

To Ms. Mariya Gabriel - European Commissioner for Innovation, Research, Culture, Education and Youth

To Mr. Josep Borrell Fontelles- High Representative of the European Union

Brussels, June 16, 2020

Re: Letter from European researchers and academics concerning Israel's participation in Horizon Europe

Dear Ms. Mariya Gabriel,
Dear Mr. Josep Borrell Fontenelles,

We would like to thank you for your response to our letter on this subject (your reference: vdl-ca-12.cab Staff.dir (2020)). We greatly appreciate your taking the time to address our questions about the implementation of international law in Israel-Palestine and to provide us with valuable information about the legal governance and decision-making process on the research projects. However, some of your answers raise further concerns, which we would like to address below.

In your response you confirmed the commitment of the EU to “a negotiated two-state solution”. However, the planned unilateral annexation of large parts of the occupied West Bank from 1 July by Israel’s unity government will seriously and fundamentally undermine the position of the EU, making a viable and meaningful state for Palestinians impossible. You referred to the statement of Mr. Borrell on 4 February that **steps towards annexation, if implemented, could not pass unchallenged**. Mr. Borrell reiterated the EU’s principled rejection of annexation on 18 May, stating “We strongly urge Israel to refrain from any unilateral decision that would lead to the annexation of any occupied Palestinian territory and would be, as such, contrary to International Law.” **We also firmly believe that only solutions based on International Law will bring just and lasting peace to the region, and are encouraged by these strong statements. We would like to see them translated into tangible action.** One possible form of such action would be the **exclusion of Israel from EU research programmes along with suspension of the EU-Israel Association Agreement and a comprehensive arms embargo**, as we urged you to do in our earlier letter. The EU has the means at its disposal to act to change the dangerous dynamics on the ground.

You wrote that “**The union expects the Israeli authorities to fully meet their obligations as an occupying power under International Humanitarian Law**”. However, the **Israel authorities have failed to do anything of the kind for 53 years**. On the contrary, Israel has been conducting ethnic cleansing of Palestinian people living under its rule on a daily basis through house demolitions, expulsion, dispossession and siege; violent attacks are regularly carried out by the military as well as by settlers. In our previous letter we outlined the devastating humanitarian situation in Gaza ¹. We wrote about the disproportionate and systematic use of force against civilians, medical personnel and journalists, amounting to war crimes ^{2,3,4}. The question whether the International Criminal Court has jurisdiction to investigate possible war crimes and crimes against humanity committed by Israel in the Occupied Palestinian Territory is at present being considered by the International Criminal Court ⁵. This is the longest occupation in modern history, defying International Law for more than half a century in spite of condemnation by the international community including countless UN resolutions. The ongoing impunity of the occupying power has been perpetuated by the lack of effective action to make Israel comply with the rules of International Law.

We acknowledge the excellence of the Israeli research community in many areas of science and technology as argued in your letter, and fully understand “the mutual benefits’ of EU research programmes for EU and Israel. However, **the question is whether the scientific/technological benefits outweigh the grave human rights violations committed by Israel.** We welcome the ethical screening procedure introduced in Horizon 2020 inclusion criteria as detailed in your response. Requirements for ethical compliance, ethical screening and the establishment of a monitoring mechanism in Horizon 2020 are definitely important improvements, and we eagerly await the ethical files you kindly requested on our behalf from relevant agencies. However, we would question whether the current screening procedure is sufficient to meet the EU’s own ethical standards. We would like to draw your attention again to the fact that **Israeli military companies accused of war crimes, such as Elbit Systems and Israel Aerospace Industries (IAI), have received almost 10 million EUR of European taxpayers’ money** under the current Horizon 2020 programme ⁶. Elbit systems developed combat drones such as Hermes 450 which were deployed in the 2014 Gaza military attack that caused the deaths of more than 2,100 Palestinians, most of them civilians, including more than 500 children ⁴. How could companies accused of war crimes pass the eligibility criteria? Another example is **Motorola Solutions Israel, which earlier this year was listed** by the UN human rights commission among **companies complicit in sustaining illegal Israeli settlements** ⁷. **Motorola Solutions Israel participated in 4 projects under Horizon 2020 and received about 3,5 million EUR in total.** How could a company listed in an authoritative UN list pass the ethical eligibility criteria for the EU research programme? Many other companies on the UN list might be indirectly profiting from the EU research programmes as a partner, if not as a direct beneficiary. Could the UN database/list be a useful tool to be used in future ethical assessments?

As you pointed out, the guidelines on dual-use technologies under Horizon 2020 are very clear: civil applications are permitted, whereas military applications are prohibited. Yet these criteria have ironically allowed the above-mentioned military companies accused of war crimes to receive EU funding. We wonder whether more accurate ways to assess the ethical consequences of dual-use technologies on a case-by-case basis can be found. **EU financial Regulations Article 136 (1) c calls for the exclusion from EU funding of entities involved in grave violations of international humanitarian law and/or gross human rights abuses** ⁸. Regarding Elbit Systems, IAI and Motorola solutions, there are ample written documents available that supports such an assessment. We researchers wish to see the EU’s own financial regulations implemented in the EU Research programmes, to ensure that EU research funding will not benefit any entity for which there is documented evidence of grave human rights violations.

As both professionals directly involved in research and members of civil society, we appeal to the EU to mobilize all diplomatic means to pressure Israel to comply with International Law. The move to unilateral annexation is the decisive act of defiance that should be met with sanctions, not with words. In the face of the imminent threat of annexation that would formally establish Israeli sovereignty over stolen territories, we reiterate that the EU should exclude Israel from EU Research Programmes, suspend the EU-Israel Association Agreement and implement a comprehensive arms embargo against Israel. Exclusion of Israel and Israeli companies accused of war crimes from the research programmes is the absolute minimum needed as a first measure against Israel’s’ violations of international law. As the exclusion of a country from EU Research Programmes does not require a unanimous decision of the European Council and falls under the responsibility of the European Commission and the Parliament, we urgently appeal to you to uphold justice by implementing this first step which is within your power.

Your sincerely

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** The institutions are added for identification purpose only. All signatories have signed the letter in personal capacity*

References:

³ <https://unctad.org/en/Pages/PressRelease.aspx?OriginalVersionID=260>

² Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1- A/HRC/29/CRP.

³ <https://www.amnesty.org/en/documents/MDE15/032/2014/en/>

⁴ https://www.hrw.org/sites/default/files/reports/iopt0609webwcover_0.pdf

⁵ https://www.icc-cpi.int/CourtRecords/CR2020_01746.PDF

⁶ <https://webgate.ec.europa.eu/dashboard/sense/app/a976d168-2023-41d8-acec-e77640154726/sheet/0c8af38b-b73c-4da2-ba41-73ea34ab7ac4/state/analysis/select/Country/Israel>

⁷ <https://undocs.org/en/A/HRC/43/71>

⁸ REGULATION (EU, Euratom) 2018/1046 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R1046&from=EN>