



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

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20 October 2022

Prime Minister Naftali Bennet
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Minister of Justice Gideon Sa'ar
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Brigadier-General Ghasan Alyan
Head of Civil Administration in the West Bank,
Coordination of Government Activities in the Territories (COGAT)
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Chief Clerk Idit Malul
Supreme Court of the State of Israel
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Dear Prime Minister, Ministers, Brigadier-General, and Chief Clerk,

We write on behalf of the Committee on Academic Freedom of the Middle East Studies Association of North America to protest Israel's directive, "Procedure for Entry and Residency of Foreigners in Judea and Samaria Region," scheduled to take effect on 20 October 2022. This draconian new policy regulating foreigners' entry into and residence in the West Bank grants the Israeli military the authority to prevent international faculty, students, and researchers, who wish to teach, study, and conduct research at Palestinian universities from entering Occupied Palestinian Territories (oPt). It directly infringes on the ability of our Palestinian colleagues to teach and research, undermines the academic freedom of Palestinian universities, and harms the local society and economy. We strongly condemn this policy as an attack on the Palestinians' right to education. It lacks any legitimate justification and is in violation of Israel's legal obligations as signatory of international treaties.

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 2800 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.

For the past three decades, Israel has been restricting Palestinians' movement within the West Bank and internationally. These restrictions have also limited the access of faculty, researchers, and students to Palestinian universities. This new Procedure institutionalizes and reinforces practices that have been directly affecting Palestinian higher education. It sets extreme restrictions on long-term visas for people seeking to teach and study in West Bank academic institutions (along with others seeking to work and volunteer). According to the new regulations, it is the Israeli Ministry of Defense which has the authority



to set academic qualifications for foreign faculty. In addition, it limits the visas to a maximum of 27 months, after which a person would have to leave the West Bank before applying for a new visa. In addition, most visas are single entry only, thus preventing a person from leaving the West Bank and returning during the period of the visa. After five years, the visa holders would have to wait nine months before being allowed to re-enter. These restrictions effectively prevent academic institutions from offering tenure to foreign faculty. For students, the procedure stipulates that they would be subject to an interview at the Israeli embassy or consulate, or their equivalent in their home country "if necessary." In addition, the procedure further restricts entry by imposing prohibitively high security guarantees, up to NIS 70,000 (almost US\$20,000). These measures will severely constrain all Palestinian academic institutions, limiting their recruitment and intellectual exchange possibilities. They will also undermine their ability to plan and execute long-term research programs, and limit existing projects and programs, including those funded by donor states and institutions from the European Union. This procedure only targets Palestinian institutions, and would not apply to foreign lecturers and students at Ariel University, located in a settlement in the West Bank, nor to foreigners travelling to Israeli settlements – which are illegal under international law.

Beyond academic institutions, the new procedure's restrictions also extend to short-term visits and to foreign spouses of West Bank residents, adversely affecting social, cultural, and economic life in the West Bank. Short-term visits are limited to: first-degree relatives of Palestinians; recognized journalists, approved by the Government Press Office or who have proven to officials that they are employed by an international media organ; and businesspeople and investors, whom the Ministry of Defense deems to have "importance to the region." The procedure thus prevents visits by researchers, extended family or friends, tourists, pilgrims, or cultural visits. The new regulations also transfer to Israel the authority to approve requests by foreign spouses for residency status in the oPt (which was given exclusively to the Palestinian Authority under the Oslo Accords). As Israel has refused to accept family reunification requests over the past two decades, foreign spouses must rely on visas to enter and live in the West Bank. The Procedure drastically restricts these visas, and denies thousands of Palestinian families the right to live normal, uninterrupted lives together.

The initial announcement of the Procedure in February 2022 was met with protests from Palestinian universities and organizations, Israeli academia and civil society, and the diplomatic community. HaMoked Center for the Defense of the Individual, also filed a legal challenge with the Israeli High Court of Justice. It was in that context that on 5 April 2022 MESA sent you a letter protesting the first draft of the procedure in question, which was initially scheduled to take effect in May 2022. In response to the legal challenge, the Defense Ministry released an amended version in September 2022. Despite some limited revisions, the Procedure remains highly restrictive on any entry

to the West Bank, whether for short and long-term visits, or for foreign spouses of West Bank residents.

