

By Email

Dame Kate Barker
Chair of Trustee Board
Universities Superannuation Scheme

cc: Carol Young
CEO

29 January 2024

Dear Kate

USS Investments and Israel

I write to you, further to previous correspondence and discussions on this matter that you will be aware of, to raise concerns about USS investments linked to the Government of Israel and its ongoing genocide in Gaza.

You will be aware that the International Court of Justice presented its preliminary findings on an application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip lodged by South Africa against Israel where it found that allegations that Israel had committed genocide were 'plausible'. The yalso stated -

- *".... the Court considers that the catastrophic humanitarian situation in the Gaza Strip is at serious risk of deteriorating further before the Court renders its final judgment."*

And that the limited steps taken by Israel to protect Palestinians in Gaza

- *"are insufficient to remove the risk that irreparable prejudice will be caused before the Court issues its final decision in the case".*

And that –

- *".... the Court considers that there is a real and imminent risk of irreparable prejudice to the plausible rights invoked by South Africa, as specified by the Court."*

More importantly, the Court stated –

- *The Court considers that, with regard to the situation described above, Israel must, in accordance with its obligations under the Genocide Convention, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:*
 - *(a) killing members of the group;*
 - *(b) causing serious bodily or mental harm to members of the group;*
 - *(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and*
 - *(d) imposing measures intended to prevent births within the group.*

This judgment is on top of the condemnation of the actions of Israel by numerous leading political and legal figures on top of the numerous UN Resolutions and reports into illegal Israeli actions in both Gaza and the Occupied Territories.

When UCU engaged on this matter last year, we were told that there were a diversity of views on this issue and that when dealing with the Ukraine/Russia situation, there was clear legal opinion on that conflict and agreement amongst leading political governments on where the blame lay.

I would suggest that the time is well past for considering this matter as holding diverse views. Over 25,000 Palestinians have died so far, around 17,000 being women and children while around 65,000 are seriously injured. Prime Minister Netanyahu has rejected a two state solution and has confirmed the siege will likely last for months. And Israeli Officials have rejected the decision of the Court calling it "antisemitic". This does not give confidence of an early resolution.

No longer can USS stand by and support those companies that kill civilians, cause serious bodily or mental harm to women, deliberately inflict physical destruction on Gaza and its people as well as create situations where women cannot get anesthetic to give birth and children are having limbs amputated without pain relief.

UCU is calling on USS to immediately convene a meeting of the USS Trustees to consider its position on Israeli investments and those companies that have been found to be complicit and give support to this corrupt and now genocidal government.

We call on the USS Trustee Board to cease all investments with companies linked to the production of the F35 Combat Aircraft and other machines of war that have wrought such destruction on Gaza.

And we call for an immediate review of all investments that may be linked directly or indirectly to the Israeli Government given the gravity of this decision by this prestigious Court.

We believe that ignoring this decision would be a travesty like no other given the magnitude of the decision by the International Court of Justice but also the concerns raised in its judgment about the need to act in haste given the impact that any delay will have on the people of Palestine.

We believe that the fiduciary duty required of Trustees is such that it would allow you to make this decision given the importance of the decision reached, the implications not just on Israel but governments and companies that support Israel but also the devastation any delay in taking this decision will have on the Palestinian people.

UCU is more than happy to speak to the Trustee Board to lay out in detail its position on this matter. We know this position is supported by the vast majority of our members regardless their religion or political persuasion. And we know that the vast majority of USS members would also be looking to the Trustee Board for positive, affirmative action on this issue and would balk at any delays.

USS must support Justice. USS must support Peace. USS must support the rule of law.

USS must oppose Genocide. USS must oppose complicity in genocide.

On behalf of all scheme members, we demand urgent visible, transparent action by the Trustee Board to uphold the dignity of its position as the International Court of Justice has upheld its.

Your

Dooley Harte
Pension Official - USS