RECOMMENDATION CONCERNING THE COLLABORATION WITH BEN-GURION UNIVERSITY OF THE NEGEV

Partnerships Advisory Committee, RU

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Summary

Based on a number of legal documents and other national and international rulings by advisory councils and human rights organisations, we conclude that the State of Israel and its defence and security apparatus are guilty of serious and systematic human rights violations, both in Gaza and in the occupied Palestinian territories. We further conclude that Ben-Gurion University of the Negev directly and specifically contributes to these serious and systematic human rights violations and is potentially guilty of violations of academic integrity. Consequently, the Committee recommends abandoning the proposed collaboration agreement with Ben-Gurion University of the Negev.

1. Introduction

Partly in response to the recent developments in Israel and the Palestinian territories, as of October 2024, Radboud University's Executive Board has established an independent Partnerships Advisory Committee (hereafter: Advisory Committee). This Advisory Committee has been tasked with examining and weighing Radboud University's institutional partnerships, with a particular focus on partner institutions in conflict zones. To assess these partnerships, the Advisory Committee has developed an Assessment Framework. At the request of the Executive Board, in developing the Assessment Framework and formulating recommendations, the Committee initially focused on institution-wide partnerships with partner institutions in conflict zones. Individual partnerships are therefore not included in this recommendation.

2. Procedure

The Advisory Committee has met every week since October 2024. In developing the Assessment Framework and the recommendations, the Committee studied a variety of sources and consulted Dutch and international experts and specialists in the fields of human rights, academic integrity and academic freedom. It has taken note of several documents on the situation in Israel published recently, including the rulings and opinions by the UN International Court of Justice, the advice of the Advisory Council on International Affairs to the Minister of Foreign Affairs (23 October 2024), and the report of Amnesty International. The Committee also consulted with colleagues in the Netherlands and abroad and drew on research work done at other universities.

Within the University, the Advisory Committee requested information from the Academic Affairs and Information & Library Services (ILS) departments. The Committee also consulted internal experts and listened to the views and arguments of representatives of different perspectives regarding the situation in Israel. Moreover, it made grateful use of the proceeds of the participation process organised by the University, both directly during the various meetings, and indirectly through minutes of these meetings.[1]

The Assessment Framework was used in preparing this recommendation. In this recommendation, the Advisory Committee answers the questions regarding the collaboration partner as posed

[1] See: defversie_pm_analyse-participatiebijeenkomsten-samenwerkingsverbanden_40225_0.pdf.

in the 'Procedure' Section, Phase 1, of the Assessment Framework (p. 12). The Committee carefully considered the answers to these questions and the various arguments. Based on the answers to these questions, the Committee determined an outcome in accordance with Phase 2 of the Assessment Framework (p. 13). This document covers Phase 3 of the Assessment Framework (p. 13), and offers a summary of the Committee's deliberation and a concrete recommendation.

This recommendation is based on information available to the Advisory Committee to date. The situation in Israel, and in particular the relationship between Israeli universities and the Israeli government, is complex, not black and white, and evolving. The Advisory Committee sought to base its deliberation on information that is verifiable, complete, unambiguous, and endorsed by nationally and internationally accredited bodies.

3. Partnership between Radboud University and Ben-Gurion University of the Negev

This recommendation concerns a proposed collaboration agreement between Radboud University and Ben-Gurion University of the Negev (Israel).[2]

4. Analysis of the human rights situation. Are government agencies of the state of Israel guilty of serious and systematic human rights violations?

The Assessment Framework states that in case of cooperation in research and education with partners in war or conflict zones, the question may arise to what extent potential human rights violations may form an obstacle to entering into or maintaining partnerships with these partners. A collaboration may be problematic if the partner institution directly and specifically contributes to serious and systematic human rights violations by the government in the partner institution's country.

In applying the Assessment Framework to Radboud University's proposed collaboration with BGU in Israel, the first question to be answered is whether the government in Israel, which also includes the Israeli armed forces (Israel Defense Forces: IDF) and affiliated security and other services, have been or are guilty of serious and systematic human rights violations. The answer to this question has been given in court decisions and legal opinions, namely by the Hague Court of Appeal and the UN International Court of Justice in The Hague. These independent and impartial courts have in their fact-finding as part of ruling on the relevant dispute in court determined whether, and if so, to what extent, the armed forces and other state services in Israel were guilty of serious and systematic human rights violations.

