

26 December 2024

After 76 years of ethnic cleansing, 57 years of occupation and 18 years of blockade of Gaza, people in Palestine found themselves in their darkest time since current genocide started last October.

We BA4P/BACBI in Belgium brought together European academic groups from [France](#), the [UK](#), [Spain](#), [Netherlands](#) and [Ireland](#) to strengthen the solidarity of academia. Our initial action was [a joint letter](#) and [a petition](#) demanding the exclusion of Israel from the EU research programmes addressed to the EU High Representative for Foreign Affairs / Vice President (HRVP) Josep Borrell and the EU Commissioner for Innovation, Research, Culture, Youth and Education Iliana Ivanova. As the recipients of these fundings include companies and academic institutions deeply imbedded in the Israeli military industrial complex, it is more than likely that the European research funds have been contributing to the decades-long human rights violations in the Occupied Palestinian Territory. Even in the face of the ongoing genocide in Gaza, the EU keeps supporting Israeli military security/defense apparatus through its research funding. We remind the EU of its moral and legal obligations.

Following these communications, we met the cabinet members of the Commissioner Ivanova and exchanged our views in a “off the record” meeting on 23 September. Both sides agreed to continue the dialogue in a written form. In respect of the set condition, we sent our second letter in private on 23 October. On 19 November the commissioner Ivanova notified us of a detailed answer to follow. However, the promised answer never reached us to date. Considering the end of her term as a commissioner in a week, we expect no official answer before the new college of commissioners starts. Therefore, we are publishing our second letter here below.

23 October 2024

Ms. Iliana Ivanova
EU Commissioner for Innovation, Research, Culture, Education and Youth

Dear Ms. Ivanova,

Thank you for your response dated 16 September to [our letter](#) and [petition](#). Thank you also for arranging a meeting. Our delegates met your cabinet members in our capacity as representatives of the European Coordination of Committees and Associations for Palestine (ECCP). During the meeting that took place on 23 September, we stated that

we would answer you in writing. Both parties also agreed to produce a written summary of our discussion.

Since our meeting, the past few weeks have seen a dramatic escalation in the region. Right now the State of Israel is dragging the Middle East into hell, as its military operations are not only reducing **Gaza** to rubble, and putting its population at risk of « genocide », according to the International Court of Justice (ICJ), but also expanding to **the West Bank** and **Lebanon**. The Israeli army even attacked the [UN Interim Force in Lebanon \(UNIFIL\)](#) , and banned the UN Secretary General from entering its territory, both of which are unacceptable frontal attacks on the UN.

Gaza's death toll has now exceeded 42,000 after a year of war. The actual total is even higher, as this number does not include either unrecovered bodies or indirect deaths due to declining socio-economic status and public services. The combined death toll in **Gaza and the West Bank** amounts to nearly 120,000 since 7 October 2023, including indirect deaths according to [the new study by Brown University](#). Another estimate by [a group of US health professionals](#) who served a combined total of 254 weeks in Gaza came to a similar conclusion: 118,908 deaths, a staggering 5.4% of Gaza's population. Recently the UN Human Rights Council released a report detailing how Israel has **deliberately targeted Gaza's healthcare system**, including the destruction of hospitals, and the killing, detaining and torturing of medical staff. The destruction of the healthcare system and other essential civilian infrastructure, together with obstruction of humanitarian aid, are the main factors contributing to the immense number of indirect deaths. Those who survive are forced to move from one falsely designated "safe zone" to another amid relentless bombing, starvation and escalating disease, deprived of any protection promised by the Geneva Convention and Genocide Convention. Their families, homes, identity, and cultural heritage are almost entirely torn apart and will carry generations-long trauma.

According to [UN experts](#) what is unfolding in the Middle East is the 'most profound crisis since the end of World War II'. They also sharply criticize the inaction of the international community. "The international community's failure to secure a ceasefire and hold accountable all those responsible for or complicit in heinous crimes, has not only enabled the continuation of unprecedented brutality but widened it to the broader region, setting Lebanon ablaze with violence and destruction." We share their indignation.

