

Introduction

In the context of mass atrocities, deliberation without action becomes complicity through delay. The recently published outcome of TU Delft's Moral Deliberation Chamber, *The Moral Deliberation Advice Report: Sensitive collaboration relating to Israel-Gaza*, while methodologically detailed and formally structured, reproduces a dangerous institutional logic: that more process is an adequate substitute for moral clarity. The advice of the Moral Deliberation Chamber is a moratorium on new collaborations. But there is no clear guidance on how to deal with the numerous existing ones, and that we find inadequate.

In the face of ongoing genocide, ethnic cleaning and systematic erasure of an entire peoples, the only justifiable time to act was already in the past.

This document is a detailed response to TU Delft's recent moral deliberation report on institutional collaborations related to the Israel-Gaza conflict. It addresses a fundamental concern: that the report fails to meet the ethical, legal, and institutional responsibilities of the university given the current situation in Palestine.

This report is not offered solely in critique, but as a constructive intervention, meant to support the TU Delft in taking stronger, ethically grounded action. Our aim is to help our university live up to its professed values by offering clear, actionable steps. We hope this contribution will be received by the TU Delft community not as adversarial, but as part of a shared commitment to integrity, accountability, and moral leadership in times of crisis.

We begin by restating what should be the guiding framework in such contexts: the precautionary policy imperative. In the face of serious risks of complicity in war crimes or genocide—as is the case with Israeli military-linked institutions and arms manufacturers—the university must take immediate and proactive measures to halt all material, intellectual, and reputational support. This duty is grounded not only in international law and human rights frameworks, but also in TU Delft's own [Code of Conduct](#) and [knowledge security policies](#).

Following this, we offer a critique of the moral deliberation report's flaws, summarized as follows

- **Ethical failure flaws of the content** – The recommendations fall short of the urgency and moral clarity demanded by the situation, offering vague criteria where decisive action is required.
- **Procedural concerns** – Over a year ago, during negotiation meetings with the Executive Board (CvB), these issues were discussed extensively with a group that included student representatives, staff, and scholars from Delft—including those with expertise in ethics at TU Delft. While the moral deliberation process marked a step forward, it ultimately suffered from serious shortcomings in openness, inclusion, and accountability:
- **Lack of reference to key materials:** The process did not acknowledge or incorporate important existing work—such as the report on complicity and ties to the CvB, developed by staff and students in collaboration with experts in international law and corporate responsibility—which should have served as a foundation for informed deliberation.
- **No invitation to contribute:** Students and staff were not invited to provide input or submit recommendations, despite having raised documented concerns and being actively engaged in the lead-up to the process.
- **Exclusion from process design:** Those same groups, who had been instrumental in demanding the moral deliberation process, were not included in setting it up—despite their central role, expressed concerns about the structure, and clear willingness to contribute.

- **Missed opportunity for participatory leadership:** The group genuinely encouraged the CvB to treat this as an opportunity to uphold the University Code of Conduct and to build a participatory process that balanced urgency with inclusivity. That opportunity was not taken.
- **Contextual flaws and omissions** – The report ignores the long history of bottom-up initiatives, petitions, legal analysis, and due diligence efforts led by members of the TU Delft community. This omission reveals a pattern of double standards and institutional avoidance.

1. What Is the Right Policy in Times of Atrocity?

Due Diligence, Moral Deliberation and the Precautionary Imperative

Assuming TU Delft's own Code of Conduct, Knowledge Security Guidelines, and commitments under humanitarian and international law, as well as established frameworks of due diligence and moral deliberation, this document addresses a fundamental question:

What is the appropriate institutional policy for a university like TU Delft in the face of gross human rights violations—such as the ongoing catastrophe in Gaza?

Gaza: A Legal and Ethical Emergency

As of 2024–2025, Gaza is experiencing a manufactured humanitarian catastrophe. Tens of thousands of Palestinians—many of them children—have been killed in an assault described by leading genocide scholars such as **Raz Segal** and **Amos Goldberg** as a “textbook case of genocide.” The **International Court of Justice (ICJ)** has recognized the plausibility of genocide and issued binding measures. Human rights organizations, including **Amnesty International**, **Human Rights Watch**, and **UN Special Rapporteurs**, have documented war crimes and crimes against humanity.

