BY EMAIL (MSCOTT@UCU.ORG.UK)

Dear Mr Scott

Motion 25 ("the Motion")

Thank you for your 3 December letter. I have now taken instructions from my clients. Their position may be summarised in a sentence. While they note with pleasure that the NEC has substantially repudiated the Motion, they regret that the repudiation was only achieved under threat of legal action.

Paras 7-11, the operative part of the Motion, committed the UCU to a boycott in all but name. It was a boycott motion afraid to identify itself as one.

Members were directed to "consider the moral and political implications of educational links with Israeli institutions, and to discuss the occupation with individuals and institutions concerned." The UCU was to "widely disseminate" pro-boycott material, and to use this material to "promote" a "discussion" of "the appropriateness of continued educational links with Israeli academic institutions." The UCU was also to "facilitate and encourage twinning arrangements" as well as "other direct solidarity" with "Palestinian institutions." And the UCU was to initiate the "Greylisting" of Ariel College.

The NEC has decided that it will not do any of the above, save for "issue guidance" on twinning - and not just with "Palestinian institutions," but with all colleges in all countries "covered by the international motions passed at 2008 congress." I infer that this includes Israel. If I am wrong about this, please let me know.

Paras 7, 8, 9 and 11 have therefore been repudiated in their entirety; para 10 has been repudiated in part.

In short, the NEC is not implementing the Motion; it is instead implementing a different, notional "motion" of its own devising. Just as Motion 25 was a boycott
motion, without use of the word, so the NEC's "implementation" is a repudiation of it, without use of that word.

Your remarks about "gagging" the "union's right of freedom of expression" indicates that you continue to misunderstand the character of my clients' case. It was set out in detail in my 3 June letter, and I enclose a copy. But so that there should be no doubt about their position going forward, were fresh boycott motions to be passed by Congress (which your letter appears to threaten), my clients' case, in brief, is as follows:

(1) Boycott motions are unlawful in two distinct senses. They breach the general law, and they violate the UCU's constitution.

(2) Since boycott motions are unlawful, they cannot properly contribute to the formation of "policy." No question of any restraint on the UCU's freedom of speech therefore arises. Unlawful speech is the juridical equivalent of silence. It has no legal effect; it is entitled to no protection.

(3) Motion 25 was a boycott motion. (Given the manner of its proposed "implementation" by the NEC, this would now appear to be common ground between the parties.) It brought discredit on the UCU and its members, and committed it and them to a course of unlawful, discriminatory action.

I do hope that it will not be necessary to reopen this correspondence between us in the new year. In the event of a fresh boycott, or otherwise unlawfully discriminatory, motion, I have instructions to sue.

Yours sincerely

Anthony Julius

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