Speaking out in China Against the Russian Aggression in Ukraine and speaking out in the Netherlands Against the Atrocities in Gaza

By:

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Introduction

This blog post describes the responses from China and its academic community to the Russian military attack on Ukraine, followed by a descriptive overview of the reactions from the Netherlands and its academic community to this same attack, contrasted with the latter's responses to the conflict between Israel and Hamas. The main question is whether we can find, especially in the latter, traces of double standards, loosely understood as a policy that is applied differently in alike cases in an unjustified and unjustifiable manner.

From the beginning of 2020 until the late autumn of 2022, I was a full-time professor in Wuhan, China. This coincided, not only with the Covid lockdown in

Wuhan, followed by many months living under China's drastic anti-Covid policy, but also with the time that Russia's full-scale military aggression against Ukraine began. The People's Republic of China and its universities took up a position of impartiality between both parties in this conflict, making it difficult for academics to criticize the Russian aggression. However, criticism of NATO and the USA was encouraged.

I then returned to the Netherlands. In response to the conflict between Hamas and Israel, my employer, Leiden University, and the other universities in the Netherlands refused to speak out against the atrocities happening in Gaza, refusing to qualify them as breaches of international humanitarian law, international human rights law, or genocide. The silence of the Dutch universities contrasted with their immediate and collective condemnation of Russia's aggression, which was unequivocally qualified as a serious breach of the prohibition to use military force under the United Nations Charter.

There are many differences between the Chinese and Dutch contexts, and it is not my intention to suggest otherwise. What they have in common, in my view, is that they both encourage selective criticism. In China, Russia is protected from critique, and criticism of NATO and the USA is encouraged. In the Netherlands, criticism of Russia is encouraged, whilst Israel is in various ways shielded from critique. These examples both evince a double standard in the way that the respective states urge universities to discuss the ongoing conflicts.

This blog post describes anecdotal and individual experiences. In future research I shall try to situate the experiences described below in the raging debate on whether or not academic institutions need to express solidarity - and act on it through boycotts, sanctions, etc. - in response to atrocities being committed anywhere in the world, a debate which is taking place on university campuses all over the world. This phenomenon deserves wider study, not only by international lawyers but also from various (multi)disciplinary perspectives. This blog post relates to ways in which academic institutions talk about and respond to alleged breaches of international law rather than double standards in international law as such.

Response from China to the Russian Military Attack on Ukraine

When the United Nations General Assembly (UNGA) deplored “in the strongest terms the aggression by the Russian Federation against Ukraine,” China was one of only thirty-five States to abstain. Ambassador Zhang Jun explained the abstention by insisting that we abandon a “Cold War mentality” – this criticism was directed primarily at the USA - and “the approach of seeking regional security by expanding military blocs” – criticism directed at NATO. He called for a policy of non-confrontation, and the UNGA resolution did not fit into that policy.

This made me curious about what Chinese academics had to say about the events. In line with the above-stated official position, the Dean of the China Institute of Boundary and Ocean Studies (CIBOS) at Wuhan University asked us, in our WeChat group, not to refer to the situation in Ukraine as “war” or “aggression,” but to call it a “conflict” or “military offensive” instead. This request mostly impacted scholars and teachers of international law, including myself, by limiting our legal vocabulary to discuss the conflict. It eroded the viability of international legal concepts - like aggression - that normally allow us to crucially assess and discuss state behaviour. We were also asked not to post the Ukrainian flag on our personal or official social media accounts and websites. The University, so we were told, had a responsibility to maintain an “impartial” position. Presumably, other Chinese universities did the same. Some scholars agreed, but others were critical of the university’s stance and felt a need to express their opinion.

These opinions were expressed on various social media platforms – WeChat being by far the most popular. I wanted to read as many posts on Chinese social media as I could about the unfolding events. Since I could not read Chinese, I asked some friends, colleagues, and students for help with translation.

