

# CONTEXT SECTION

## *COLLABORATIONS WITH ACADEMIC INSTITUTIONS IN ISRAEL AND PALESTINE*

Advisory Committee Sensitive Collaborations

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## **Introduction**

The assessment of sensitive collaborations starts with an assessment of the broader context in which such collaborations take place and in which specific risks are identified. In the context of Israel and Palestine this requires caution in the selection of relevant knowledge and sources in the awareness that most information is filtered through specific – often opposing – political perspectives. To come to a balanced view, we need to acknowledge these perspectives and the long history of the conflict, while avoiding political interpretations where possible. In this regard, the committee considers the following.

## **Historical background and status**

The history of the conflict between Israel and Palestine is long, often violent, and deeply connected with international support for and influence on the different parties. After the British disengagement from its mandate territories, Israel became an independent state in May 1948, recognized by the United Nations (UN). Following the so-called Six Day War of June 1967, Israel occupied East Jerusalem and the West Bank (previously controlled by Jordan), the Gaza Strip (then administered by Egypt) and the Golan Heights (until then part of Syria). Cycles of violent conflict between Israel and its neighbors (and, over time, increasingly non-state actors supported by other regional powers) translated into elevated threat perception, and constant presence of risk in everyday life of residents. Israel has, until today, conscription, and military service is seen as an important contribution to the safety of the Israeli society.

In November 1988, the Palestinian National Council (later Palestinian Authority) declared the independence of the State of Palestine. It has since been recognized by 146 UN member states (including four EU member states, but not the Netherlands). The status of Palestine as “Occupied Territory” has been explicitly acknowledged by, among others, the UN (since 1999), the International Court of Justice (ICJ, since 2004)<sup>1</sup>, and the EU (since the 1980 Venice Declaration and the Oslo Accords of 1993).

In 2005, Israel disengaged from Gaza. It maintains that this brought an end to its obligations under international law as an occupying power. This legal interpretation has been upheld by some legal scholars and systematically by Israeli courts. By contrast, other scholars and numerous institutions, including the United Nations and the International Committee of the Red Cross and Red Crescent (ICRC), maintain that Israel continues to be bound by at least some obligations as an occupying power. This view was upheld by the ICJ in its Advisory Opinion in July 2024, in which it decided that, regardless of whether Gaza was still legally speaking occupied or not, Israel indeed continued to be bound by at least some of its obligations as an occupying power.<sup>2</sup>

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<sup>1</sup> In its advisory opinions "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" (2004, [www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf](http://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf)) and "Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem" (2024, [www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf](http://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf)).

<sup>2</sup> <https://www.cambridge.org/core/journals/leiden-journal-of-international-law/article/armed-conflict-in-gaza-and-its-complexity-under-international-law-jus-ad-bellum-jus-in-bello-and-international-justice/9C3594273B2ADCE26A9E89E8A361DB3D>

The current stage of the conflict is marked by the war triggered by the Hamas terrorist attacks of 7 October 2023 and Israel's massive violence in response, which lasted at least until the moment this assessment was made (March 2025).

Presently, the Occupied Palestinian Territories (OPT) consist of the West Bank (including East Jerusalem) and Gaza. East Jerusalem has been integrated administratively by Israel, which was condemned internationally as contravening the Fourth Geneva Convention (UNSC resolution 446 of 1979). Other parts of the West Bank are governed by different jurisdictional arrangements: the smallest part (Area A, 17,2%) is governed by the Palestinian Authority (PA); Area B (23.8%) is under PA civil control and Israeli security control; and Area C (59%) falls under full Israeli control. It is important to note that even the parts governed by the Palestinian Authority are fully surrounded by area under Israel's military control and that anyone living in OPT needs authorization from Israel should they wish to commute in, out, or between these areas. As for Gaza, Israel does not execute full control over its territory, but it does control its borders and sea access. This means that Israel in practice maintains a large degree of control over all the Occupied Palestinian territories even where it formally does not execute full control.

The committee considers this asymmetric relationship between Israel and Palestine and the ensuing (partial) responsibility of Israel for the occupied Palestinian territories an important factor for the risk assessment and the degree to which each party can be considered responsible for risks of human rights and humanitarian law violations.