Israeli academic institutions and bodies themselves recognize the harm in the restrictions established by these new regulations, and protested them after the publication of the initial document. The presidents of the Hebrew University of Jerusalem and of Tel Aviv University stated in a letter to the Minister of Defense, "We believe that the Procedure violates academic freedom without adequate justification. The military commander is entrusted with maintaining security and the only limitations that can be justified are ones related to security risks posed by a particular person." They thus called for the cancellation of the procedure and its replacement with one that "gives due consideration to the importance of academic freedom and access to academic education" in the oPt.¹ The Senate of the Hebrew University also condemned the regulations, stressing that "There is no room for the military government's intervention in study and research" and that "there are no security considerations that justify such an intervention," as all lecturers, researchers and students already require an entry permit from the security authorities.²

The restrictions in the new procedure are a violation of Israeli legal obligations as an occupying power, as there is clearly no legitimate security reason for them, nor do they advance the welfare of the local population (the only two reasons the Israeli army is allowed to act in the West Bank according to international law). The procedure is also a clear violation of Palestinians' right to education, enshrined in Article 26 of the 1948 Universal Declaration of Human Rights and Article 13 of the 1966 International Covenant on Economic, Social, and Cultural Rights, which Israel is obligated to uphold. Despite the broad international outrage, your government is set to proceed with the implementation of this Procedure on 20 October 2022.

Along with other academic and other institutions who have voiced their opposition to this Procedure, we call upon the Israeli government in the strongest possible terms, to revoke these new measures, to ensure full freedom of movement to faculty and students at Palestinian universities, and to cancel all restrictions on studying in, researching at, and establishing academic relationships with Palestinian academic institutions.

We look forward to your response.

Sincerely,



¹ Tamar Trabelsi-Hadad, "'Visit quotas' for Palestinian universities? 'Don't give ammunition to BDS'" [Ynet](#), 28.6.22.

² Letter from the University Senate to COGAT, 23.6.22. A similar letter was sent from the Scientific Council (SC) of the Weizmann Institute of Science.



Re: COGAT regulations' impact on international scholar selection

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Eve Troutt Powell
MESA President
Professor, University of Pennsylvania

A handwritten signature in black ink, appearing to read 'Laurie Brand', is written in a cursive style.

Laurie Brand
Chair, Committee on Academic Freedom
Professor Emerita, University of Southern California

cc:

European Coordination of Committees and Associations for Palestine (ECCP)

Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy (EU)

Francesca Albanese, UN Special Rapporteur on the Situation of Human Rights in the Palestinian territories

James Heenan, UN Office of the High Commissioner for Human Rights, Ramallah

UN Office of the High Commissioner for Human Rights, MENA section

Noha Bawazir, Head of Office and UNESCO Representative, UNESCO Liaison Office, Ramallah, Palestinian delegation to UNESCO

Viktor Almqvist, Press Officer - Committee on Foreign Affairs (AFET) and Subcommittee on Human Rights (DROI), European Parliament

The Honorable Volker Türk, UN High Commissioner for Human Rights

The Honorable Mary Lawlor, UN Special Rapporteur on the Situation of Human Rights Defenders

Maria Arena, Chair of the European Parliament Subcommittee on Human Rights

Dunja Mijatovic, Council of Europe Commissioner for Human Rights

Kato Piri, Member, Committee on Foreign Affairs, European Parliament



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Irene Khan, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Hon. Catherine Lhamon, Assistant Secretary for Civil Rights, Office for Civil Rights, U.S. Department of Education

Hady Amr, Deputy Assistant Secretary of State for Israel and Palestinian Affairs, U.S. Department of State

Christopher Le Mon, Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State

Scott Busby, Acting Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State

Thomas R.Nides, Ambassador, U.S. Embassy, Israel

George Noll, Palestinian Affairs Unit Chief, U.S. Embassy, Israel