

## Open Letter:

### **The EU and Academic Institutions to Halt Collaborative Research Due to the Risks of Dual Use, Misuse, and Violations of Human Rights and International Law**

We, as academics, urge the EU and European academic institutions to uphold their moral and legal obligations and take immediate action to address the serious risks of dual-use and misuse of research projects and to halt funding collaborations with organizations that are known or suspected accomplices in the Israeli or other (alleged) human rights and international law violations, including war crimes and crimes against humanity and genocide.

#### **The situation in Palestine**

Since the 7<sup>th</sup> of October 2023, following horrific attacks by Hamas and other armed groups, Israel has commenced a full-scale assault on the Gaza Strip and heightened its military campaign in the West Bank. The number of casualties, injuries, and missing people and the scale of destruction in Palestinian territories, primarily in Gaza but also in the West Bank (including East Jerusalem) have reached unprecedented levels. The death toll is expected to significantly rise, because of the cutting of supplies (such as power, water, food, and medicines), the vast destruction of buildings – including [hospitals](#), [schools](#), [universities](#), and [places of worship](#) - by Israel, the impossibility for the population to leave the besieged enclave, the [forced starvation as a method of war](#) and the serious risk of [wide-spread diseases](#). Importantly, there has been little information on what is happening in Gaza, due to Israel [cutting communications](#) for days at a time, barring external journalists as well as fact-checker and investigative organizations from entering Gaza and [killing journalists](#) in unprecedented numbers.

[International organizations](#) and prominent human rights experts (e.g. [here](#), [here](#), and [here](#)), including [the UN](#), have called for preventive action against the serious risks of genocide in Gaza, while [many](#) argue genocide is already taking place. Upon the institution of proceedings before the International Court of Justice by the Republic of South Africa against the State of Israel for the alleged violations of obligations under the Convention on the Prevention and Punishment of the Crime of Genocide against Palestinians in Gaza, the Court, on [its order](#) dated 26 January 2023, has found the claims on genocidal acts perpetrated by Israel *plausible* and confirmed a real and imminent risk that irreparable prejudice will be caused to Palestinians (the Court will state at a later stage, on the merits, whether genocide is taking place). The Court urged Israel to take a wide range of provisional measures.

#### **Scientific collaborations between Europe and Israel**

Israel has been involved in the EU's research and innovation programmes since 1996. From 2014 to 2020, Israeli organizations, including [military companies and institutions](#), were involved 2105 times and received 1,28 billion Euros from the EU. [As of 8 January 2024](#), there are 594 partnerships with Israeli organizations, to which the EU Commission's net contribution is approximately 480 million Euros.

These figures are not problematic in themselves. However, there is a heightened risk of [dual-use](#) and misuse of research outputs, i.e. using the technology (or at least the know-how) developed in the EU-funded projects for military or other purposes in breach of human rights, international law or ethical values. For example, Elbit Systems, one of the most important military technology providers of the Israeli army ([including current assaults on Gaza](#)) for a long time, was [involved in numerous EU-funded projects](#) under the Horizon 2020 Framework. Similarly, the Israeli Aerospace Industries (IAI), a major Israeli state-owned manufacturer of defense and aerospace sectors, which [publicizes](#) their involvement in Israeli military operations since October 7, are involved in numerous projects in the ongoing Horizon Europe Framework. Non-Israeli organizations may also raise risks of dual-use, misuse and violations of human rights and international law, as crystalized in the [acquisition](#) of the leading Greek military tech provider Intracom Defense by the IAI, after important [collaborations](#) between the two.

The lines between the high-tech sector, the European research and innovation funding programmes, and the Israeli arsenal are easily blurred. Examples include the [use of Artificial Intelligence \(AI\)](#) for the destruction and killing of innocents in Gaza, [confirmed](#) close connections with the Israeli army, intelligence and law enforcement agencies, and the use of Palestine as a [test bed](#) for weaponry and surveillance technologies both to export them worldwide and to create an [automated apartheid](#) in the Occupied Palestinian Territories. Furthermore, other organizations may also be *directly* or *indirectly* involved in violations of human rights and international law. Several [Israeli universities](#), such as the Israel Institute of Technology (Technion), have, among others, enabled [apartheid, occupation and discrimination against Palestinians](#) for [a long time](#) and played a role in the [crackdown of dissent](#) since the 7<sup>th</sup> of October. Besides, European universities often conclude contracts with tech companies such as [HP, which has also been accused](#) of providing technology for Israeli control over the Palestinian people.

### **Shortcomings of current ethics and human rights screening procedures**

When they exist, ethics and human rights procedures set up to screen research collaborations are mainly deployed by universities on a project-by-project basis pursuant to internal ethics and human rights commitments. These procedures are highly time and resource intensive and primarily reliant on the concerns raised by individual researchers and the availability of information on project partners and their potential involvement with ‘problematic’ acts or actors (such as the Israeli military or their collaborators). Finding information on whether and how a given potential research partner may raise ethical or human rights concerns can be very challenging. Atrocities are dynamically unfolding daily, making it almost impossible to determine all individual responsibilities. For example, albeit a good-willing research partner at first glance, doctors of an Israeli hospital have [reportedly](#) openly called for the destruction of all the hospitals in Gaza. Importantly, Israel has been deploying resources to [prevent](#) journalists and independent observers from documenting the situation in Gaza, while [social media platforms are accused](#) of silencing information in order to shape public opinion with a one-sided narrative of the course of events. The International Court of Justice took specific measures against Israel to prevent the destruction of evidence of the plausible genocide unfolding in Gaza.

