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March 10, 2017

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Minister of Education Naftali Bennett
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Dear Prime Minister and Ministers,

We write to you on behalf of the Committee on Academic Freedom of the Middle East Studies Association of North America (MESA) to express our grave concern about the travel ban passed on March 6, 2017, by the Israel Knesset that denies anyone who is not an Israeli citizen or permanent resident of the state of Israel a visa or a residency permit of any kind in the State of Israel if they have “knowingly published” a call for the boycott of Israel, if they “committed to participate in a boycott,” or if they represent an organization that does either, whether that call entails a boycott of the State of Israel, any state institutions, or “any area under its control.”

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, MESA publishes the *International Journal of Middle East Studies* and has nearly 3,000 members worldwide. MESA is committed to ensuring academic freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

On Monday, March 6, 2017, in a 46-28 vote, the Knesset ratified Amendment No. 27 to the “Entry into Israel Law” (1952). This amendment stipulates that any endorsement of the call for, or participation in, the boycott of Israel or “any area under its control” constitutes sufficient grounds for any non-Israeli citizen or permanent resident to be barred from entry into Israel and denied residency in the country. According to the language of the law, this travel ban will apply to any person who can be proved to have engaged in “an intentional refraining from an economic, cultural or academic tie with a person, or any other element, only due to

its linkage to the state of Israel, one of its establishments, or an area under its control, that can cause financial, cultural or academic harm.”

The Knesset rejected attempts on the part of the Justice Ministry to include an exception for Palestinians with temporary residence in Israel, out of concern that they may become separated from their families. This means that Palestinians living under occupation in the West Bank and East Jerusalem or those currently seeking residence permits inside of Israel may have their movement even more strictly limited by this amendment. Moreover, the language criminalizing the boycott of Israel and “any area under its control,” suggests that this broad understanding of boycott extends to include economic, cultural, or academic boycotts including illegal settlements in the occupied Palestinian territories (OPT), that is, the West Bank and East Jerusalem.

Amendment 27 follows in the footsteps of the 2011 “Law Preventing Harm to the State of Israel by Means of Boycott,” which legally recognized the right of individuals in Israel to raise a civil lawsuit against anyone who calls for economic or academic/cultural boycott of Israel or Israeli businesses/institutions in the occupied Palestinian territories. In the language of that 2011 legislation, a boycott is defined as “deliberately avoiding economic, cultural or academic ties with another person or body solely because of their affinity with the State of Israel, one of its institutions or an area under its control, in such a way that may cause economic, cultural or academic damage.” Someone found guilty of such actions may be sued for damages. Much like the 2011 bill, this new legislation punishes people for expressing an opinion, and makes it difficult to pursue a peaceful and non-violent method of resisting the half-century old occupation.

Although the law appears primarily to target foreign nationals, it also directly threatens Palestinians from the West Bank and Gaza—including academics—who apply for permits to reside and work in Israel with their families, to enter the country for humanitarian reasons, or who have been living in Israel’s 1948 borders for a long time but who have not yet obtained permanent residency status. Those who applied for permanent residency for the purpose of family reunification saw that process halted by Israel in 2003. Furthermore, because Israel controls all movement into and out of the occupied West Bank and East Jerusalem, this travel ban will make it impossible for Palestinians who live outside of Israel/Palestine who support BDS to visit relatives inside of Palestine.

In other words, this measure introduces an ideological litmus test for anyone entering the country or seeking to enter areas under Israeli control, including the West Bank: only people with state-sanctioned opinions on this issue are welcome in the country. Such a position is a violation of the principles of free speech, freedom of conscience, and academic freedom alike. Although the amendment empowers the Minister of Interior to make exceptions to the ban at his or her discretion, this non-democratic exercise of executive authority does not allay our concerns about the fundamentally anti-democratic criteria according to which the Israeli government is now administering the movement of people across its borders.



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We therefore write to condemn this travel ban in the strongest possible terms, as it penalizes those who endorse a peaceful boycott of Israeli institutions in the West Bank and in Israel, and, more troublingly, it violates the principles of freedom of speech, freedom of conscience, and academic freedom that ought to be protected in a country that wishes to be recognized as a democracy. It is our hope that this Amendment will be repealed as soon as possible.

We look forward to your response.

Sincerely,

A handwritten signature in black ink that reads 'B. Baron' followed by a long horizontal flourish.

Beth Baron
MESA President
Professor, City University of New York

A handwritten signature in black ink that reads 'Amy W. Newhall' in a cursive style.

Amy W. Newhall
MESA Executive Director
Associate Professor, University of Arizona