

# ECCP

## EUROPEAN COORDINATION OF COMMITTEES AND ASSOCIATIONS FOR PALESTINE

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### **Israel's participation in Horizon 2020: aiding and assisting Israeli violations of international law**

Briefing note by European Coordination of Committees and Associations for Palestine  
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#### **Israel's participation in FP7 and Horizon 2020**

Israel is associated to Horizon 2020, allowing Israeli entities to participate in the programme. Already during the previous funding cycle, FP7, Israeli entities participated in over 1500 projects.

Israel's participation in Horizon 2020 is regulated by the program's code of ethics and by the guidelines published in 2013 which exclude Israeli entities established in occupied Palestinian territory from participating in EU programs and prohibit the EU from funding activities by Israeli entities in occupied Palestinian territory.



#### **Israel's violations of international law**

Israel's grave violations of international law include:

- The deliberate killing of civilians and targeting civilian infrastructure by the Israeli military, including during the summer 2014 attack on Gaza in which more than 2,300 Palestinians were killed.
- The permanent acquisition of occupied Palestinian territory and violation of the right to self-determination through appropriation of Palestinian land and resources, the construction of the settlements and the Wall and annexation.
- The policy of forced population transfers through the construction of illegal settlements on occupied Palestinian territory and the forced displacement of Palestinians, which amounts to a war crime.
- The systematic discrimination and oppression of Palestinians.

Corporations or organisations such as universities often directly contribute to Israel's violations of international law. In other instances, third party actors such as corporations and universities provide the means to facilitate the crime – a material element of complicity. Under international criminal law, those involved in the commission of a criminal offence can be held responsible as principal perpetrators or as complicit accomplices.<sup>1</sup>



#### **Some Israeli participants in Horizon 2020**

#### **Elbit Systems**

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<sup>1</sup> This principle is codified in article 7(1) of the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY), Article 6(1) of the Statute of the International Criminal Tribunal for Rwanda (ICTR) and article 25 of the ICC Statute.

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*FP7 funding received: €3,268,720<sup>2</sup>*

*Horizon 2020 funding allocated so far: €403,750*

Elbit Systems is Israel's leading military technology and weapons company. Its Hermes 450 and Hermes 900 Unmanned Aerial Vehicles (UAVs or 'drones') as well as its 'Digital Army Program' for battlefield communications are widely used during Israel's military assaults on Gaza and have been documented by Human Rights Watch as being used by the Israeli military to deliberately attack Palestinian civilians.<sup>3</sup>

Elbit Systems markets its drones as "battle tested", by which it means that its drone technology has been tested on the bodies of Palestinians. In the wake of last year's attack on Gaza, in which civilians were deliberately targeted using drones, Elbit Systems participated in a number of conferences aimed at showcasing technologies used during the attack.<sup>4</sup>

According to research compiled by the Norwegian government, Elbit Systems supplies and maintains an electronic surveillance system called 'Torch' for Israel's illegal separation wall" on an ongoing basis.<sup>5</sup> The Norwegian government and several European banks have divested from the company due to these forms of complicity with Israeli violations of international law.<sup>6</sup>

Elbit has recently been approved to take part in FLYSEC and EUROSTARS, two Horizon 2020 research projects.<sup>7</sup> There is clear reason to believe that it will apply the knowledge and technology generated during the projects for the maintenance of Israel's military occupation and its military aggressions.

### **Israel Aerospace Industries**

*FP7 funding received: €3,734,667*

*Horizon 2020 funding allocated so far: €2,013,899*

As with Elbit Systems above, Israel Aerospace Industries is a major manufacturer of drones used by the Israeli military. Its drones are also widely used during Israel's military assaults on Gaza and have been documented by Human Rights Watch as being used by the Israeli military to deliberately attack Palestinian civilians.<sup>8</sup> Again as with Elbit Systems, Israel Aerospace Industries is a key partner in the construction of Israel's illegal separation Wall.<sup>9</sup>

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<sup>2</sup> Note: all data on funding awarded in this document was obtained from datasets published by the EU via the Cordis website and was correct as of November 2015.