Our letter and petition emphasized the legal developments concerning Israel, namely **the provisional measures issued by the ICJ** regarding possible breach of the Genocide Convention by Israel on [26 January](#), [28 March](#) and [24 May](#), as well as its [advisory opinion](#) issued on July 19 on the “Legal consequences arising from Israel’s policy and practice in the Occupied Palestinian Territory including East Jerusalem”. We note also that the prosecutor of **the International Criminal Court (ICC)** has requested an arrest warrant for Israeli prime minister Benjamin Netanyahu and the defence minister Yoab Gallant for war crimes committed in Gaza. These orders, the advisory opinion and requests from the ICJ as well as the ICC, define reality on the ground in the most unambiguous terms and delineate actions to be taken to safeguard the rule-based world order. There is no other solution to this longest conflict in modern history other than that based on international law. In addition, [the United Nations General Assembly \(UNGA\) resolution](#) on 13 September reaffirmed the advisory opinion of the ICJ and demanded the end to Israeli occupation of the OPT. In particular it emphasized **the responsibility of all states to implement it**.

It is in this context that we questioned you in your office as Commissioner for Innovation, Research, Culture, Education and Youth. Unfortunately, we feel that your answer on 16 September does not fully recognise the problem on the ground or the legal situation following the ICJ orders and advisory opinion. We feel that international law is under attack in Gaza together with its 2.3 million Palestinians. **International law cannot implement itself. States are morally and legally responsible for implementing it.** However, the war has continued with little intervention from the states and international actors such as the EU. We as European citizens and academics decry the inaction of the EU for not using its leverage to avert this catastrophic development. In contrast to the clear and principled position it took towards Russia upon its invasion of Ukraine, this double standard not only is morally unacceptable but also harms the credibility of the European Union.

Therefore, we would ask you:

- -How will you adapt your policy in the light of the obligations arising from the ICJ orders, the advisory opinion and the UN GA Resolution?
- -What is your advice to the next Commissioner who will take over your mandate?
- -What can you do within your capacity to implement these obligations?
- -Is continuing to provide research funding to Israel in line with these obligations?

In your answer you referred to the EUCO Conclusions. We welcome the latest of these (June 2024), which clearly states “**The European Council stresses the importance of respecting and implementing the orders of the ICJ, which are legally binding**” (point

16). Yet there was no concrete recommendation on how to “implement” the ICJ orders. As Israel is blatantly ignoring these orders and advisory opinion, the responsibility of other states and international institutions such as the European Union to make Israel comply with these orders “by all means available” becomes paramount. Therefore, we would like to ask you to report back to the European Council with responses to the following questions:

- **-What concrete measures is the Council going to take to implement the orders and advisory opinion of the ICJ?**
- **-Further the Council decision stresses the importance of supporting UNRWA (point 19). Israel is at the point of designating UNRWA as a terrorist organization and banning its entry into Israel. What concrete action will the Commission take to prevent this outrageous move against UNRWA?**

These are the questions which we, representing many colleagues in the academic community, would like to pose to the European Council as well as the Commission. Some answers, such as a constructive dialogue with Israel, are now out of the question, as the approach of open dialogue and reproach has clearly failed to reverse any of Israel’s illegal actions

In response to our request to **suspend Israel from Horizon Europe** you argued in your letter: “Termination solely on the basis of nationality would amount to discrimination prohibited under the Association Agreement.”. However, our request to suspend Israel is based on the well documented human rights violations by its government and is **not a discrimination based on nationality** as such. It is **a punitive measure equivalent to sanctions as a means to pressure aggressor countries, as has been done for Russia**. It is in line with Article 2 of the EU-Israel Association Agreement (EU-IAA) that gives the legal framework governing the relationship between the EU and Israel, including scientific and technological cooperation. Article 2 states: “Relations between the Parties, as well as all the provisions of the Agreement itself, shall be **based on respect for human rights and democratic principles**, which guides their internal and international policy and constitutes **an essential element of this Agreement**.” Israel is in clear violation of human rights according to the ICJ orders and advisory opinion, and this concerns the *jus cogens* norms from which no derogation is allowed under any circumstances. Israel is also in breach of Article 77, which promotes equality and dismisses discrimination, as its laws and practices discriminate against non-Jewish Israelis (21.1 % of Israel’s population) in a manner described as apartheid by major [Israeli](#), [Palestinian](#) and [international human rights](#) organizations. The ICJ advisory

opinion also confirmed the discriminatory practice of Israel in violation of International Convention on the Elimination of All forms of Racial Discrimination (CERD).