### ***Assessment of risks of violations of human rights and humanitarian law***

The human rights and humanitarian law violations related to the occupation of Palestine by Israel take different forms.

In areas of the West Bank, the violations include settler policies and forced displacement, heavy policing, isolation of the population through the (internationally condemned) West Bank barrier and movement limiting checkpoints, military operations and unlawful killings, intensified after the 7 October attacks on Israel.<sup>3</sup> In its advisory opinion of July 2024, the ICJ stated that "Israel's legislation and measures constitute a breach of Article 3 of CERD"<sup>4</sup> with regard to the "near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities".<sup>5</sup> Access to social services and healthcare on the West Bank is limited, especially when people need care outside their region of residence and require travel permits issued by the Israeli government.<sup>6</sup> A recent report by the United Nations High Commissioner for Human Rights concludes that the Government of Israel unlawfully facilitates the consolidation and expansion of Israeli settlements and dire consequences for the human rights of the Palestinian people, including the denial of their right to self-determination.<sup>7</sup> The

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<sup>3</sup> As reported a.o., by Amnesty International. [www.amnesty.org/en/latest/news/2024/08/israel-opt-palestinians-face-drastic-escalation-in-unlawful-killings-displacement-as-israel-launches-west-bank-military-operation/](https://www.amnesty.org/en/latest/news/2024/08/israel-opt-palestinians-face-drastic-escalation-in-unlawful-killings-displacement-as-israel-launches-west-bank-military-operation/)

<sup>4</sup> Convention on the Elimination of All Forms of Racial Discrimination; art 3 regards racial segregation and apartheid

<sup>5</sup> [www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf](https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf)

<sup>6</sup> [www.emro.who.int/opt/information-resources/right-to-health.html](https://www.emro.who.int/opt/information-resources/right-to-health.html)

<sup>7</sup> *Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan*. Report of the United Nations High Commissioner for Human Rights 06-03-2025.

international community has systematically condemned Israeli settlements in the West Bank, including via UNSC resolutions 242 (of 1967), 338 (1973), 476 (of 1980), 1397 (2002), 2334 (of 2016) and, therefore, does not recognize them as a legitimate part of Israel. Similarly, the EU does not support academic collaboration with Israeli partners located in any of the occupied territories.

In the case of Gaza, matters are significantly worse. Even before the current war, experts and international institutions globally describe the situation as a humanitarian disaster and a context of severe human rights violations.<sup>8</sup> Access to health care is problematic due to military violence, poverty and hunger, destruction of health care facilities, power cuts, death tolls among medical staff, and lack of materials. Since 7 October 2023, the health care system has all but collapsed. In the context of the current war, the ICJ gave an order regarding a request for provisional measure by South Africa, which has accused Israel of committing genocide in Gaza. Although the ICJ did not order Israel to withdraw from Gaza, it did order Israel as an interim measure to “immediately halt its military offensive and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part”.<sup>9</sup> The ICC has issued arrest warrants for Israel’s prime minister and former defense minister, together with former Hamas commanders, citing allegations of war crimes and crimes against humanity.<sup>10</sup>

Israel scores relatively well on human rights indices, as these often measure respect for human rights within the borders of the country itself (thus excluding the occupied territory). In this sense, Israel does meet the major criteria of a modern Western democracy. For example, the V-Dem Democracy Report 2024 classifies Israel as an ‘electoral democracy’ whereas Freedom House indicates that Israel scores 34/40 on political rights and 40/60 on civil rights, marking it as a “free” country. These rankings do not deny the risks of human rights violations for individuals in Israel (especially for non-Jewish and/or non-Israeli residents), who, despite anti-discrimination laws, experience everyday racism and discrimination.<sup>11</sup> In recent years, Israeli society experienced widespread protests against the government of PM Netanyahu who attempted to constrain judicial review in order to enlarge executive and legislative power.