This is not a matter of political opinion. It is a matter of international law. The **Genocide Convention**, the **Geneva Conventions**, and the **Dutch Law on International Crimes** all require institutions to prevent direct or indirect complicity.

The Principle of Precaution: Ethics Under Conditions of Risk

The **precautionary principle** is a core concept in governance and ethics. It states that when there is a **credible risk of serious or irreversible harm**, action must be taken—even if and when full certainty is lacking. Originating in environmental law, this principle has been integrated into, amongst others:

- The UN Guiding Principles on Business and Human Rights
- The OECD Guidelines for Multinational Enterprises
- Corporate due diligence frameworks

In the context of genocide, this means institutions must **suspend or avoid high-risk collaborations** unless it can be demonstrated that such ties do not contribute to harm. The **burden of proof lies with the institution**, not the victims.

What This Means for University Policy

Precautionary policy does not mean pre-judging individuals or imposing blanket prohibitions without evidence. It means:

- Pausing high-risk collaborations when serious legal or moral concerns are raised;
- Reversing the burden of proof, requiring demonstrable disassociation from atrocity crimes before continuing or initiating partnerships;

- Acting urgently and transparently, particularly when there is ongoing state violence, mass displacement, or systematic targeting of civilians;
- Avoiding evaluative complicity—that is, the symbolic or reputational endorsement of actors involved in unlawful conduct.

In the following sections, we will explore how TU Delft can adopt these principles in practice, offering concrete policy recommendations to ensure ethical responsibility is not just stated, but structurally implemented. We will also examine why the university's recent report and partial moratorium are not sufficient, and outline what meaningful due diligence and accountability must look like in the context of plausible genocide.

2. Discussion: Why the Current Moral Deliberation Outcome Is Not Enough

The Role of Moral Deliberation in Times of Atrocity

The primary purpose of moral deliberation in the context of atrocity crimes—such as the **ongoing plausible genocide in Gaza**, as acknowledged by the **International Court of Justice (ICJ)**—must be to *prevent institutional complicity*. This includes moral, financial, technological, and reputational forms of support to actors credibly implicated in war crimes, apartheid, and crimes against humanity.

“There is (growing) evidence of potential genocide, or at least a risk of genocide, in the Israel-Gaza conflict. There is, for example, the ICJ (International Court of Justice) ruling on plausible genocide...” (p. 3)

Yet despite this clear and recognized threat, the TU Delft moral deliberation report **fails on several important aspects**.

Moral deliberation flaws: Content That Evades Responsibility

From a moral content perspective, the report:

- **Fails to call for an immediate freeze** of collaborations with high-risk institutions like **Technion** or companies like **Rafael** and **Thales**, despite these being explicitly linked to the IDF and military applications in the report itself.

“In a limited number of existing collaborations, indirect complicity might potentially be a risk... This risk should be avoided or at least be reduced to a negligible degree.” (p. 27)

- **Recommends a “case-by-case” approach**, even though the report itself acknowledges that this approach is insufficient in the face of atrocity:

“A case-based approach takes a lot of time... decisions are made under uncertainty... Full certainty is almost never possible.” (p. 28)

- Relegates **genocide** to a matter of optics and process, advising “dialogue” so that institutions might distance themselves “in word and deed”:

“In case of an existing collaboration, it would seem reasonable to try to enter into a dialogue with the partner about the alleged complicity...” (p. 27)

Failure to Reference the July 2024 ICJ Ruling

One of the most glaring omissions in the TU Delft moral deliberation report is the absence of any reference to the July 2024 ruling by the International Court of Justice. This ruling affirmed that Israel's occupation of Palestinian territories (including East Jerusalem) is illegal, amounts to annexation, and

violates international prohibitions against racial segregation and apartheid. Crucially, the ruling reasserts that *all* states are legally obliged not to recognize, support, or maintain this unlawful situation.

By excluding this landmark decision, the report fails to acknowledge the full legal and moral stakes of the issue. This omission not only weakens the credibility of TU Delft's response, it also potentially exposes the university to complicity in violations of international law. In a context where states are explicitly ordered to refrain from aiding or legitimizing apartheid and annexation, TU Delft must not hesitate to take strong precautionary measures—including boycotting institutions complicit in atrocity crimes.