Article 79 further states that either Party may take **appropriate measures to redress the other Party's failure to fulfil an obligation under the Agreement**. Although the detailed arrangement is established by other agreements such as the Horizon Europe Association agreement you refer to, all research agreements fall under the broader legal frame of the EU-IAA defined in Article 40. We understand that the imposition of sanctions is beyond your competence as the Commissioner of Innovation, Research, Education, Culture and Youth. However, we believe that as a member of the European Commission it is your responsibility to bring this issue, as raised by concerned European academics, to the attention of the Council and Commission.

You also wrote in your answer that the projects that received funding in the framework of Horizon Europe are subject to strict regulations and ethical screening and monitoring with legal consequences. During our meeting with your cabinet members, we were informed that your cabinet is investigating the 12 projects we highlighted in the petition ([INHERIT, HERWINGT, POLIICE, EU-GLOCTER, OPTGEN, DiDAX, RESPONDRONE, ROXANNE, LAW-TRAIN, MEDEA, PERCEPTIONS, TAILOR](#)). This is a very welcome development. The head of your cabinet Dr. Markus Schulte told us “If there is any proof of research being conducted in the occupied territories, then we will apply the law, which makes it illegal.” Our understanding is that this means cancelling the project.

As we discussed during the meeting of September 23rd, two major areas of concern are dual use technologies and the Israeli settlements. A case that deserves further scrutiny is that of Ariel University, an institution that is located in the occupied territories. Ariel University Center figures in the register of participating organization in the EU Fundings and Tender Portal with PIC number 954917762. The registration shows an address in “Ariel, Israel”, which is incorrect because Ariel is actually in the West Bank. While we see that this PIC is at the “declared” stage, it has not been validated, and is not tied to any EU-funded project, so it is a valid question to ask why it is still possible to find this illegal registration in the participant portal. Ariel University is fully embedded in the Israeli university system, its degrees are recognized by the Israeli Council of Higher education and it participates in VERA, the organization of the Israeli University heads (<https://vera.org.il>). The intimate links between Ariel and the other EU universities makes it challenging to ensure that EU funds to other Israeli institutions do not reach Ariel, and therefore the occupation. Indeed, further research after our meeting led to us finding out that this question had already been prominently raised in 2021, when the

“No Academic Business as Usual with Ariel University” published the briefing “EU TAXPAYER-FUNDED RESEARCH PROGRAMMES AND ILLEGAL ISRAELI SETTLEMENT ENTITIES” (which may be found at <https://noarielties.org/wp-content/uploads/2021/04/horizon-briefing-noarielties-eccp-april2021.pdf>). This briefing points out a number of cases in which Ariel or its employees participated in Horizon 2020 projects, and even being publicly listed as “stakeholders” in ways that circumvent the ban on activities located in occupied territories from all EU funding.

- Our question to you is: Is the European Commission aware of these cases, and what has been done in order to avoid similar violations taking place in relation to Horizon Europe projects?

Dr. Schulte also told us that the cabinet should be informed if there are violations. We wish to continue this dialogue and provide relevant information in our capacity.

Regarding dual technology, as detailed in our petition and discussed during the meeting, we have shown how systematically and deeply Israeli academic institutions are embedded in the military industrial complex that has been carrying out the systematic and widespread violations of human rights, even prior to October 7 last year. This amalgam of research-military-security industrial complex has become further entrenched after October 7. This raises the question whether ethical assessment of individual projects case by case is sufficient. Multiple Israeli universities have military complexes integrated within their campuses, including Ben-Gurion University, Tel Aviv University and The University of Haifa. These universities offer special promotional programmes and privileges to soldiers who serve in Gaza. After October 7, 2023, the university campuses look more like military bases. Israeli universities are also major institutions developing military doctrines and racist ideology that are used for inciting genocide, and which therefore bear the highest responsibility in the event of genocide.

