

## Update on Administrative Partnership Cooperation Policies

This memo includes the following topics:

- A. Summary of our existing policies
- B. Proposal for the development of a Human Rights Due Diligence Assessment (HRDD)
- C. Developments in our community with regard to the situation in the Middle East

### A. Summary of our existing policies

In the fall of 2023, the UM Assessment Framework International Cooperation and Knowledge Security was adopted by all relevant bodies (Toetsingskader Internationale Samenwerking en Kennisveiligheid (TISK)). Both parts of the policy framework, i.e. for international partnerships and for assessing knowledge security risks, are now in the process of implementation.

Summary TISK:

- Upon entering into a new international cooperation or upon evaluating an existing international cooperation, there are two perspectives that need to be considered:
  - A policy/strategic perspective: What goal do we aim for with the cooperation?
  - A knowledge security perspective: What risks are involved in a specific cooperation?
- The risks are related to:
  - Undesired transfer of sensitive knowledge and technology with negative consequences for national security and the power to innovation of the Netherlands;
  - Covert influence- and interference activities, possibly resulting in (self-)censorship and as such in infringement of academic freedom;
  - Cooperation with persons and/or institutions from countries not respecting fundamental rights.
- In its knowledge security policy, UM needs to comply with the Guideline Knowledge Security of the Ministry of Education. In addition, UM has committed itself to adhere to academic and ethical standards relating to, amongst others, academic freedom.

In September 2023, a UM-wide working group started developing a specific UM Global Engagement policy. The relevant management and participatory bodies are in the process of discussing and deciding upon a final text (May 2024). Relevant elements in this policy are the following:

- As an autonomous knowledge institution, UM has a certain space and freedom for manoeuvre in the context of science diplomacy and cooperation that other kinds of organisations and governments may not have.
- In all our (potential) partnerships, including those in countries with challenging socio-political situations, for instance in relation to academic freedom or the protection of human rights, we carefully consider our participation in relation to our strategic goals and the added value to both UM and stakeholders in the partner country (such as students or academic staff).
- In the case of concerns regarding these aspects when evaluating potential (and where relevant, existing) education and research partnerships, *extra checks* will be carried out to limit such risks.

## **B. Proposal for the development of Human Rights Due Diligence Assessment**

Upon approval of the Global Engagement policy, the EB will further work on the development of a Human Rights Due Diligence (HRDD) Assessment tool with regard to our international partnerships, which is to be used in addition to the components already in the TISK assessment. The basic principle is that the UM will not enter into administrative cooperation (*in Dutch: bestuurlijke samenwerking*) with partners (knowledge institutions and others) that contribute to serious and systematic human rights violations and will freeze or stop existing cooperations. The following notions are important to take into account when developing the HRDD:

### Note 1 – Only international administrative partnerships

This human rights due diligence assessment will not take place at the level of a country or a regime, but only at the level of potential and actual partners and activities within a university cooperation (so-called administrative cooperation). The exchange of knowledge and cooperation between individual academics will not be affected. Further, it is possible that the nature of the theme of a specific project may also result in the need for an HRDD assessment. An integral consideration framework will be developed to this end.

### Note 2 – Scope of administrative cooperation/partnerships

Administrative cooperation is any form of formal cooperation (co-)initiated by UM at the level of the Executive Board or the deans. This usually addresses strategic cooperation; student exchanges also fall under this category. Administrative cooperation is distinguished from cooperation that is initiated and maintained by academics themselves; this is aimed at substantive collaboration in the field of education, research or services. On the individual project level (academic cooperation between academics or research groups), UM already assesses whether projects fall under the risks of the knowledge security framework (application of the TISK). The TISK also refers to ethical considerations. Based on practice in the last few months, the framework through which to make a human rights assessment on the project level needs to be further defined.

### Note 3 - Scope of violations

It is assessed whether the administrative partner has contributed directly or indirectly towards serious and systematic human rights violations. A partner only becomes 'problematic' if the human rights violations are 'serious' and 'systematic'. Serious violations relate to the nature of the violations: for instance serious attacks on the physical and psychological integrity of individuals or groups; systematic violations are those that occur repeatedly, which means that they cannot be regarded as occasional, but can reasonably be assumed to be inherent in a partner's established practice or policy. If from the assessment it follows that a partner is complicit in committing such violations, the partnership will be stopped.

Examples:

- Academic partner that systematically discriminates against certain groups of people or employees because of their political opinions
- Non-academic partners that use child labour
- (Academic or non-academic) partners that actively contribute to serious human rights violations committed by a national government
- Activities that discriminate against certain groups of people, for instance a joint PhD programme that is not open to people of a particular ethnicity

This is always an assessment on the basis of the available information at the time of assessment. It is important to emphasise that it is not up to the university to assess whether serious violations of human rights take place by relevant governments or non-state actors; judicial or quasi-judicial authorities have jurisdiction here. The university can only base itself on information coming from these authorities.

In case of doubt (for example when based on the available information no adequate assessment can be made) whether a potential partner might be involved in serious and systematic human rights violations, the cooperation will not be taken up; in case the cooperation already exists, it will be *temporarily frozen*. Frozen means that UM 'locks in' the status quo with an institution and no new cooperation initiatives are started.

