



# Middle East Studies Association of North America, Inc.

The University of Arizona • PO Box 210410 • Tucson AZ 85721-0410

10 October 1997

Prime Minister Binyamin Netanyahu  
Office of the Prime Minister  
3 Kaplan St.  
Jerusalem 91919  
Israel

Dear Prime Minister Netanyahu:

The Committee on Academic Freedom in the Middle East and North Africa (CAF MENA) wishes to express its ongoing concern in regard to continued disruptions by the Israeli government of education in the West Bank and Gaza Strip. In particular, we note that these disruptions are due to the arbitrary violations of internationally protected rights to freedom of movement and education, and the imposition of collective punishment despite its illegality under international law. Our attention has returned to these violations in the context of the closure imposed by the Israeli government on the West Bank and Gaza Strip since September 4th, but in fact these violations have been regularly repeated since March of 1993, when closures first became a regular feature of Israeli policy.

The Middle East Studies Association comprises 2600 academics worldwide who teach and conduct research on the Middle East and North Africa. The association publishes the respected *International Journal of Middle East Studies* and is committed to ensuring respect for the principles of academic freedom and human rights throughout the region.

Since September 4th's bombing in Jerusalem's Ben Yehuda pedestrian mall, the West Bank and Gaza Strip have once again been placed under strict closure. In the West Bank, closures of roads in and out of Palestinian cities have caused massive disruption to institutions of higher education. As during previous closures, students and staff from the West Bank who are affiliated with institutions such as Birzeit or an-Najah Universities face onerous obstacles in reaching their campuses, thereby severely constricting educational life. In respect to Birzeit, for example, in 1996, the Ramallah-Birzeit road was sealed 6 times, resulting in the loss of one-and-a-half months of Birzeit University's academic calendar. This year, over two weeks have already been lost with the current closure likely to add to this number.

The situation of Gazan students is even more grave. Gazan students studying in the West Bank have been subject to continuous harassment by the Israeli government. This harassment has included the arbitrary denial of permits for security reasons to students who have no record of security offenses; delaying the issuance of permits until mid-way through the academic term so that it is too late for students to enroll; and refusing to renew for Gazan students valid permits which have been canceled because of closures. On the imposition of a closure in February 1996,



Israel canceled all permits for the 1,200 Gazan students studying in the West Bank and had them forcibly returned to Gaza. As of yet, they have not been permitted to return and many have been unable to graduate or take their final examinations. As a result of these policies, increasing numbers of Gazan students no longer even apply to West Bank universities, despite the fact that higher educational facilities in the Gaza Strip do not meet the needs of its population.

These policies clearly infringe on educational practice in the West Bank and Gaza Strip. Further, they are clear violations of internationally recognized rights which Israel has a legal obligation to observe. Specifically, the right to freedom of movement is affirmed by the Universal Declaration of Human Rights' (UDHR) article 13 and made legally binding by the International Covenant on Civil and Political Rights' (ICCPR) article 12. Israel is a party to the ICCPR, and thereby has an obligation to respect its provisions and refrain from arbitrarily restricting the movement of Palestinians. It is also worth noting that in the Oslo and Taba agreements between Israel and the Palestine Liberation Organization, the West Bank and Gaza Strip were recognized to be one integral territory and safe passage was guaranteed between them. Thus, in addition to its violations of international human rights law, the Israeli government's actions also violate its treaty obligations with the PLO in respect to freedom of movement.

Similarly, the right of all to education is affirmed by UDHR's article 26, and this right is made legally binding by the International Covenant on Economic, Social, and Cultural Rights' (ICESC) article 13. Israel is a party to the ICESC and thereby has a legal obligation to respect its provisions in regard to the right to education. It is worth noting that the ICESC specifically states in article 13b that "education in its different forms...shall be made generally available and *accessible to all* by every appropriate means" (*italics added*).

The imposition of closures on the West Bank and Gaza Strip is a sanction against all Palestinians in the West Bank and Gaza Strip in response to the actions of particular individuals. This constitutes collective punishment, which is illegal under international law. The Hague Treaty of 1907 (article 50) forbids collectively punishing a populace because of acts committed by individuals. A similar ban is included in the Fourth Geneva Convention of 1949, which the Israeli government has signed. Article 33 of the Geneva Convention affirms that a person cannot be punished for a crime that he or she did not personally commit. Without entering into a debate regarding the applicability of the Geneva Conventions to the West Bank and Gaza Strip, it is sufficient to note that the Israeli government has declared that it will voluntarily respect the humanitarian provisions of the Conventions in all matters concerning the territories conquered by Israel in 1967.

CAF MENA recognizes Israel's security concerns. It does not, however, see a correlation between Israeli security and denying students and staff access to academic institutions in the West Bank. We therefore respectfully urge that the Israeli government put an end to its policy of closures and, in particular, the policies which specifically target higher education in the West Bank and Gaza

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Strip. Such policies seriously damage Palestinian academic life; they harm hopes for peace and reconciliation between Israelis and Palestinians; and they are arbitrary violations of human rights law.

Sincerely,

A handwritten signature in dark ink, appearing to read "Anne H. Betteridge", with a stylized flourish at the end.

Anne H. Betteridge  
Executive Director

cc: Tzachi Hanegbi, Minister of Justice  
Shai Nitzan, Office of Attorney General  
Brigadier General Ilan Shiff, Judge Advocate General  
Brigadier General Shaul Mofaz, Commander of the West Bank  
Colonel Moshe Rosenberg, Legal Adviser for the Central Command  
Judge Yosef Harish, Attorney General  
Ambassador Itamar Rabinovich  
Oren Shahor, Coordinator of Activities in the West Bank and Gaza