While this document focuses on the case of Gaza and genocide, we emphasize that similar measures must be considered in relation to *any* grave human rights violations, including those constituting apartheid or occupation. The standard for institutional ethics must be universal, not selectively applied.

In situations where credible international legal bodies, such as the International Court of Justice, have already found plausible evidence of genocide, the priority now is not to initiate “dialogue,” but to take immediate, precautionary action.

The Inadequacy of Case-Based Ethics in the Context of Genocide

The report praises its **“inductive,” “bottom-up” approach**, which builds a general ethical framework from individual cases:

“Rather than installing an expert committee, it does deliberation with a broadly composed moral deliberation chamber... not (necessarily) ethical experts...” (p. 5)

This is inappropriate for a context in which **international law has already determined that plausible genocide is occurring**. An inductive, “moral learning” approach is ethically irresponsible when the crimes are already known, proven, and unfolding.

“One might use the country of origin... involved in a violent conflict in which human rights are severely violated... as proxy.” (p. 29)

A **macro-level reality**—genocide—is subordinated to **micro-level ambiguity**. This results in *institutional paralysis* and *procedural delay* in the face of mass atrocity.

What Precaution Actually Demands

The report itself outlines a **precautionary approach**:

“If there is serious risk of complicity in severe human right violations or genocide... the university should reverse the burden of proof and not engage in that collaboration until it can be shown that the risk... is reasonably small.” (p. 30)

Yet this **principle is not applied** to any existing partnerships.

Instead of freezing collaborations, the report offers **more process**.

“The bar for ending existing collaborations may be higher... but also these should be under moral scrutiny.” (p. 25)

This is **not precaution**. This is **postponement**.

Moral deliberation process flaws: A Closed and Opaque Procedure

From a process perspective, the report details a process that is:

- **Opaque**, lacking any visible mechanism for **community input, transparency, or contestation**.

“The names of the members of the deliberation chamber remain confidential... the individual case reports will not be made public...” (p. 8–9)

- Sidelined dissenting voices—**even within the chamber**:

“One person has left the chamber because they were dissatisfied with the process. The worries this person had... have not been fully resolved to their satisfaction.” (p. 7)

- Ignored documented community advocacy over years, and failed to integrate prior **student, staff, or solidarity group** inputs, despite acknowledging “feelings of (social) unsafety” among affected groups.

“Feelings of (social) unsafety at the university... Israeli students and faculty members may feel marginalized or discriminated against.” (p. 23) (Note: No parallel recognition of Palestinian, Arab, or pro-Palestine students and staff.)

The deliberation was **not designed to respond to structural critiques**, but to contain them through a controlled, exclusionary process.

Contextual Flaws and Omissions

The report itself admits to selective enforcement of knowledge security standards, stating that similar dual-use concerns would have led to non-collaboration with countries like China, Russia, or Iran, but not with Israel (p. 22). There is no discussion around this flaw, is it accidental?

Our critique of this report is not based on a single policy disagreement. It stems from a **documented and escalating pattern of institutional avoidance, double standards, and strategic delay**. Even before 2023, staff and students have submitted petitions, reports, and Freedom of Information (FOI) disclosures—all of which are ignored in this report. The history of attempts to reach out to the University and engage in serious conversations on the subjects of due diligence and moral deliberation is critical.

A consistent pattern of **censorship, intimidation, and retaliatory pressure** against scholars who engage with Palestine—particularly from anti-colonial and anti-genocidal perspectives—has become systemic across Western academia. TU Delft is no exception. While it is beyond the scope of this document to fully catalogue the many related incidents at TU Delft, the pattern is clear. It includes the **shutting down of lectures, exclusion of critical voices, the weaponization of safety discourse, and the selective use of antisemitism accusations to suppress dissent**. At the same time, **speakers lacking scholarly credentials—but with ties to powerful pro-Israel lobbying groups—have been welcomed by TU Delft leadership**, even when their public record includes the denial of Palestinian rights and historical atrocities. These choices do not reflect neutrality, but a consistent pattern of alignment.

This deeply compromised context justifies our **institutional distrust of the university’s ability to self-regulate** without sustained community pressure, and underscores why institutional complicity must be publicly challenged. We have learned that only when organized resistance brings visibility does the university partially backtrack or reconsider.