A common theme was to place the conflict, including its prehistory and aftermath, in the narrative of a return to the Cold War, as was done in the government statement cited above. Many posts of this kind mainly criticized the West and showed sympathy for both Ukraine and Russia. In one such post, it was argued that Russia had no choice, as it needed to protect itself from the encroachment of the West. Another made the point that, after the collapse of the Soviet Union, Ukraine had become a central part of the great powers’

game; that NATO's eastward expansion had broken the balance of power between Russia and the Western world, and that the unfriendly actions of the United States and Europe directed at Russia had created a political atmosphere of hatred within and against Russia, which ultimately triggered the aggressive stance of Russia in recent years.

Many posts provided an analysis of how China was – and should be – involved. One post showed appreciation for the Chinese government's nonconfrontational attitude. This was then contrasted with the West's approach, which was seen as confrontational, as it was constantly condemning Russia, providing military assistance to Ukraine, and imposing economic and other sanctions on Russia, Russian nationals, and others.

Most of these posts corresponded well with the Chinese official position. But there were other posts, expressing more critical points of view. Some tried to understand the true motives behind the Russian intervention. For example, one scholar acknowledged that the immediate trigger for the Russia-Ukraine conflict may have been the eastward expansion of NATO. At the same time, Russia could have achieved its strategic goals without war, but Putin probably had a bigger plan of rebuilding the Greater Russia of the past and making it become the homeland of Slavic Nations.

This criticism of the (mis)use of history as a justification for the invasion was present in quite a few pieces. Another Chinese scholar essentially refuted all so-called justifications for the invasion and believed that Russia would suffer the most from this war, in the long-term. He also argued that the invasion was in breach of international law.

Another post directly challenged the assumption that NATO had provoked the attack. Apparently, this was a step too far. The platform host – Tencent - took down the post. If you now try to access this post, you get an announcement saying:

This account has been blocked and the content cannot be viewed. Complaints made by users and reviewed by the platform, suspected of having violated relevant laws and regulations, please check the corresponding rules.

In another critical post, the argument was made that Russia had invaded Ukraine because of the latter's highly developed agriculture and industry, and thus NATO's expansion was just an excuse Russia was waiting for. This post, which was written under a pseudonym, has also been removed from WeChat. Another author made the point that many countries who used to be on the side of Russia, later joined NATO because of their fear of Russia, after the latter's many aggressive campaigns against them in recent decades. This last post was also written anonymously, and the account of this last author has been blocked and the content can no longer be viewed.

From an analysis of these – and many other posts not cited here, I can provide more examples on request – we can conclude that the People's Republic of China and its universities took up a position of impartiality and non-confrontation. Chinese academic institutions were encouraged not to direct criticism at the parties to the conflict. Instead of criticizing either Russia or Ukraine, criticism of the West (NATO and the USA) was encouraged. This made it difficult for individual Chinese academics to criticize Russia for its aggression. It served to predetermine international legal assessments of the conflict, creating a narrative of Western provocation and insulating Russian actions from critical legal assessment. This was an impoverishment of the debate, which also seeped into the political discourse in China.

Dutch Academia's Response to the Russian Military Attack on Ukraine

On 4 March 2022, only eight days after the Russian aggression against Ukraine began, all knowledge institutions in the Netherlands made a collective statement, affirming that they were all "deeply shocked by the Russian military attack on Ukraine," qualifying it as "a direct attack on freedom and democracy, the fundamental values on which academic freedom and cooperation are based." They collectively decided to "immediately freeze formal and institutional collaborations with educational and knowledge institutions in the Russian Federation until further notice." This meant, concretely, that all research and teaching collaborations with Russia were immediately frozen, that no scientific events organized jointly with Russian institutions were to take place, and that participants from Russian institutions had to be excluded from participation in academic events. Individual universities followed with their own statements, echoing the collective statement. All this was done in immediate

response to an urgent call from the Netherlands Minister of Education, Culture and Science, Robbert Dijkgraaf, published on the same day.

Dutch Academia's Response to the Conflict between Israel and Hamas in Gaza

Many individual staff members and others urged their university to speak out against the violence in Gaza, in the same way as was done in response to the violence in Ukraine. But this was not done. Some universities felt a need to explain themselves. For example, on the website of Utrecht University, a statement made by the University's Executive Board on 24 October 2023 included the following assertion: "We understand the call to take a stand. However, that is not our role as [Utrecht University]. We are a university, not a political institute."

