – 'lawfare'. It isn't working."

[ ends ]

### **Notes for editors**

1. UCU, the University and College Union, represents approximately 120,000 academic and academic-related staff in Further and Higher Education in the UK. UCU was formed in June 2006 by the amalgamation of the Association of University Teachers (AUT) and the National Association of Teachers in Further and Higher Education (NATFHE).

Please note that while the people quoted above are members of UCU, they do not claim to speak for UCU, only for BRICUP. UCU's own press release can be found at: <http://www.ucu.org.uk/6562>

2. "Fraser further alleged that the Fair Play Campaign Group in turn had given £50,000 to Engage" - it should be noted that some of Fraser's witnesses contradicted him on this point.

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4. Further Briefing Notes for Editors are attached, giving more background to the case.

Please note: BRICUP has not yet had sight of the full Judgment from the ET so all comments are based on what is already in the public domain.

## **FRASER vs. UCU: BACKGROUND BRIEFING NOTES FOR EDITORS**

This note describes first, the relevant discussion of Israel and Palestine within UCU; second, the history of legal advice and interventions; and finally Mr Fraser's known involvement.

### **1. Relevant motions passed by UCU Congresses**

The Fraser case against UCU has arisen from the policy discussions and decisions within UCU about Israel and Palestine, especially those concerned with an academic boycott of Israeli universities, which has been endorsed by organisations representing the bulk of Palestinian civil society (see <http://pacbi.org/etemplate.php?id=869>).

It has never been proposed that the union should instruct its members to implement such a boycott. However, a range of motions short of this have been proposed, and passed, at successive UCU annual Congresses from 2007 onwards. Mr Fraser's case against the union cited his experience of these debates at Congress.

The key debates and motions passed have been as follows:

2007 – Congress agreed to circulate the Palestinian (PACBI) call for boycott to branches; encourage members to consider the moral implications of links with Israeli universities; and organise a tour of UK universities by Palestinian academic trade unionists.

2008 – affirmed that criticism of Israeli policy is not *per se* antisemitic; agreed to promote wide discussion among members about the appropriateness of continuing links with Israeli academic institutions.

2009 – [following the Israeli *Cast Lead* invasion of Gaza] called for a number of changes in UK government policy on Israel/Palestine; urged branches to discuss the Palestinian call for a boycott, divestment and sanctions (BDS) campaign; and resolved to hold an international, inter-union conference to investigate the lawful implementation of a BDS campaign including the option of institutional academic boycott. *On advice from legal counsel that it would be outside the powers of the union to make a call to boycott Israeli academic institutions this motion, though passed by Congress, was ruled null and void by the UCU President.*

2010 – resolved to start the process of imposing a boycott on Ariel College (in a West Bank settlement)

2011 – agreed to circulate the PACBI call for academic and cultural boycott of Israel to members; resolved not to use the 'EUMC working definition of anti-semitism' in internal UCU procedures.

### **2. History of legal threats and moves against UCU and its predecessors**

May 2005 - AUT (one of UCU's predecessor organisations) received a letter from Anthony Julius of solicitors Mishcon de Reya, acting for 6 AUT members. It argued that boycott resolutions passed at AUT Council 2005 were *ultra vires*, i.e. falling outside the union's objects as defined in its rules of association.

2007 – UCU, and the Trustees of UCU, sought legal advice respectively from (Lord) Anthony Lester and Anthony White QC on the implications of the resolution passed in 2007. Their views were (respectively) that the union could lay itself open to charges of unlawful interference in contractual relations between union members and Israeli or other institutions; and that UCU would be acting outside its objects if it even allowed votes on the boycott to be held at branch meetings.

2007 Anthony Julius of solicitors Mishcon de Reya wrote to UCU on behalf of 4 un-named UCU members threatening legal action over the main resolution passed at the previous Congress

May 2008 – the *Stop the Boycott* organisation commissioned an opinion from Michael Belloff QC and Pushpinder Saini QC on that year's impending boycott resolution. They argued i) that the terms of the motion were outside the union's rules; ii) that UCU could incur liability for inducing acts of discrimination on grounds of racial origin contrary to the Race Relations Act; and iii) that discussion of such resolutions could descend into an attack on Jews generally, thereby creating a hostile atmosphere for Jewish members which would be contrary to the discrimination provisions of the Race Relations Act.

2008 – UCU Congress agreed a rule change, drafted on the advice of the union's standing counsel and proposed by the union's National Executive Committee, to extend the union's objects as defined in its rules of association.

2008 – UCU was for several months under threat of legal action by 12 anonymous members unless it repudiated the previous year's motion. UCU met counsel for the litigants but declined to do so.

2012 – Julius threatened action on behalf of Fraser which eventually led to the tribunal hearing.

### **3. The Fraser case**

Ronnie Fraser is a UCU member and chief organiser of, in effect, a 1-person organisation called Academic Friends of Israel which received funding from non-UCU sources. He and it made appearances at UCU congresses.

In 2007 Ronnie Fraser's UCU branch proposed a motion to Congress to incorporate the 'EUMC working definition of Antisemitism' into the union's working practices. In the Employment Tribunal proceedings it was revealed that this was intended to make implementing a boycott through UCU impossible. He withdrew the motion on the advice of the Board of Deputies and the Jewish Leadership Council, who disagreed with his strategy.

In 2010 Ronnie Fraser made a complaint to UCU of alleged antisemitism in e-mail posts made to the union's Activists List by a UCU member. He based this complaint entirely on statements in the posts which he said violated the 'EUMC definition of Antisemitism'. The complaint was investigated, the member appeared before an internal tribunal, and all the charges were rejected.

In 2011 Congress decided (see above) not to use the EUMC Working Definition within UCU. The argument was not that antisemitism was to be ignored (indeed as a form of racism any

instances should be severely dealt with by the union) but that the EUMC definition conflates anti-semitism with criticism of Israel.

In 2012 Ronnie Fraser commenced proceedings against UCU through Anthony Julius of Mishcon De Reya, alleging institutional antisemitism within UCU – in the conduct of debates, and specifically against himself.