Additionally, these ethics and human rights procedures have commonly an advisory role without any authority over the final decision of establishing research collaborations. Besides, the end-result of such screening is rarely the abandonment of a project but rather, at best, the imposition of safeguards surrounding the research stage of the project, which in no way affect what happens *after the project ends*, and how the research outcomes of a certain project are or can be deployed. If the partner (i.e. university) that raised the concern steps down, the potentially questionable research is left essentially unaffected. In other words, the research will still be conducted, likely by another partner, unless wide scale changes take place at an EU level.

The functioning of such ethics and human rights screening systems procedures shall further be understood within the context of competition for funding, with the ensuing risk of racing to the bottom. Stopping ongoing collaborations due to ethically problematic developments (such as those in Gaza) is theoretically possible, but it is very difficult given universities’ need to keep good relationships with their networks and their reliance on project funding to pay researchers’ wages. Concerns about projects and the ethically questionable development of know-how in collaboration with Israeli partners have been [raised in the past](#), too, but reactions to them [failed to reflect the overarching institutional responsibility](#), considering them as isolated instances, and have been overall [deemed insufficient](#).

### **Proposal for moving forward: Inferring a positive duty to act**

Against this background, we, as academics working in universities committed to human rights and ethical values, believe that academia in Europe and beyond cannot continue *business-as-usual* collaborations with Israeli and non-Israeli partners, when such partners are directly or indirectly complicit in these crimes. Two lines of arguments have been raised so far to keep *business-as-usual*, namely that it would be a matter of politics so academic institutions should avoid ‘taking side’ or that the ethics and human rights screening procedures in place within universities satisfactorily frame the ways in which research collaborations are

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conducted. However, funding research collaborations is also a matter of politics and most importantly of upholding the most basic human rights, while as demonstrated the screening procedures in place are largely unable to address the magnitude and urgency of ongoing violations. Finally, as also strongly voiced especially by the [Global South](#), it is of utmost importance to avoid any [double standards](#) in the treatment of, for example, Israel and Russia, considering the [EU-wide principled stance](#) upon Russia's invasion of Ukraine – which is also subject to [ICJ scrutiny](#), entailing provisional measures under the Genocide Convention. We should condemn injustice wherever it takes place by whomever it is initiated.

Under international law, States must take preventive and precautionary action to ensure respect for [international humanitarian law](#) and to [prevent genocide](#). Under EU law, the EU institutions and member States must [respect fundamental rights](#) and promote the application thereof, [control the export](#) of dual-use items and know-how, and apply the [precautionary principle](#), also in cases of risks to human rights, to base legal or policy decisions where a potential risk of dangerous effects cannot be demonstrated or quantified with sufficient certainty due to the unavailability of (i.e. scientific) data. Furthermore, research funded by the EU under the [Horizon Europe](#) programme must comply with EU, national and international law including fundamental rights instruments as well as ethical principles. In light of the above, we urge all relevant stakeholders, but particularly the EU and academic institutions involved in collaborations with known or suspected risky partners, to take substantial and immediate action to uphold their moral and legal obligations and address these risks wherever they take place, within or outside Europe. Accordingly, [universities have already started](#) to halt collaborations with Israeli partners. While the events unfolding in Palestine shall act as a wake-up call, ethics and human rights concerns are obviously not limited to Palestine, necessitating structural change.

**More precisely,**

**The EU, as a major funding body and primary policymaker in research and innovation, should:**

- Set consistent EU-wide policies and take concrete actions (including preventive actions) regarding allowing, funding, performing, participating in, or contributing to research collaborations that may, *directly* or *indirectly*, violate international law and human rights.
- Carry out streamlined, strict and transparent ethics and human rights screenings of research collaborations in line with the [Horizon Europe Regulation](#), given the seriousness of the issues raised should thus not be delegated to individual funding bodies or partners, against the risk of dual-use or misuses in (or as a result of) research collaborations.
- Revise the Horizon Europe Regulation and related guidelines (i.a. [Research with an exclusive focus on civil applications](#) and [Potential misuse of research](#)) to address the risks highlighted as well as establish effective reporting channels and protect [whistleblowers](#).

**The universities, as performers of research and direct collaborators in research projects, should:**

- Ensure the effective scrutiny of research collaborations and partners, including by rendering decisions by ethics and human rights bodies binding and not reliant on individual researchers or even individual researcher centers who may not have genuine decision-making power.
- Draw inspiration from the preventive and precautionary duties born by the EU and States and either abstain, based on clearly and transparently set policies, from entering into, or interrupt on-going collaborations with entities that could *possibly* (and even *indirectly*) be involved in human rights or international law violations or which run the *risk* of dual-use or misuse. This could be done temporarily, for example, until violations have ceased to take place. The temporary nature of the measures can constitute a means to balance the need – and actual commitment – to protect human rights and the duty to preserve the freedom of science.

Finally, we must live up to the standards of our past commitments. That genocide shall 'never again' take place is a commitment that cannot be made several times.

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