4.1 The Hague Court of Appeal ruling on the export and transit of weapon parts for the F-35 fighter jet to Israel

This lawsuit concerns the distribution of parts for the F-35 fighter jet to Israel from a Defence Ministry distribution centre in Woensdrecht. This distribution of military goods requires an export licence.

On 7 October 2023, as we know, Hamas launched an attack on Israel, killing, injuring and kidnapping many Israeli civilians. Israel responded to this attack by launching large-scale attacks in the Gaza Strip, the base from which Hamas operates. In this procedure against the State of the Netherlands, Oxfam Novib et al. take the position that Israel is violating international humanitarian law through its attacks in the Gaza Strip. According to Oxfam Novib et al., civilian casualties in Gaza are disproportionately high because Israel is also attacking civilian targets and furthermore does not sufficiently consider the impact on the civilian population in its attacks. Oxfam Novib et al. claim that the

[2] Hereafter: BGU

Court should order the State to make sure that the export of F-35 parts from the Netherlands to Israel stops.

At first instance, the District Court of The Hague dismissed the claims of Oxfam Novib et al. The Court considered that the considerations made by the Minister are to a large extent of a political or (other) policy nature.[3] The Court must allow the Minister a broad margin of discretion in this. The Hague Court of Appeal overturned this judgment on appeal. The Court of Appeal concluded that the State of the Netherlands was acting unlawfully by not preventing the export and transit of F-35 parts to Israel. The Court of Appeal ordered the State to stop supplying Israel with weapon parts for the F-35.[4]

The Court of Appeal's judgment was appealed in cassation by the State. In his opinion on the cassation appeal, the Attorney General at the Supreme Court held that the Court of Appeal's judgment should be upheld. The Supreme Court eventually ruled in cassation that the Court should exercise restraint on this foreign policy issue. The Minister should reconsider their choice.

4.2 Rulings and advisory opinion of UN International Court of Justice

In a lawsuit between South Africa and Israel concerning alleged violations of the Genocide Convention with regard to Palestinians in the Gaza Strip, the International Court of Justice ruled on 26 January 2024, by way of interim judgment, on the request for the imposition of interim measures filed by South Africa.[5]

According to the Court, it is plausible that the right of Palestinians to not be subjected to acts prohibited by the Genocide Convention is at stake. South Africa has the right to demand that Israel comply with its obligations under the Genocide Convention. In order to prevent the dispute from escalating, and to ensure that the matter can be considered by the Court, the Court saw fit to impose interim measures against Israel. The interim measures imposed by the Court required Israel to (a) take all measures within its capacity to prevent genocide, (b) immediately ensure that its own military do not commit genocide, (c) take all measures within its capacity to prosecute and punish incitement to genocide, (d) immediately take effective measures to enable the delivery of urgent basic services and humanitarian assistance, (e) take effective measures to secure evidence relating to allegations of genocide and prevent its destruction, and (f) report to the Court within one month on the measures taken. In its ruling on interim measures, the Court also expressed grave concerns about the humanitarian crisis in Gaza, in addition to calling for the release of the hostages by Hamas.

In a second interim ruling on 26 February 2024, the ICJ stressed that Israel must implement the interim measures and was bound to fully comply with its obligations under the Genocide Convention. In a third interim ruling on 28 March 2024, the ICJ ruled that Israel must do everything necessary to ensure an unhindered delivery of humanitarian aid – such as food, water, electricity, medical supplies and medical care – to Palestinians in Gaza. Furthermore, the army should immediately ensure that there are no violations of the Genocide Convention. In a fourth interim ruling on 24 May 2024, the ICJ again ruled that Israel must immediately and effectively implement the measures throughout

[3] The Hague District Court 15 December 2023, ECLI:NL:RBDHA:2023:19744.
[4] The Hague Court of Appeal 12 February 2024, ECLI:NL:GHDHA:2024:191.
[5] For the ruling, see: https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf

the Gaza Strip, as previously ordered. Moreover, Israel should immediately halt its military offensive and other actions in certain parts of Gaza.

