



Open Letter to the CvB and Deans of Maastricht University Call for Action and Comments on the Human Rights Due Diligence Tool

Dear members of the Executive Board,
Deans of Maastricht University,

In reflection of the events that have unfolded in the past weeks, and in response to the policy update of May 24 2024 on partnerships in conflict areas, we, members of the academic community of Maastricht University, would like to contribute to this ongoing dialogue by offering our thoughts on the proposed policy on partnerships with institutions in conflict areas.

First and foremost, we would like to take this opportunity to express our deep thanks to our students for their passionate and tireless commitment to justice in Gaza. Their drive and resilience have forced all of us to engage with the ongoing genocide in Gaza, and deeply reflect on our individual and institutional responsibilities. We stand in full support of our students who have been trying for months to bring attention to the genocide and demand an end to the University's ties with actors involved in the ongoing conflict. Their message is clear, and so is our position: Maastricht University should take immediate action by divesting from and boycotting complicit partner-institutions and companies.

Especially in response to the latest escalation in Rafah on May 26, we plead for the University to immediately suspend ties with partners involved in the genocide, whether through their collaborations with the Israeli military and companies supplying it with technology for surveillance and coercion, or through acts of discrimination against Palestinians and Pro-Palestinian voices. Almost every day, violence against Palestinian people is increasing in intensity. The events of Sunday night, May 26, where the Rafah 'safe zone' was attacked through an airstrike in defiance of the order of the ICJ to immediately halt the military offensive in the area, should be a wake up call for all of us. At this stage, a 'freezing' only of new partnerships or cooperation initiatives is not in line with the proportions of this humanitarian crisis - rather, existing partnerships with Israeli institutions should be suspended until a proper assessment can be carried out.

This is in line with the sentiment of the UM policy on partnerships with institutions in conflict areas. The policy memo correctly assesses that the University, as an institution, is not in a position to determine whether human rights violations have been committed. Instead, it must rely on objective sources such as the United Nations, human rights organisations, the European Union, etcetera. At this stage, and especially in light of the ruling of the ICJ on the military offensive in Rafah, the presence of human rights violations on the people and infrastructures of Palestine is beyond any doubt. The magnitude of these

violations, which are well documented and repeatedly confirmed, should be reason enough to escalate the response of Maastricht University and take more drastic measures.

We understand the delicate nature of this process and the vitality of academic partnerships in the development of scholarship worldwide. Still, at this moment in time we must take a stand against the complete destruction of Gaza's education infrastructure and the unprecedented loss of Palestinian life. No matter our personal beliefs, we must show solidarity, friendship, and support to our colleagues in Gaza. This is the time for the academic community to come together in defense of human rights and international law, just as we have before for Ukraine.

We recognise that this discussion runs much deeper than the current focus on divestment and administrative cooperation. It is, ultimately, a discussion about the standing of Universities and their role and responsibilities in society. This, of course, cannot all be settled through bureaucratic measures alone. As we have seen during the past weeks, some of the challenges we are facing can be addressed through administrative channels, but others require democratic decision-making and an open discussion and norm-setting. In this task, there is room for concern. There is room for anger. There is room for compromise. We urge that the conversation not end with the establishment of a policy instrument. Instead, we seek an active dialogue within our community to reflect on our role and responsibilities as a higher education institution, especially in the context of today's polarised socio-political climate.

We would like to emphasize that the establishment of this framework is a welcome development. Assessing our University's administrative partnerships should be done in a transparent and sustainable manner, while at the same time respecting core values such as academic freedom and ethicality. We believe this framework is a step in the right direction. That being said, at this stage, several questions remain unanswered. We would like to bring those questions to your attention, and contribute to the university-wide constructive dialogue which - per the latest policy memo - is meant to play a crucial role in the development of the Human Rights Due Diligence (HRDD) Tool.

Timing of the Assessment

It remains unclear, to us, when the HRDD Tool is to be applied, and how its application is to be triggered. We would like to ask for clarification on this. Is the HRDD Tool intended to be used in instances of both existing and new partnerships?