#### Note 4 – Application of the assessment

The assessment always takes place on the basis of objective sources (e.g. information of Dutch and foreign embassies, European Union, United Nations and human rights organisations such as scholars at risk), academic publications etc. During the period of the freeze of an existing cooperation, a dialogue will take place with the partner's board. A roadmap will be developed to help make the assessment. The EB will prepare with the deans and participatory body a proposal to install a permanent committee to conduct the assessments. This Committee of Experts should be broadly and diversely composed and steps to install this Committee will be finalized as soon as possible.

#### Note 5 – Development & Evaluation

The HRDD assessment will – just like the TISK – be developed in close cooperation with the faculties, Management Team and University Council. We will also include students' perspectives and other interested staff members in the development of the tool. The implementation of the HRDD assessment tool as well as the TISK will be continuously evaluated, which will be reported to the University Council.

### **C. Recent developments in our community with regard to the situation in the Middle East**

UM has since October 2023 received various petitions from students and staff concerning ties with Israeli universities, a development we see worldwide. The EB has had discussions on this topic with the deans and the UC on various occasions. Meetings also took place with various delegations of students and staff. The number of demonstrations asking to cut ties also increased within the university. Recently, on Monday 13 May, a group of students created a student encampment in the garden of FASoS, aiming to further stress their demands to cut ties with Israeli institutions. In relation to some of the demands, comparison is made with the ongoing war in Ukraine, where knowledge institutions froze all existing administrative collaborations and do not engage into new collaborations at an institutional level with Russian partners. It should, however, be noted that the decision to do so was made by the Dutch government, i.e. was a political decision, which was imposed upon the Dutch universities.

In view of the ongoing conflict in the Middle East and the immense continuous suffering of innocent citizens, followed by student protests at several universities worldwide, the EB already began to look into the current UM academic and administrative partnerships in this region in the context of the TISK framework.

#### **Administrative partnerships**

After a first analysis of the administrative partnerships in Israel and Gaza by a policy advisory team, the EB concluded that, for an adequate assessment, the HRDD assessment tool and underlying procedure are needed, which still needs to be further developed. Without a conceptually sound mechanism applicable to all our partners on the basis of which we conduct the assessment, we are not able to reach objectifiable conclusions on the potential role of our current partners in serious human rights violations. As an academic institution, we need to carefully address these issues before we determine that a partnership should be temporarily frozen, terminated or may continue.

At the same time, the EB and MT acknowledge that a faster process is necessary with regard to the situation in the Middle East, in particular with regard to **administrative partnerships** in Israel and Gaza. The following aspects were taken into account:

- We note that the ongoing violence in Gaza and the fate of Israeli hostages in Gaza are part of intergovernmental scrutiny and legal investigation (by resp. UN entities and the International Court of Justice). The provisional injunction by the International Court of Justice in the case of South Africa v. Israel of 26 January 2024 found that at least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the Genocide Convention and were sufficient to conclude that at least some of the rights claimed by South Africa for which it was seeking protection, are plausible. On 20 May 2024, the ICC prosecutor filed applications for arrest warrants for leaders of Hamas and Israeli President Netanyahu. It is not up to university boards to determine the legitimacy or truthfulness of these allegations or procedures, let alone the outcome. It does, however, give a strong signal that investigations and legal scrutiny is taking place to determine the commission of serious violations of international law.
- Conducting an HRDD assessment in situations of ongoing violent conflict is complex and requires even more carefulness than a “normal” assessment. The number of sources indicating that human rights violations in the current conflict take place is rapidly increasing, but the assessment of their objectivity is becoming increasingly complex. As already indicated: the university does NOT itself investigate whether there has been a violation of human rights or international law by relevant governments or non-state actors; judicial or quasi-judicial authorities have jurisdiction here.

The EB and deans, after consultation with the University Council, have decided upon the following temporary approach in view of the absence of a yet adopted UM HRDD assessment tool with regard to current administrative partnerships:

- In view of the above and in light of the absence of an adopted HRDD assessment tool, UM proposes to temporarily freeze its administrative cooperation with its administrative partners in areas with an ongoing violent conflict. In the coming period we do the following;
  - We enter into an in-depth dialogue with our partner institutions to discuss possible concerns with regard to potential contributions towards serious violations of human rights by the partner institution. We also discuss ways how academic cooperation may assist in halting the ongoing violence in the region leading to serious violations of human rights.
  - When the HRDD test is adopted, we ask the Committee of Experts to provide a final advice on whether the partnership can be defrosted or should be severed.

#### **Academic cooperation on the individual project level**

- Cooperation between individual academics or research groups (not working on topics falling under the knowledge security framework) *do not fall under the freeze.*

**To conclude, next to the above-mentioned steps, the EB would like to announce the following initiatives:**

- We start a university-wide dialogue to explain and discuss the implications of this policy framework, not only for the current context in the Middle East, but also towards other contexts in the world. This will also enable input on the development of the HRDD assessment tool. We ask interested colleagues in taking a seat in the Committee of Experts to provide us with a motivation letter and cv.
- With our colleagues and students, we start a dialogue to discuss the implications of this decision in the period of the freeze to include their observations in the next steps, in particular colleagues with close ties to the region.
- We encourage academic cooperation between individual academics in the Middle East aiming to support the start of a peace process. We ask colleagues with close ties to the region to provide input and advice.
- We assist in rebuilding the academic infrastructure in Gaza together with our national and international partners, when possible again. We ask colleagues with close ties to the region to provide input and advice.