

**Middle
East
Studies
Association**
of North America, Inc.

1219 N Santa Rita Ave
The University of Arizona
Tucson AZ 85721 USA

520 621-5850
520 626-9095 fax
mesana@u.arizona.edu
www.mesa.arizona.edu

June 14, 2005

Minister of Education, Culture, and Sports Limor Livnat
Chairperson, Council for Higher Education
34 Shivtei Yisrael Street
Kiryat Ben Gurion
Jerusalem 91911, ISRAEL

By Facsimile: 972 2-5602246

Dear Minister Livnat:

On behalf of the Middle East Studies Association of North America (MESA) and its Committee on Academic Freedom, I am writing to you and to the members of the Council for Higher Education, to request that the Council reject the May 2, 2005 request of the Israeli Government to accredit the College of Judea and Samaria, located on the West Bank settlement of Ariel as a university.

The Middle East Studies Association of North America (MESA) comprises 2600 academics worldwide who teach and conduct research on the Middle East and North Africa, and is the preeminent professional association in the field. The association publishes the *International Journal of Middle East Studies*, and is committed to ensuring respect for the principles of academic freedom and freedom of expression in the region and in connection with the study of the Middle East and North Africa.

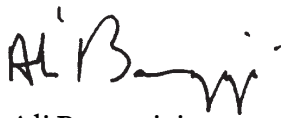
Our objection to this decision is based on the fact that Israel's settlements on the West Bank and in the Gaza Strip are in violation of international humanitarian law. Article 49 (6) of the Fourth Geneva Convention (1949) specifically forbids an occupying power from transferring and settling its own citizens in occupied territory. Article 55 of the Hague Regulations (1907) prohibits creating permanent changes in an occupied territory that are not intended to benefit the protected persons of that territory—in this case, the Palestinian inhabitants of the West Bank. It is manifestly clear that this college, like the settlement of Ariel, is not intended to benefit the area's Palestinian inhabitants. The College of Judea and Samaria has already increased the traffic of Israeli citizens to the illegal settlement of Ariel. The college's faculty and students are prime users of the Trans-Samaria Road, a four-lane highway built on confiscated Palestinian land. Palestinians, including those whose land was confiscated to build this highway, are prohibited from using major portions of that road. West Bank Palestinians, moreover, are absent from the faculty and student body of the college. The establishment of an institution of higher learning in an illegal settlement thus creates an additional obstacle to Israel's compliance with international law.

Indeed, the college to be upgraded lies in an area where the Israeli government is obliged to freeze all construction work under the "Roadmap" peace plan drafted by the United States, the European Union, Russia and the United Nations, endorsed by U.N. Security Council Resolution 1515 (2003), and accepted by the government of Israel.

MESA's Committee on Academic Freedom holds that the free exchange of ideas is among the human rights identified by the United Nations' Universal Declaration of Human Rights, Covenant on Civil and Political Rights and its Covenant on Economic, Social and Cultural Rights. This spirit of freedom of inquiry and exchange is the essence of what higher education should embody. It is clear that such exchange cannot occur at an institution of higher learning built on confiscated land and in clear violation of international humanitarian law. Moreover, upgrading the College of Judea and Samaria to the status of university, on a par with Israel's other universities inside its internationally-recognized borders, would demean the reputation of the latter by giving an illegal institution equal standing with the recognized high standards of Israel's universities as a whole.

For these reasons, we strongly recommend that the Council for Higher Education reject the request of the government to accredit the College of Judea and Samaria as a university, and recommend that it be relocated inside Israel's internationally recognized borders in order to provide educational opportunities to its present and prospective students. Israel must respect its obligations under international law and not tie legitimate educational requirements to its illegal settlement drive.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ali Banuazizi'.

Ali Banuazizi
President, Middle East Studies Association
Professor, Boston College