<sup>3</sup> Human Rights Watch, Precisely Wrong <https://www.hrw.org/report/2009/06/30/precisely-wrong/gaza-civilians-killed-israeli-drone-launched-missiles>

<sup>4</sup> Rania Khalek, Israeli drone conference features weapons used to kill Gaza's children <https://electronicintifada.net/blogs/rania-khalek/israeli-drone-conference-features-weapons-used-kill-gazas-children>

<sup>5</sup> Norwegian Council on Ethics, Recommendation on the exclusion of the company Elbit Systems Ltd [http://www.regjeringen.no/pages/2236685/Elbit\\_engelsk.pdf](http://www.regjeringen.no/pages/2236685/Elbit_engelsk.pdf)

<sup>6</sup> Stop the Wall Campaign, Elbit Systems profile [https://www.stophthewall.org/sites/default/files/Elbit2014update\\_0.pdf](https://www.stophthewall.org/sites/default/files/Elbit2014update_0.pdf)

<sup>7</sup> Stop the Wall Campaign, FLYSEC factsheet <https://www.stophthewall.org/sites/default/files/FLYSEC%20-%20Securing%20Apartheid.pdf>

<sup>8</sup> Human Rights Watch, Precisely Wrong <https://www.hrw.org/report/2009/06/30/precisely-wrong/gaza-civilians-killed-israeli-drone-launched-missiles>

<sup>9</sup> Stop the Wall Campaign, Companies building the wall fact sheet <http://www.stophthewall.org/downloads/pdf/companiesbuildingwall.pdf>

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### **Motorola Solutions Ltd.**

*FP7 funding received: Participant in at least 2 FP7 projects, precise funding received unknown*

*Horizon 2020 funding allocated so far: €906,727*

Motorola Solutions Israel is a full subsidiary of the giant electronics and telecommunication corporation Motorola Solutions. In 2005, the company has won a tender of the Israeli Ministry of Defence, to provide virtual fences to Israeli settlements which refused to fence themselves. According to news reports, a Motorola radar detectors' system has been installed in some 47 Israeli settlements in the occupied West Bank. The system is also used in the Separation Wall complex, in the wall around Gaza, and in military bases.<sup>10</sup>

### **Technion – The Israel Institute of Technology**

*FP7 funding received € 70,310,554*

*Horizon 2020 funding: €17,000,000 +*

The institute conducts a wide variety of research into technology and weapons used to oppress and attack Palestinians. For example, Technion researchers have developed special unmanned vehicles that aid the Israeli army in destroying Palestinian houses. The institute also provides specially tailored courses and programs for military officials and Israeli arms company executives. Technion has a history of deep collaboration with Elbit Systems.<sup>11</sup>

### **Mekorot**

*FP7 funding received €474,394.36*

*Horizon 2020 funding: Validated as participant and currently applying for funding*

Mekorot is the Israeli state water company. It has monopoly control over all water sources in the occupied Palestinian territory and diverts the Jordan River from the West Bank and has monopoly control of water sources in the West Bank and divests most of the water to illegal Israeli settlements, leaving Palestinians with chronic water shortages. UN reports have criticised Mekorot's role in Israeli violations of international law.<sup>12</sup>

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<sup>10</sup> Who Profits, Motorola Solutions profile <http://www.whoprofits.org/company/motorola-solutions-israel>

<sup>11</sup> Stop the Wall, European funding for Israeli actors that are complicit with violations of international law must not be allowed to continue

[http://ec.europa.eu/research/horizon2020/pdf/contributions/post/palestinian\\_territory/stop\\_the\\_wall\\_campaign.pdf](http://ec.europa.eu/research/horizon2020/pdf/contributions/post/palestinian_territory/stop_the_wall_campaign.pdf)

<sup>12</sup> <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>

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Despite Mekorot's deep and clear participation in Israel's occupation of Palestinian territory and illegal Israeli settlements in occupied Palestinian land, Mekorot is not prohibited from participating in Horizon 2020 projects under the guidelines introduced in 2013. This is because these guidelines allow an Israeli entity with operations inside illegal Israeli settlements to participate if it pledges that the research for which it is receiving funding does not take place in occupied Palestinian territory.



### Projects of particular concern

**FLYSEC (Horizon 2020)** receiving €4m in EU contribution, focuses on improvements of the aviation security chain, including video surveillance and remote image processing. Elbit Systems participates in the project. Elbit has developed and provides surveillance technology for the settlements and the Wall. There is clear reason to believe that it will apply the knowledge and technology generated during the project for in the maintenance of Israel's military occupation and its military aggressions.

**EUROSTARS (Horizon 2020/Eureka)**, with a total project value of €2.57m, is to develop a new volcanic ash detection technology for commercial aircraft. The project sees Nicarnica's volcanic imaging detector technology incorporated into Elbit's ClearVision enhanced vision system, which was primarily developed for use in combat aircraft.<sup>13</sup>

**EXTREME (Horizon 2020)**, receiving an EU subsidy of €5m, is a project researching "methods for the design and manufacture of aerospace composite structures". It is probable that the Israeli participant, state owned military company Israel Aerospace Industries, is likely to use knowledge generated in this project in military drones and other aerospace technology commissioned by the Israeli military.