The situation is worse in the occupied territories. The West Bank is considered an ‘electoral autocracy’ by V-Dem and scored by Freedom House as ‘not free’, with 4/40 for political rights and 18/60 for civil rights. The Freedom House report indicates both Israeli military occupation, and Palestinian Authority’s “authoritarian manner” of governance as reasons for this low

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<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/advance-version/a-hrc-58-73-aev-1.pdf>

<sup>8</sup> <https://www.ohchr.org/en/press-releases/2023/07/dismantle-israels-carceral-regime-and-open-air-imprisonment-palestinians-un>

<sup>9</sup> <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-pre-01-00-en.pdf>

<sup>10</sup> <https://news.un.org/en/story/2024/11/1157286>

<sup>11</sup> See for example Israeli political and legal geographer and human rights activist Oren Yiftachel, who speaks of Israel as “an illusion of democracy despite ruling over millions of Palestinians who are either ‘temporarily’ under military occupation, or possess a second-class citizenship”. O. Yiftachel (2023) ‘Deepening apartheid: The political geography of colonizing Israel/Palestine’. *Frontiers in Political Science* 2022(4). <https://doi.org/10.3389/fpos.2022.981867>. See for a broader analysis of Israel as a democracy Dowty, A. (2021). ‘Democracy in Israel’. In Hazan, R. Y., Dowty, A., Hofnung, M., & Rahat, G. (Eds.). (2021). *The Oxford handbook of Israeli politics and society*. Oxford University Press, USA.

score.<sup>12</sup> Gaza is ranked as a ‘closed autocracy’ by V-Dem<sup>13</sup> and, according to Freedom House scores 3/40 for political rights and 5/60 for civil rights, similarly marking it as “not free”.<sup>14</sup> In Gaza, Israeli blockades “imposed serious hardship on the civilian population”, further exacerbated by Hamas’ authoritarian rule.<sup>15</sup>

The difference between the human rights protection of the Israeli population and that of the population and institutions in the occupied territories is reason to be careful when interpreting the indices mentioned above and not to take them out of context. Given the asymmetric situation and the ongoing military occupation as described above, the committee considers that Israel is partially responsible for the alarming human rights situation in the occupied territories, without denying the role and responsibility of the Palestinian Authority and Hamas.

The committee is convinced that the present situation entails severe risks of a broad range of human rights violations. The killing and taking hostage of Israeli citizens on 7 October 2023, as well as suicide bombings and rocket attacks constitute violations of human rights. The military violence, displacement, unlawful killings, and restrictions imposed on Palestinian citizens in the context of the ongoing military occupation also constitute violations of human rights and of International Humanitarian Law as expressed in the fourth Geneva Convention<sup>16</sup>. The bombing of Gaza and withholding elementary aid may amount to war crimes and violations of humanitarian law.

### **Assessment of risks for EUR values and academic freedom**

The academic freedom index score for Israel is 0,93 (or rank #17 worldwide), which is comparable to or better than most western-European countries (and higher than the Netherlands at 0,823, or rank #61), while Palestine ranks much lower at 0,45.<sup>17</sup> The committee again considers that Israeli military occupation at least partially contributes to this low score and is concerned about the situation of scholars, students and academic institutions in Palestine, especially in Gaza.

The committee acknowledges that in both West Bank and Gaza, universities have been historically associated with national politics, and formal protections of academic freedom in Palestine are limited.<sup>18</sup> The context of occupation worsens the situation of Palestinian universities, as is almost universally agreed by academic literature. Academic institutions in the West Bank are underfinanced, heavily controlled by Israeli and Palestinian authorities, subject to police interventions directed at *inter alia*<sup>19</sup> active students and in general struggle with academic freedom because of the political context. As for Gaza, the situation is comparably

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<sup>12</sup> <https://freedomhouse.org/country/west-bank/freedom-world/2024>

<sup>13</sup> <https://www.v-dem.net/publications/democracy-reports/>

<sup>14</sup> <https://freedomhouse.org/countries/freedom-world/scores>

<sup>15</sup> <https://freedomhouse.org/country/gaza-strip/freedom-world/2024>

<sup>16</sup> <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>

<sup>17</sup> [https://v-dem.net/data\\_analysis/MapGraph/](https://v-dem.net/data_analysis/MapGraph/)

<sup>18</sup> Milton, S., Elkahlout, G., & Barakat, S. (2021). Protecting higher education from attack in the Gaza Strip. *Compare: A Journal of Comparative and International Education*, 53(6), 1024–1042.