The International Court of Justice issued an Advisory Opinion on 19 July 2024 on the practice of Israel's policies in the occupied Palestinian territories and East Jerusalem.[6] The United Nations General Assembly had requested this in 2022. In this Advisory Opinion, the Court concluded that Israel's continued presence in the occupied Palestinian territories was unlawful, and that Israel was obliged to end this presence as soon as possible. Israel was ordered to immediately stop the construction of new settlements. Existing settlements should be dismantled. The settlement policy and related activities, such as the deportation and forced displacement of populations and the annexation of territory, are unlawful, according to the ICJ. The Court found that the settlement policy involved violence by settlers and Israeli occupation forces against the Palestinian population in violation of norms of international law. The Court further ruled that as an occupying power, Israel had enacted legislation and taken measures leading to discrimination against the Palestinian population. Israel was also violating specific rights of the Palestinian people, such as access to water supplies and other basic necessities. Finally, the Court concluded that the Palestinians' right to self-determination was being violated.

4.3 Opinion of the European Commission

On 28 July 2025, in view of the deteriorating humanitarian situation in Gaza and human rights violations in Gaza, the European Commission proposed to the Council of Ministers of the European Union to partially suspend Israel's participation in the Horizon Europe research programme.

The European Commission pointed out that a review by the EU High Representative for Foreign Policy had found that Israel was in breach of Article 2 of the Association Agreement which obliges Israel to respect human rights.[7] The Council of Ministers of the European Union did not to date reach a decision on this matter.

4.4 Other reports

The Advisory Committee also took note of a 2024 report by Amnesty International, which concluded that Israel committed serious violations of the UN Genocide Convention during the period from October 2023 to July 2024,[8] and of the Advisory Council on International Affairs' advice to the Minister of Foreign Affairs dated 23 October 2024. In this advice, referring to aforementioned ICJ rulings and opinions, the Advisory Council stresses that in the context of the conflict in Gaza and in the other occupied territories "[...] the rules of international humanitarian and other law must be respected by state and non-state actors in third states. That is, the Netherlands and organisations based in the Netherlands have an obligation to not contribute in any way to the financing and maintenance of the occupation, to the maintenance of and economic and other cooperation with the settlements, or to the violations of international law and human rights associated with the settlement policy; the Netherlands must endeavour to end or prevent violations of international humanitarian and other law by the parties to

[6] International Court of Justice 19 July 2024, Advisory Opinion: Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem.
[7] European Commission 2025/0250, Proposal for a COUNCIL DECISION on the partial suspension of the Agreement between the European Union, of the one part, and Israel, of the other part, on the participation of Israel in the Union programme Horizon Europe – the Framework Programme for Research and Innovation
[8] Amnesty International, 'You Feel Like You Are Subhuman,' Israel's Genocide Against Palestinians in Gaza, 2024.

the conflict." The Advisory Council saw a growing risk of political and legal 'complicity' for the Netherlands, as witnessed also by the ongoing national and international court cases.[9]

4.5 Conclusion

From the foregoing analysis, based on court rulings, opinions and expert reports, it can be concluded that Israeli authorities have been and continue to be guilty of serious and systematic human rights violations, both in Gaza and in the occupied Palestinian territories. Given the severity of human rights violations in Gaza and the occupied Palestinian territories and their persistence, it is logical to conclude that Radboud University must answer the question of whether there are obstacles to entering into or maintaining cooperation with universities in Israel.

5. Analysis of Ben-Gurion University of the Negev

5.1 Findings concerning contributions to human rights violations

This section aims to answer the following question:

- Does BGU specifically contribute to serious and systematic human rights violations by the Israeli government?

In answering this question, the following findings are relevant:

1. BGU facilitates two 'elite academic programmes' in collaboration with and co-funded by the Israeli Ministry of Defence and IDF.[10] The 'Thunder' and 'Lightning' programmes combine study with IDF recruitment and military training.[11]
2. An IDF technology campus is located on the BGU premises, where military technology is being developed for IDF in cooperation with BGU.[12]
3. BGU facilitates a Bachelor's track that the Israeli Air Force (IAF) uses to train its pilots. The training takes place at a base near BGU's campus.[13] IAF is held responsible for a large number of Palestinian fatalities: about 55,000 out of 67,000.[14]