**OPARUS (FP7)**, receiving an EU subsidy of €11.88m for the development of Unmanned Ariel Vehicles. Israeli Aerospace Industries (IAI) participates in the project. According to Human Rights Watch, armed Heron drones manufactured by IAI were involved in some of the deadly drone attacks on Palestinian civilians during Operation Cast Lead, which in total killed 29 civilians, eight of them children. It seems highly probable that technology developed in this project has or will be used by IAI in drones produced for the Israeli military.

Col. Desmond Travers – member of the UN fact finding mission on Operation Cast Lead in Gaza in 2009, whose report has come to be known as the Goldstone report - has stated that according to his analyses, thermal imaging technologies are likely to have been used to identify high occupancy targets. Such high occupancy targets arose when Palestinians fled to relatives or friends houses in areas of Gaza believed to be safe. This usually followed when obeying instructions in leaflets which had been dropped by the Israeli Air Force to leave the area in which those leaflets had been dropped.

**IDTECT4ALL (FP7)**, receiving an EU subsidy of €2.29m for the development of intruder detection and authentication optical sensing technology. According to the project website, the project is developing technology "to detect the presence of objects inside or in the surrounding area of restricted critical infrastructures". Motorola Israel provides very similar surveillance systems for at least twenty illegal Israeli settlements and the illegal

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<sup>13</sup> <http://www.globes.co.il/en/article-1000853548>

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separation wall. It seems highly probable that Motorola Israel will use technology developed in the IDETECT4ALL program in its projects in support of Israeli violations of international law.



### Analysis

**EU adherence to international law** - The Lisbon Treaty states clearly that the EU should act in “strict observance and the development of international law”. In 2004, the International Court of Justice (ICJ) ruled that Israel is committing grave breaches of international law by constructing the illegal separation Wall, by constructing illegal settlements on Palestinian territory and by denying the Palestinian right to self-determination. The ICJ also held that international law places certain obligations not only on Israel but also on third states. These obligations include not rendering aid or assistance in maintaining the situation created by an unlawful act in occupied Palestinian territory.<sup>14</sup>

By allowing Israeli actors that perpetrate or are complicit accomplices to unlawful acts and impediments to Palestinian self-determination to participate in research projects that it funds and administers, including projects that are developing technology that may be used in future unlawful acts, the EU lends legitimacy to Israeli violations of international law and renders assistance to the maintenance of these unlawful acts in a way that calls into question whether the European Union and member states are in violation of their own obligations under international law.

**‘Dual use’ research** - The Horizon 2020 code of ethics states that research carried out under Horizon 2020 should have an exclusive focus on civil applications and that research activities should comply with the European Convention on Human Rights. It is highly likely that Israeli military companies use the research developed under Horizon 2020 in such a way that has a military use and violates the the European Convention on Human Rights. The Horizon 2020 ethics framework relies heavily on self-assessment and reporting by program participants and involves little rigorous investigation by the EU.

**EU violating commitment to UN business and human rights framework** - The UN Guiding Principles on Business and Human Rights, supported by the EU, clearly articulate and provide guidance regarding the state duty to ensure corporate respect for human rights. The guidelines urge states to “deny access to public support and services for a business enterprise that is involved with gross human rights abuses”.

**Reputational risk** – More than 20 EU member states have published guidance warning businesses about the risks associated with illegal Israeli settlements. The EU has an obligation to protect European businesses from reputation, economic and political risks that are inherent to cooperation with entities that participate in violations of international law.



### Recommendations

In order to ensure coherence with its obligations under international law and its stated policy commitments, the EU should suspend the participation in Horizon 2020 of all Israeli military companies and Israeli actors that participate in Israeli violations of international law.

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<sup>14</sup> This principle is codified in article 7(1) of the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY), Article 6(1) of the Statute of the International Criminal Tribunal for Rwanda (ICTR) and article 25 of the ICC Statute.

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Until such time as it does this, the EU should:

- Implement a moratorium on any further projects involving Israeli military companies from being approved.
- Conduct a thorough and transparent review of the activities of Israeli participants in Horizon 2020 that are linked to Israel's violations of international law to ascertain whether their inclusion in Horizon 2020 is in coherence with EU's legal obligations and policy commitments and the ethics framework of Horizon 2020. Any such review mechanism should include consultation with civil society actors.

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