<sup>19</sup> See for example the report from Palestine Polytechnic University to the UN Special Rapporteur on the Right to Education, [www.ohchr.org/sites/default/files/documents/issues/education/cfis/cfi-expression/subm-academic-freedom-cso-palestine-polytechnic-university.docx](http://www.ohchr.org/sites/default/files/documents/issues/education/cfis/cfi-expression/subm-academic-freedom-cso-palestine-polytechnic-university.docx)

complex, and in the context of the current war, the UN experts speak of ‘scholasticide’<sup>20</sup> given the extent of the destruction of schools, universities, and libraries and the death toll among educators and students. Because of the isolation of West Bank, universities and the destruction of universities in Gaza, their access to education and international collaboration are severely limited.

The situation of universities in Israel is quite different. They must deal with political tensions and the continuing fear of incoming missiles, but their regular functioning is not threatened in the same way. International pressure in the academic and political communities is starting to affect universities in Israel. The committee acknowledges the wider political context in which Israel has an association agreement with the EU, which facilitates economic and academic collaboration and allows universities in Israel to participate in e.g., Horizon grant applications. Recent statements by the European Commission underscored that Israel is a party in good standing and removing Israeli partners on the basis of nationality alone “could amount to discrimination”.<sup>21</sup>

The committee considers that cooperation with partners in Israel and Palestine involves a risk that EUR values could be compromised. Even if a specific collaboration may seem positive on project-level, collaboration with partners in Israel and Palestine implies engagement with a context that is fraught with violence, inequity, and severe risk of human rights violations. Global citizenship, academic freedom and academic integrity are values that are easily compromised in this context on both sides. Because of the asymmetries, the risks of becoming victim to violations are higher for scholars and students in Palestine.

### ***Assessment of risks for safety and knowledge security***

The committee considers that the context also entails safety and knowledge security risks that may require additional advice from the respective policy officers within EUR. This may be relevant for specific project collaborations, depending on the kind of knowledge being generated or shared in a project and the degree of exposure to safety risks. It is not necessarily the case for each project. When such risks are expected in a particular project, this additional advice should be sought.

### ***Concluding implications***

In assessing individual universities, the committee needs to balance two perspectives: on the one hand, it would be unfair to demand higher levels of living up to our values than we would require from partners in other contexts. From this perspective, it should be sufficient for a partner university if it doesn’t itself violate human rights and humanitarian principles. On the other hand, in a context where everything has been politicized for such a long time and where the occupation of Palestinian territories is at the heart of power asymmetry, even neutrality is a political stance that functions as siding with the more powerful party. From this perspective, we should look for indications that a partner university actively and explicitly endorses and

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<sup>20</sup> [www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza](https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza)

<sup>21</sup> <https://sciencebusiness.net/news/horizon-europe/kicking-israeli-researchers-horizon-projects-could-amount-discrimination-says>. As mentioned above, this does not include Israeli institutions located in occupied territory.

complies with international Human Rights laws and humanitarian principles. The committee will take both these perspectives into account.

Given its assessment of the relevant risks in the context of Israel and Palestine, the committee considers that collaboration with partners in this context requires substantial caution. This caution plays out differently for partners in Palestine than for partners in Israel because of the asymmetric relationship between Israel and Palestine, the systemic nature of the (internationally acknowledged) occupation of Palestinian territory, and the ensuing violence of occupying forces.

For partners in Israel, the question should not only be whether the collaboration project itself may be beneficial. Given the gravity of the risk of violations of human rights and humanitarian law related to the occupation of Palestine by Israel, project assessment must be combined with an investigation whether the university is systemically entangled in, contributing to, condoning, or unduly benefiting from such violations. The committee considers this relevant for EUR collaborations, not as a means to exert political influence on Israel, but because maintaining its own academic integrity and responsibility should impact the choice of partners it can reasonably collaborate with.

For partners in Palestine, working under the duress of occupation and restrictive policies of their respective authorities, the default response would be positive when the collaboration project is considered beneficial for society and contributes positively to the strength and freedom of the academic sector, and provided there are no indications that the partner is involved in or supports terrorist actions.