



BRISMES

British Society for Middle Eastern Studies

BRISMES Administrative Office, Department of Politics & International Studies, University of Warwick, Coventry, CV4 7AL
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Professor Stuart Corbridge
Vice-Chancellor
Durham University
Palatine Centre
Stockton Road
Durham, DH1 3LE

10 December 2019

Dear Vice-Chancellor,

In a letter dated 16 September 2019, the University of Durham informed BRISMES that it was ending its provision of administrative services to the Society with immediate effect.

The letter cites the reason for this sudden move to be '[t]he events of this past summer and in particular the resolution put forward by BRISMES members to endorse an academic boycott of Israeli academic institutions'. Durham's letter also cites 'the events of the BRISMES Annual General Meeting and the mood of proponents of the resolution'.

We regret that Durham University did not put forward a formal request for clarification on any concerns it had at that point. In fact, BRISMES had received conflicting legal advice on the issue. In addition to advice of 21 June 2019, stating that the motion should not go to the AGM, BRISMES had also received formal legal advice on 6 June 2019 that was not circulated by then-Officers but which advised 'putting the motion to members at AGM for discussion and decision'.

It is also important to note that BRISMES Council discussed the issue at its meeting of 23 June 2019 and agreed to put the motion to the AGM (held 24 June 2019) on the basis that our Constitution allows members to bring business to the AGM without restriction by any 'supplemental rules or byelaws', as the legal advice makes clear, and affords Council no constitutional instrument to block properly submitted motions. Indeed, the Constitution makes no reference to such motions being submitted to Council at all.

The AGM was conducted in accordance with procedure and the motion passed with overwhelming support. Following resignations by then-Officers and an unsuccessful attempt by these former Officers to bring about Charity Commission intervention, BRISMES is currently studying how to respect the views of the BRISMES membership and engage further with this important but indicative resolution. In so doing, we will adhere to the BRISMES Constitution, abide by UK Charity Law, take appropriate professional and legal advice, and consult with the Charity Commission.

BRISMES has proceeded on the basis of appropriate legal advice, appropriate procedure and in line with our Constitution. In brief, there appears to be no legitimate basis for the unilateral termination of

Registered Charity number 289804

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the BRISMES administrative provision contract with Durham. We must note that BRISMES incurred significant loss and damages as a direct result of Durham's termination.

Given the huge disruption caused by the abrupt withdrawal of administrative services to the operation of BRISMES, the University of Durham's actions have had the effect of punishing BRISMES members for expressing a legitimate opinion on a matter of grave concern to them.

Hence, we note that the University's actions raise questions concerning both academic freedom and freedom of expression. Article 10 of the Human Rights Act 1998 confers a right to freedom of expression on individuals and organisations. Further, the University of Durham, like other universities, has a legal duty under the Education Act 1988 (Sec 43, Subsection 2) to ensure that freedom of speech within the law is secured. Note especially that

the duty imposed here includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with - (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.

Further, the Higher Education and Research Act of 2017, in line with the Educational Reform Act of 1988, states that academic staff 'have freedom within the law (a) to question and test received wisdom, and (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider.'

By withdrawing administrative services to BRISMES in response to the AGM resolution, the University of Durham may therefore have acted in breach of its legal obligations to uphold freedom of expression and academic freedom. We note that there may also be further legal issues arising from breach of contract.

We have two concerns as Trustees and Officers of BRISMES. First, we have a legal duty to expend our funds on charitable objects, and whereas the University of Durham's possibly unlawful actions have exposed us to considerable loss and damage, we wish to minimize the expense of the termination. Second, in line with our mission as a Society, we are concerned about stifling freedom of speech in Middle East Studies. We therefore call upon the University of Durham to affirm publicly its respect for the rights of BRISMES members and others to express their support for the boycott of Israeli academic institutions without the threat of punitive measures.

Yours sincerely,

Baroness Haleh Afshar
President of BRISMES

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