The President of the Leiden University Executive Board was asked in an interview why Leiden University had so immediately and strongly condemned the Russian invasion and severed all ties with Russian academic and other knowledge institutions only a few days later but did not do so in response to the conflict between Israel and Hamas. Her reply:

The big difference from that conflict is that almost our entire academic community was united behind Ukraine. The conflict between Israel and Hamas has sown a lot of division internally. Some believe that Israel is fighting for survival whereas others speak of genocide of the Palestinian people. Those are two strong, almost irreconcilable positions. Speaking out on this issue would only cause more polarization.

Similarly, the rector magnificus of Erasmus University Rotterdam was asked, "When Russia invaded Ukraine, the Ukrainian flag was raised and ties with Russian universities were cut. Would you do that differently now?" Her reply was:

Every situation – every context – is unique and different. When it came to the situation with Ukraine, the reaction was less polarised. It divided the community less, and the emotions were much more unified. Furthermore, there was a clear call from the Dutch government to start a boycott. It explicitly asked all Dutch universities to cut ties with Russia and Russian universities and

to raise the Ukrainian flag in solidarity.

Many staff members were not persuaded. Or Hanan El Marroun, columnist of the Erasmus University Rotterdam online magazine, argued that Erasmus University Rotterdam should take up a clear position on Palestine, in line with the University's own Erasmian values and humanist principles. Zara Sharif (Erasmus University College) urged Erasmus University to break the silence and speak out against "genocide, ethnic cleansing and apartheid" happening in Israel and Palestine. These are just some examples.

In short, the Dutch universities' reaction to the events in Gaza was vastly different from their reaction to the Russian aggression, leading to accusations of double standards. A report on academic freedom, issued by a Leiden University committee, did seem to acknowledge this:

One lesson that the university board has now learned is that, as the guardian of academic freedom, it must be extremely reluctant to become involved in scientific and political discussions. Although its core values […] imply a rejection of undemocratic ideas and practices, it is the task of the university to give shape to these values in education, research and policy, and not as an institution to comment on organizations, countries or persons that do not share the values mentioned. Consistency is important here: a university that declares its solidarity with Ukraine after the Russian invasion in 2022, but in other cases says that it does not make political declarations of solidarity, invites the accusation of double standards. This does not alter the fact that different situations can give rise to different reactions. To avoid misunderstandings, additional explanation is appropriate.

Increasingly frustrated by the lacklustre response from the universities, more and more students, supported by a small group of mostly junior staff members, began to protest.

These university students who took part in pro-Palestina protests were labelled in the most negative terms by Dutch politicians. Illustrative of this is a debate in the Dutch Parliament on 14 May 2024. A member of the most popular political party in the Netherlands today, the Party for Freedom (Partij voor de Vrijheid, or PVV), referred to them as "anti-Semitic scum that terrorized the University of Amsterdam for days," not making any distinction between the few students

who indeed engaged in unacceptable acts of violence and vandalism and the vast majority of pro-*Palestina* protesters that did not. In Parliament, there was some understanding for and sympathy with the pro-Palestina protests, but this was a minority view.

The pro-*Palestina* protests continued. And thus, the *rectores magnifici* of all Dutch universities felt obliged to issue a collective statement. The rectores deeply regretted that "a few [pro-*Palestina*] protests at universities have degenerated into occupations, provocations, violence and vandalism." But they did acknowledge that "the question behind all these protests is a legitimate one: how do we engage with our sister institutions in areas of major conflict?" In their reply, the rectores tried to rebut the double standards argument, as follows:

If the values enshrined within the academic ethos – in which the possibility of open and academic debate is the minimum requirement – do not stand in the way of collaboration with Israeli and Palestinian universities, then we see no reason to reconsider or cut these ties. We find it important not to isolate critical Israeli academics, just as much as we are committed to supporting our Palestinian colleagues. We will only consider cutting ties with an entire country if the Dutch government strongly urges or advises us to do so, as was the case with Russia. But what we do expect is for collaboration to make it possible to conduct open and critical dialogue with one another.