We also presented cases demonstrating that the rules set out by the Horizon Europe agreements are likely to be violated by Israel. Although Horizon Europe and its predecessor framework projects should be strictly for civil applications as you emphasized, there are cases that illustrating that military application of the research results are strongly suspected. As stated above, the deep link between the universities and the military-industrial complex facilitates the transfer of research results to the defence/security industry. For example, AUTOFLY, a Horizon Europe project which allocates funding to the Israeli startup Sightec, investigates how flying drones can be used where GPS is not available. The project in principle is for civil use, but it is [being used](#) in the ongoing genocide.

We pointed out that the major culprit is the inadequacy of the ethical screening and monitoring. The ethical screening procedure is technically concentrated on the direct and immediate impact within the narrow goal of the project and lacks a broader criterion based on international law and international human rights law. The distinction between the civil and military application of the dual use technologies is a grey zone very difficult to tackle. In order to carry out such monitoring to assess later development of military applications, very long-term monitoring is necessary due to the time lag between the research result and actual applications in the field. All the more so, if a project involves a company or the Ministry of Defence, the EU 's ability to pursue monitoring is extremely limited due to the protection of data as a matter of industrial or state secrecy. Therefore, it is our opinion that there is an intrinsic deficiency in the screening and monitoring system to address human rights issues in research projects especially those involving such grave cases as crimes against humanity committed by a state party.

We must therefore ask whether it would be possible for you to provide us, either via this channel of communication that we have created, or via the standard way (based on regulation 1049/2001), with the ethics self-assessment documents related at least to the Horizon projects mentioned in this letter ([INHERIT](#), [HERWINGT](#), [POLIICE](#), [EU-GLOCTER](#), [OPTGEN](#), [DiDAX](#), [RESPONDRONE](#), [ROXANNE](#), [LAW-TRAIN](#), [MEDEA](#), [PERCEPTIONS](#), [TAILOR](#), [AUTOFLY](#)), and documents on how the European Commission evaluated these self-assessments, in particular regarding the prohibition of dual use, for example as in Horizon Europe Model Grant Agreement, Article 14 (“The beneficiaries must ensure that the activities under the action have an exclusive focus on civil applications.”)

Regarding the last point in our inquiry, support for the Gaza's higher education system and academic community, we are very thankful for your assurance that the EU would be engaged in a comprehensive recovery and reconstruction plan beyond humanitarian assistance. This promised commitment gives a much-needed hope to Gaza's decimated academic community, as the renowned resilience of Palestinian people also has a limit after a year of genocidal war.

Yet the war is far from over. On the contrary, bombardment and siege targeting northern Gaza is intensifying. No aid reached there for weeks following October 1, exposing 400,000 people in the killing field to an extreme risk of starvation. During our meeting with your cabinet members, we handed over a partial list of university professors among

the 10,000 students and 411 educational staff killed. All seven universities and five higher education training centers in Gaza have been destroyed by Israel. We would like to hear your thoughts as to what you can do as the EU commissioner to provide protection to Gaza's education system, teachers and students. Will you express your "unwavering support" for Palestinian teachers, students and youths [as you expressed for Ukraine](#)? We believe that such an expression of solidarity can give more than a symbolic form of protection.

Yours respectfully

(signed)

Dr. Nozomi Takahashi, Chairwoman of Belgian Academics and Artists for Palestine/Belgian Campaign for Academic and Cultural Boycott of Israel (BA4P/BACBI)

Prof. Em. Ivar Ekeland, Chairman of French Association of Academics for Respect for International Law in Palestine (AURDIP)

Prof. Em. Jonathan Rosenhead, Chair of British Committee for the Universities of Palestine (BRICUP)

Dr. Sue Blackwell & Prof. Francesco Battaglia, on behalf of Dutch Scholars for Palestine (DSP)

Dr. María José Lera, on behalf of Red Universitaria por Palestina (RUxP)-University Network for Palestine, Spain

Dr. Eman Abboud, Dr. Harry Browne & Dr. John Reynolds, on behalf of Academics for Palestine, Ireland