[9] Advisory Council on International Issues, Advisory Letter. Naar een nieuwe koers voor Nederland in het Israëlisch-Palestijnse conflict (Towards a New Course for the Netherlands in the Israeli-Palestinian Conflict), 23 October 2024.
[10] https://www.bgu.ac.il/en/news-and-articles/lightning-thunder-elite-academic-programs-idf/
[11] Ibid.
[12] https://americansforbgu.org/first-idf-technology-campus-building-opens/; https://dub.uu.nl/en/opinion/how-collaborations-israeli-universities-make-uu-complicit-war-crimes#:~:text=How%20does%20Ben%2DGurion%20University%20collaborate%20with%20the%20Israeli%20military,in%20parallel%20with%20their%20service%E2%80%A6
[13] https://www.bgu.ac.il/en/news-and-articles/soaring-to-new-heights-bgu-degrees-for-israeli-air-force-pilots/; https://www.idf.il/en/mini-sites/israeli-air-force/how-iaf-pilots-take-off/; https://www.israelnationalnews.com/news/256647
[14] The Committee regards this statistic as plausible, even though it cannot be independently verified; For the Palestinian death toll, see: https://www.reuters.com/world/middle-east/how-many-palestinians-has-israels-gaza-offensive-killed-2025-10-07/

4. BGU pursues an active diversity policy.[15] In addition, BGU's student population is relatively diverse and includes Israeli-born Jews and Arabs including Bedouin, Ethiopian immigrants and immigrants from former Soviet states.[16]

5.2 Consideration

The Advisory Committee is of the opinion that BGU *directly* and *specifically* contributes to human rights violations committed by the Israeli government. Critical for the Advisory Committee's opinion are Findings 1, 2 and 3. The Advisory Committee is of the opinion that in any case on the basis of these collaborations between BGU, IDF, IAF and their affiliated services, it can be concluded that there are direct and specific contributions to the Israeli war machine and therefore to human rights violations by the Israeli government. By training pilots, offering elite IDF programmes and developing military technology, BGU directly contributes to human rights violations in the war in Gaza.

It should also be noted that BGU has an active diversity policy (Finding 4). BGU is a university with a strong commitment to the inclusion of minority groups, something that is reflected in its diverse student population. However, this finding does not alter the fact that BGU, in its close cooperation with IDF and IAF, is directly guilty of human rights violations by the Israeli government.

5.3 Findings concerning breaches of academic integrity

Findings 1 and 3 in Section 5.1 consider the training of military personnel. The elite 'Thunder' and 'Lightning' programmes are offered by BGU in collaboration with IDF for the purpose of personnel recruitment. In addition, BGU facilitates a Bachelor's track in which the IAF trains its pilots. These two findings are problematic given the high probability that IDF and IAF have control over the curriculum of these study programmes.[17] This is problematic because it compromises BGU's *independence*.

Moreover, the close relationship between BGU, IDF and IAF constitutes a potential violation of academic integrity, more specifically the notion of academic freedom as set out in principles 5 and 6 of the European University Association's Position Paper.[18] Within these principles, academic freedom is formulated not only as a right, but also as a responsibility. This responsibility includes recognising the rights of others and a responsible involvement in societal life. Close cooperation with IDF and IAF implies neglect of this responsibility and consequently the Committee finds Findings 1 and 3 to be problematic on this ground.

6. Conclusion regarding the proposed collaboration with Ben-Gurion University of the Negev

The Advisory Committee concludes that BGU is making a direct and specific contribution to the Israeli government's human rights violations. BGU works closely with IDF and IAF in a number of areas. Moreover, this close collaboration implies a possible breach of academic integrity, more specifically concerning IDF's elite 'Thunder' and 'Lightning' programmes and IAF's Bachelor's programme. Based on the above-mentioned arguments, the Committee recommends abandoning the proposed collaboration agreement between Radboud University and Ben-Gurion University of the Negev.

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[15] https://www.bgu.ac.il/media/w2vbgyox/ניוזלטר-עותק-להדפסה.pdf; https://www.bgu.ac.il/en/u/vps/diversity/about/; https://bengurion.ca/wp-content/uploads/2024/06/ENG-NEWSLETTER-FINAL24.pdf; https://bengurion.ca/wp-content/uploads/2024/07/Diversity-at-BGU.pdf;

[16] https://bgustudyabroad.org/about/ben-gurion-university-of-the-negev/

[17] https://www.bgu.ac.il/en/news-and-articles/lightning-thunder-elite-academic-programs-idf/

[18] https://www.eua.eu/publications/positions/how-universities-can-protect-and-promote-academic-freedom.html