In response to this op-ed, an open letter from university staff across the Netherlands was posted online, signed by more than 1100 professors, PhD candidates, lecturers, etc., expressing "full support for the students who have protested for the last three weeks across our campuses to demand an end to our universities' complicity with the ongoing genocide in Gaza, as well as decades of occupation, apartheid, and ethnic cleansing carried out by Israel on the Palestinian people." Many individual scholars also expressed their dissatisfaction with the letter of the rectores (see e.g., here, here, here, and here), and so did the protesting students themselves (see here and here).

Reluctantly, some of the universities set up committees. In September 2024, the Advisory Committee on Sensitive Collaborations of the Erasmus University Rotterdam issued a preliminary recommendation on cooperation with partners

in Israel - and in Palestine. The recommendation was that Erasmus University should not enter into any new partnerships with Israeli and Palestinian universities for the time being, but that more time was needed to assess the already existing partnerships. At the same time, and also in response to the protests, the security at Leiden University was upgraded, with uniformed guards at the entrance – the university premises used to be open to the public - and guards in plain clothes hired to secretly observe students within the university, and to take pictures of suspicious behaviour. It appears that some students – students from the Middle East - were observed more carefully than others. It is not farfetched to assume that all these measures do impact the way we talk in the classroom and beyond about what currently happens in Gaza.

All this takes place in a political environment that is becoming more and more polarized, and with a government that consistently refuses to engage meaningfully with any criticism directed at its policy regarding the Israeli-Palestinian conflict. This leads to accusations of double standards, not much different from those discussed above directed at the Dutch universities. Most notably, in an advisory letter entitled *Towards a New Direction for the Netherlands in the Israeli-Palestinian Conflict* addressed to the Netherlands Minister of Foreign Affairs, Caspar Veldkamp, the Advisory Council on International Affairs:

[….] underscore[d] the risks associated with applying double standards in promoting respect for human rights and compliance with international law in general. The inconsistent invocation and application of rules of international law contribute significantly to the undermining and politicisation of that body of law, and undercut the overarching idea that international law applies, and is applied equally, to all States. Over the past year, inconsistency in the invocation and application of international law by Europe and European States has been repeatedly raised in the international political arena, including by UN Secretary-General António Guterres. The efforts that the Netherlands and Europe have made to create accountability mechanisms in the war in Ukraine, for example, find no equivalent when it comes to the Israeli-Palestinian conflict. Unbalanced enforcement fuels anti-Europeanism and anti-Americanism in many countries of the Global South.

Conclusion

In China, the authorities and academic institutions advocated for an impartial and non-confrontational attitude in relation to both parties to the conflict in Ukraine, which made it difficult for individual scholars to criticize Russia. In the Netherlands, there was an almost universal condemnation of the Russian aggression. But in response to the atrocities in Gaza, the Dutch authorities and academic institutions refuse to take a stand. Perhaps the response from the Dutch academic institutions to the Russian aggression was wrong, perhaps their lack of response to the atrocities in Gaza is wrong, and perhaps both choices are wrong.

The dilemma is not unique to the Netherlands, and one can find lots of reflections on how to deal with this same dilemma in the blogosphere and beyond. For example, it seems that some South African universities have decided not to express solidarity with Gaza – and not to take solidarity measures - because they feel that they will not be able to uphold the same standards with regard to all future conflicts.

It appears that Dutch institutions are drawing the same conclusion: they seem to regret speaking out strongly against Russia because now they are obliged to do the same in all future conflicts, including the current conflict between Israel and Hamas. This is not simply an academic issue. If institutions are unable to explain away their apparent double standards, or if they are unwilling to even acknowledge their application of double standards, then they should not be surprised when this leads to protest and contestation.

As alluded to above, the different ways in which universities in the Netherlands and China have responded to the wars, may ultimately also affect the application and interpretation of international law directly. When universities evince double standards, this limits our ability to use an international legal framework to critically assess global events. And, as Alessandra Spadaro has argued, it might even infringe on academic freedoms that impact how we research and speak about international law.

NB. For those who can speak Dutch, here you can find the email correspondence between the Netherlands' Ministry of Education, Culture and Science and the university administrations relating to the protests at these

universities against the war in v Gaza.

View online: Speaking out in China Against the Russian Aggression in Ukraine and speaking out in the Netherlands Against the Atrocities in Gaza

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