Our advice is to establish provisions for both scenarios, with specific rules and criteria for new or existing partnerships, or new initiatives within existing partnerships. With this structure, an ex-ante assessment can be carried out as a standard part of establishing new partnerships or new cooperation initiatives, and ongoing monitoring capable of identifying changes of circumstances for the purpose of triggering an ex-post assessment as a means

existing partnerships in conflict-affected areas, and situations of occupation in view of a potential suspension when there is a risk of directly or indirectly contributing to violation of international human rights and/or international humanitarian law. For the latter scenario, we urge that a robust system of warning and notification is set up, so that the ex-post assessment can be triggered in a timely manner.

In both cases, we find it of utmost importance that such assessment is carried out openly and transparently.

Powers of the Human Rights Due Diligence Tool

It is critical that the HRDD Tool not become a means of 'window-dressing'. It is often the case, within academic settings and beyond, that structures like this are established to appease more critical voices, but are not given the necessary powers to effectively carry out their tasks. We ask that this not be the case with the HRDD Tool.

To that effect, we ask for clarification on the role and weight of the outcome of the HRDD assessment on decision-making. Is the tool designed to give advice or direction? Or is the assessment intended to be binding?

Similarly, and tied to our first concern regarding the timing of the assessment, we would urge that the HRDD Tool becomes a standard part of any potential new partnership, including the establishment of new cooperation initiatives tied to existing partnerships. We want to avoid that the HRDD Tool become an afterthought, which is only employed at times where human rights abuses have already been committed - or, in worst cases, are longstanding.

Expert Committee and Community Consultations

We would like to show our support for the establishment of an expert committee for the development of the HRDD Tool. We plead for transparency in this process, and ultimately in the composition of the expert committee, which should remain independent.

We believe that it is, indeed, necessary that there is broad expertise in this process. We do want to bring to your attention, though, as a point of concern, the kind of expertise that is requested.

We understand and support the need for expertise in the areas of administrative cooperation and human rights for the development of the HRDD Tool. Still, we advise that the approach to include the academic community in the development of the HRDD Tool, be broadened to also include the application of the tool. Our larger academic community, including our students, holds a lot of expertise that is gained through lived experience as well as academic research. This experience should have a place in the process of the human rights assessment.

While we recognise the need for objectivity and the need for robust assessment frameworks in evaluating administrative cooperation, we also see that this process is much more than a box-ticking exercise. It includes strong feelings including anger and fear from people who are personally affected by the conflict at hand. Their voices should be welcomed in the dialogue in a structural way through the means of community consultations.

Development and Application of the Assessment Criteria

In a similar line with the above concern, we urge the CvB to include broad academic expertise - that transcends administrative cooperation - in the development of the criteria for the HRDD Tool. Surely, these criteria need to reflect the administrative nature of inter-institutional cooperation. Still, we must not forget that an evaluation of the ethical behaviour of a partner institution, in terms of their involvement with systemic human rights abuses, is also inherently normative. This aspect must not suffer simply for the sake of objectivity.

To accommodate this aspect, we strongly advise the inclusion of expertise from colleagues in the humanities, law, and social sciences who specialize in human rights, ethics, and post-colonial studies. In sum, to design a fair and effective tool, it will be crucial to include a diversity of members from our community in developing this framework - from the students who fought so hard to bring this issue to your attention, to academic and support staff from different disciplines and Faculties. Yet again, we plead for transparency and inclusivity in the development and application of the criteria.

In doing so, we also insist on the most expansive definition possible of complicity in the assessment of human rights violations. If a partner institution engages in unethical activities - such as research or educational collaboration with entities that are directly or indirectly engaged in the war in Gaza or elsewhere, for instance through administrative, financial, or political ties - Maastricht University should suspend ties with this partner. By taking such an expansive decision of complicity, we aim to recognise that even projects whose content is not directly related to human rights violations may be complicit due to their ties.

Moreover, we urge the university not to accept anything less than full compliance from partners found to be in violation. We must say this unequivocally: any form of cooperation that does not fully respect these rules, normalises and legitimises human rights violations.

Thank you.

In solidarity with Palestine,
Concerned Staff of Maastricht University

Signed

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