

STRICTLY PRIVATE AND CONFIDENTIAL

Professor O Ben-Dor
University of Southampton
Building 4 / Room 2009

31st March 2015

Dear Professor Ben-Dor

Re: International Law and State of Israel: Legitimacy, Responsibility and Exceptionalism

As Principal Organiser, you circulated a call for papers in April 2014 for an international interdisciplinary conference to be hosted by Southampton Law School at the University of Southampton from 17th to 19th April, 2015. The conference was entitled "International Law and State of Israel: Legitimacy, Responsibility and Exceptionalism". The deadline for panels and papers was set as Friday 17th October 2014. The intention was that the conference should be plenary in nature and would consist of invited keynote speakers and panels with substantial time being given for audience participation. A website with details of the call for papers was set up and linked to the website of the Southampton Law School.

In the early stages it was stressed that the conference was an academic conference and that you were working hard to ensure that the conference had a balanced view and would allow session tracks with alternative viewpoints to be presented. You agreed with the Dean of the Faculty of Business and Law that the Parkes Institute would be invited and should be involved in the conference. It was also agreed that a communications strategy would be worked out.

At that time it was drawn to the attention of the Faculty, and I assume to you, that there was the potential for the conference to be classified as a "designated activity" if there was a reasonable expectation that freedom of speech within the law may be compromised unless appropriate remedial action was taken. Advice was given that it would be prudent under the University's Code of Practice to secure Freedom of Speech under the law to send the matter formally to the then Registrar so that consideration could be given as to whether the event should be designated. I do not believe that this happened at that time.

In mid-January, John Kness, the Head of Faculty Operations of the Faculty of Business and Law raised the issue of whether the conference would be designated as various contractual arrangements for the Conference were about to be made. A list of speakers and abstracts was provided towards the end of January. This was not the complete list.

In early February 2015, the Vice-Chancellor's office began to receive letters of complaint about the conference and I, in my role as Responsible Officer under the Code, requested relevant material about the conference - speakers, audience, programme, venue, risk assessment, etc - to inform my decision about whether to designate the event; and if the event was designated, whether to allow it to



proceed; and if so, what steps should be taken as are reasonably practicable to ensure that freedom of speech within the law was secured for members, students and employees of the University as well as for visiting speakers.

By the middle of February, the matter had come to the attention of the Hampshire Constabulary, who expressed an interest in the arrangements being made for the conference.

I formed the view that the conference should be designated and engaged with you as Principal Organiser and Professor Suleiman Abu-Sharkh seeking to establish what measures would be required to be put in place, to allow the Conference to proceed.

The full list of some 50 speakers was made available in early March 2015.

Since becoming involved, I have taken advice from the Director of Estates and Facilities, the Head of Security, the Head of the Safety and Occupational Health, and various external third parties, including the Southampton University Students' Union and Hampshire Constabulary.

As you were made aware, in confidence yesterday, the University received an Event Assessment yesterday from Hampshire Constabulary and this was explored with you together with other information, while we explored the difficult issue of balancing the University's duty to secure freedom of speech within the law and the duty to guarantee the security and safety of staff and students on campus.

Having had full discussions with you yesterday and having reflected on all of the issues overnight, I have decided, under Section 2.3 of the University's Code of Practice to Secure Freedom of Speech within the law, to withdraw the University's permission to hold the conference "*International Law and the State of Israel: Legitimacy, Responsibility and Exceptionalism*" ("Conference") scheduled for the 17th to 19th April 2015.

I am satisfied that after you notified the Vice-Chancellor's office in July 2014 about the Conference and permission, albeit only tacit, was given to you to proceed with the Conference, that the University was not facing the circumstances it now faces, which in summary are as follows:

1. Speakers and Conference Programme:

- 1.1 You made details of the speakers and the programme available to the University in early March 2015. This list has been reviewed and it is noted that the speakers have a distinct leaning towards one point of view, which is not an issue, save that it does not accord with the original intention expressed for the conference.
- 1.2 Further a number of the speakers are regarded as not extreme but controversial. The effect of this is to provide a focus for protest and with such a large number of such speakers being on campus at the same time for one event it provides a significant challenge to the University as to whether it can uphold good order on campus.

2. Risk assessment:

- 2.1 The risk of protest, intimidation or violence, and injury to staff, students, attendees and speakers, has progressively worsened over the past few weeks and shows an unacceptable high level of risk. This remains the case even after considering measures to reduce the risk as we may reasonably put in place in the run up to and during the Conference.
- 2.2 The University of Southampton Students' Union has expressed a real concern over escalated tension and division between student groups at the University as a result of the Conference.
- 2.3 Whilst the University can only pay attention to good order on campus, as part of its risk assessment, the inherent risk of disorder on campus as a result of this Conference must be considered in light of the increased threat to the UK of terrorist activity and the recent attacks in Paris and Brussels.