Why the Report’s Outcome Is Inadequate

Despite its own language on **evaluative complicity, dual-use risks, and potential genocide**, the report:

- Recommends no immediate freeze or suspension of existing partnerships.
- Names no collaborators.
- Offers no public transparency.
- Engages no external human rights expertise.

Instead, it defers all responsibility to a **future permanent chamber**, to a **database being built until 2027**, and to **ongoing dialogue**.

“An integral database for all of TU Delft is in the making and is expected to be available as from 2027...” (p. 33)

This is **not ethical governance**. This is **ethical deflection**.

What Would an Adequate Response Look Like?

A precautionary and morally coherent response would require TU Delft to:

1. **Immediately freeze** all collaborations with:
 - **Israeli institutions tied to the IDF**, including those providing technological, logistical, or academic support to military operations or surveillance infrastructure in the Occupied Palestinian Territories.
 - Any partner in a state credibly accused of genocide, war crimes, or crimes against humanity, as recognized by international legal bodies or reputable human rights organizations.
 - Any institution that does not explicitly distance itself from violations of international law.
 - **Private sector entities supplying weapons, surveillance technology, or logistical support used in the perpetration of atrocity crimes**, including arms manufacturers and dual-use tech companies.
 - **Research funders or consortia that prohibit ethical screening or constrain the university's ability to act on precautionary moral grounds**, including those that impose red lines on disclosure, discussion, and divestment.
 - **Academic institutions or organisations that retaliate against or penalize staff, students and researchers for acts of conscientious objection, ethical refusal, or public advocacy** concerning Israel's role and responsibility in ongoing crimes.
4. **Publicly recognize** the ICJ provisional ruling and acknowledge its direct implications for institutional complicity and academic partnerships.
5. **Publish a detailed and transparent register** of all current and recent collaborations with Israeli institutions including funding arrangement, industrial and knowledge exchange partnerships;
7. **Engage international experts** in law, genocide studies, and human rights, with particular priority given to Palestinian scholars.
8. **Establish a democratic, participatory ethics procedure for deliberation and decision-making that includes student and staff voices**, especially those from directly affected and marginalized communities in all future ethical processes.
9. **Adopt BDS-aligned principles** of nonviolent resistance to apartheid and genocide, in keeping with international human rights standards.
10. **Establish a standing Ethical Oversight Committee** composed of independent experts, affected community members, and elected staff and students, to review and guide partnerships, research ethics, and whistleblower protections.

“Given that the war in Gaza involves plausible genocide according to ICJ, the expectations in this case... are (very) high.” (p. 27)

The report says it. The ICJ says it. **Now TU Delft must act responsibly, and by TU Delft we mean all of us members of the University.**

3. What Can We Do When Our Institution Fails?

Institutions do not change by themselves. When official bodies like moral deliberation chambers fail to deliver justice, responsibility shifts to the community. Staff, students, and allies must take action.

This group will take responsibility for facilitating the alternatives outlined below. After a systemic failure to convince TU Delft leadership to act in alignment with international law and human rights, we are committing to becoming the university we want to live in. It is up to all of us—the workers, students, and members of this institution—to lead by example.

Conscientious Objection and Ethical Dissent

Staff and students should have the **right to opt out** of collaborations they believe are unethical. TU Delft must:

- Establish clear **conscientious objection protocols**;
- Allow researchers to **refuse funding or partnerships** they find ethically compromising;
- Protect whistleblowers and dissenters from retaliation.

Bottom-Up Ethical Structures

Instead of relying solely on top-down processes, the university community must:

- Form independent ethical review groups with student and staff representation;
- Document and publish ongoing concerns, maintaining institutional memory;
- Create platforms for marginalized voices and affected communities to speak.

These are not merely suggestions. We will take the initiative to build and sustain these bottom-up structures.

Demanding Accountability and Change

Finally, we must:

- Demand a full suspension of all partnerships with institutions plausibly complicit in genocide;
- Call for public disclosure of TU Delft's collaboration records;
- Insist on the inclusion of international human rights experts in ethical decision-making;

Only with transparency, accountability, and courage can a university like TU Delft begin to uphold its stated values.

In the face of atrocity, delay is complicity. If our institutions will not act, we must.

This document is a collective response rooted in the principles of international law, university ethics, and historical responsibility.

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