3 Public Order, Public Safety Assessment:

- 3.1 I have only paid heed to those elements of the Event Assessment from Hampshire Constabulary which refers to elements which the University is expected to be able to control. Even then, the estimated number of protesters ranges between 400 to 1000 people, over multiple sites at the University, from groups who are diverse and polarized and with an increased capacity for the University to be a focal point for mass demonstrations on campus.
- 3.2 Following our consultation on the morning of the 30th March 2015, you were given the opportunity to respond to this information and to suggest any practical measures which would enable the University to continue with hosting the Conference at this time.
- 3.3 Following the meeting you suggested by e-mail that you were of the view *"that it is very clear from the Police's report that they are more than capable of policing the conference and ensuring the safety of university staff, speakers, delegates, students and property. This should be accepted at face value"*.
- 3.4 With respect, I must disagree with your assessment of the Event Assessment. While advising that they were confident that they could provide the necessary support to the University, if requested to assist with the mitigation of risk from any protest, the police made it clear that:
 - The University and the Principal Organisers should consider the JTAC threat to the UK from terrorist activity as the event has a profile that would for some make the event a legitimate target and considerable thought needs to be given as to how this threat is mitigated against;
 - They raised the issue of the University's capacity and experience to deal with protests or activity within the conference, as it is a University event and the University has the responsibility for planning and delivering safe outcomes. The University's small security team will have to be enhanced by additional skilled resources to manage the event; and

- The University is responsible for providing protest areas and clear stewarding.
- 3.5 Therefore your reading of their report fails to take into account those elements of public order and safety which fall within the University's precincts and for which we are liable.
- 3.6 I have carefully considered whether there are any other reasonably practicable measures we could take to sufficiently reduce the risk of injury faced by our staff, students and visitors to a tolerable level within the available timescale. In particular I have considered the following:-

Change of location:

All other buildings which have the capacity to seat the event have been considered but given the combustible nature of the groups, a change of venue will not alleviate the difficulty that the security staff at the University (totalling 14 – of whom 5 are committed elsewhere) are too small a group and do not have the appropriate training to deal with demonstrations of this size. In addition, there is concern that they might have to deal with disruptions within the venue and again have not had appropriate training to deal with this.

Securing Areas:

This would require resourcing, planning and specialist arrangements to mitigate the deficiencies in our existing security provision which is not geared up to deal with events such as these. This is particularly the case given the dispersed locations. Preliminary enquiries have been made about additional resourcing and it is doubtful that the appropriate arrangements could be put in place in time given that a suitable security firm would have to be identified and once appointed, would have to conduct their own risk assessment and determine the correct measures to put in place.

Restricting Access to Campus:

In addition, to the previous point it is considered that the only way to run the Conference is to lock the campus down. This poses considerable logistical difficulties over the 3 days of the Conference and it is very questionable whether this is a proportionate response, given the needs of students with the examination period coming up. Given the concerns already expressed by the Students' Union over the holding of the conference, it is unlikely that they would consider such action in the best interests of the student body. For a similar weekend, the daily head count, reflecting occupancy at a point in time for the library was in the region of 600 students and the daily gate count of entry to the library ranged from 4,600 to over 5,000.

As the principal Organiser, you have not proposed any measures which might need to be taken in order to safeguard freedom of speech and have only pointed to police involvement being taken at face value which I have already addressed above.

It is my view that the circumstances facing the University are exceptional and that we have, at least over the past decade, never faced a similar set of circumstances.

To date the University's ability to react swiftly and in an agile manner to allow designated activities on campus to proceed reflects our commitment to take such steps as are reasonably practicable to ensure freedom of speech within the law on campus. This is not an absolute duty and on this occasion, with this set of circumstances I must withdraw permission as set out above for the reasons already enumerated.

The University takes its duty to secure Freedom of Speech within the law very seriously and has an extremely good record in this regard, as you well know. In the past it has always been able to put in place measures to allow designated activities to proceed. Therefore, it is with considerable regret that I have reached the decision that I have. With this in mind, I mentioned to you yesterday that the University is prepared to commission an independent report to establish how a conference of this nature could be held in future; exploring and identifying how the balance between upholding freedom of speech and securing the safety and security of staff and students can be achieved, and the measures needed to achieve this. In our meeting you rejected this offer, but I make it again as a confirmation of the University's continuing commitment to uphold freedom of speech within the law.

As I explained yesterday, you may appeal against my ruling to the Vice-Chancellor (see section 7 of the Code - <http://www.calendar.soton.ac.uk/sectionIV/freedom-speech.html>).

If you are going to appeal, please do so by no later than midday on Wednesday 1st April 2015 since there are a number of actions which will need to be taken, following either a reversal or upholding of my decision.

May I suggest that you do so in writing to the Vice-Chancellor setting out the grounds for your appeal so that the Vice-Chancellor has time to consider the matter before he meets with you.

I realise that this decision is disappointing for you and Suleiman but I wish to reassure you that it is made solely because I do not believe that in the circumstances, the safety and security of staff and students on campus can be guaranteed and for no other reason.

Yours Sincerely



Steve White
Chief Operating Officer
University of Southampton



