



CAMPAIGN FOR THE RIGHT TO ENTER THE
OCCUPIED PALESTINIAN TERRITORY (OPT)

حملة الدفاع عن حق الدخول والإقامة لحملة الجوازات الأجنبية إلى الأراضي الفلسطينية المحتلة

A Grassroots Campaign for the Protection of Foreign Passport Holders Residing in and/or Visiting the oPt

Website: www.RighttoEnter.ps , Email: RighttoEnter@gmail.com , Tel: +970 (0)59 817 3953

Academia Undermined:

Israeli Restrictions on Foreign National Academics in Palestinian Higher Education Institutions

Field Research by Ruhan Nagra

May 2013

Table of Contents

1. Executive summary and recommendations
2. Introduction
3. Challenges to the quality and scope of education
4. Challenges to research and faculty development
5. Impact on the overall university experience
6. Impact on planning
7. Adaptive strategies
8. Impact on foreign academics
7. Conclusions

Appendices

In their own words - quotes from Palestinian University officials and staff

Testimonies of foreign academics

Views of an Israeli academic

International human rights framework - covenants on right to education

Academia Undermined:

Israeli Restrictions on Foreign Academics in Palestinian Higher Education Institutions

1. Executive summary and recommendations

The quality of Palestinian education and higher education in particular, has been very negatively impacted by the prolonged Israeli military occupation. Schools and universities have been closed for extended periods. Students, staff and faculty have had restricted access to schools and institutions of higher education due to the pervasive and arbitrary Israeli regime of internal movement restrictions. The impacts on all levels of education have been well documented.¹

This report focuses on only one of the many problems related to movement and access restrictions that affect the quality of and access to education in the occupied Palestinian territories (oPt): the implications of Israeli restrictions on entry and residency for foreign academics wishing to serve at institutes of higher education operating in the (oPt). It is important to note that the term “foreign” is something of a misnomer: Israel treats all individuals without an Israeli-issued identity card [“hawiyya”] as a foreigner even if they are of Palestinian origin and even if they and/or their parents are born in Palestine. Thus “foreign” academics refers to anyone who does not hold a Palestinian identity card and must therefore enter the oPt on a foreign passport regardless of whether or not they are of Palestinian origin. “Foreign” academics or “foreign” nationals could therefore be of Palestinian origin (as is frequently the case) or have no Palestinian roots.

The report details

- The impact on the quality of education provided, and
- The impact of the isolation of Palestinian academia from the broader academic community on the development of their academic institutions and educational development in general.

It concludes with some recommendations.

Research for this study was conducted by the Campaign for the Right to Enter the oPt (RTE), and was based on interviews with university officials, department chairs, faculty members and students at four Palestinian universities, three in the West Bank (Birzeit, Al-Quds, and Bethlehem) and one in Gaza (Islamic University of Gaza). Interviews were also undertaken with Israeli academics, and some case studies and testimonies were gathered on the actual experiences of foreign academics trying to enter the oPt and work at Palestinian universities. Additional material presented is drawn from RTE’s previous and ongoing research into issues around access, movement and residency in the Israeli-occupied Palestinian territory.

Major findings:

¹ www.right2edu

Israeli-imposed entry and residency restrictions on foreign academics have severely diminished opportunities for development of faculty, courses, and research programs at Palestinian institutes of higher education.

Over the last decade, as recruitment of foreign academics has shrunk, higher education institutions have limited their programs of study and cut back on the development of their research programs. Students do not have exposure to a diversity of perspectives, new ideas, cultural norms, ways of thinking and conceptualizing knowledge. With a shortage of qualified academics in highly specialized and cutting-edge fields, research capabilities have been undermined. Skill acquisition in second languages is being atrophied and the knowledge base and academic erudition of the institutions are being diminished as few new approaches and content flow in.

Foreign academics are less willing and able to consider taking up teaching and research posts in Palestinian institutions of higher education due to the arbitrary and unpredictable restrictions on entry and residency to which they may be subjected.

Israel has established no clear and transparent policy, processes and procedures for issuing entry visas and residency permits to foreign passport holders wishing to visit or work in the West Bank and Gaza Strip.

Foreign academics have no reasonable guarantees that they will be permitted to travel to the Palestinian universities that recruited them, remain in the oPt for the duration of their academic contracts, or return to their universities should they travel abroad even briefly for academic or personal reasons. The broad discretion exercised on these matters by Israeli officials controlling entry at border crossings and handling applications for permit renewals and residency compounds this uncertainty and absence of accountability. Foreign academics have been arbitrarily denied entry at border crossings, refused extension of visas in mid-semester, refused re-entry to complete their contracted work, and been issued with visas that restrict their internal movement.

Consequently, the numbers of foreign academics willing and able to teach at Palestinian universities are decreasing. Interviews conducted for this report confirm that this is directly due to the uncertainties and difficulties of securing permission to enter the oPt or to stay for the limited or extended periods required to carry out their academic objectives and commitments.

For decades Israel has operated a broad regime of internal and external movement and access restrictions to the detriment of Palestinian higher education and other vital Palestinian economic, social welfare and development processes in the West Bank and Gaza Strip. In light of its arbitrary and indiscriminate character, political inspiration and disruptive impact on Palestinian civil life, this broad restrictive regime clearly contravenes international law.

The expertise and participation of foreign passport holders, including diaspora Palestinians, is often required to support each of these vital processes. For this specific reason, the arbitrary and indiscriminate restrictions on entry and presence to which foreign passport holders, including academics, are subjected clearly contravene international law.

A long line of UN Security Council and General Assembly resolutions, rulings of the International Court of Justice and Israel's own Supreme Court affirm Israel's obligation to exercise its control over the occupied West Bank and Gaza Strip in strict accordance with international humanitarian law (including the Hague Convention of 1907 and the Fourth Geneva Convention of 1949) as well as applicable international human rights law. As the occupying power, Israel is obligated to both protect and facilitate the functioning of Palestinian civil institutions, including Palestinian institutions of higher education. It is therefore also obligated to exercise its control over the entry and presence of foreign academics in a manner that causes no unnecessary or unjustifiable harm to Palestinian higher education, and to the Palestinian population's right to education. Moreover, Israel may not exercise this control politically, to serve what it considers to be its own national interests.

Because restrictive measures do cause harm, they may only be justified on the basis of legitimate grounds of necessity: to protect the security of an occupying power's own forces; to enable the occupying power to comply with its obligations under international humanitarian law and international human rights law, including its obligation to ensure safety and public order in occupied territory; to benefit the protected civilian population.

No legitimate grounds of necessity can be plausibly invoked to justify the difficulties actually imposed on foreign academics teaching at Palestinian universities. There is no evidence that foreign academics denied entry into the oPt, or denied the visa extensions and renewals needed to complete their teaching commitments, pose any sort of threat to security.

Third States have important responsibilities vis a vis the unlawful restrictive measures against foreign academics discussed in this report. These stem from their customary duties in international law to oppose, and not acquiesce to its violation, including the duty of States not to recognise as lawful any serious breach of international law, or an unlawful situation created by that breach. This duty is reaffirmed under the international law of occupation as the duty to 'ensure respect ... in all circumstances' set out in Article 1 common to the four Geneva Conventions of 1949.

When restrictive measures are imposed on the entry or presence in occupied territory of foreign nationals, including foreign academics the first question that should be asked by their own States, as High Contracting Parties to the Fourth Geneva Convention, is whether the restrictions can be justified in light of the disruption caused to the civil life of the territory or the harm caused to the rights of its protected civilian population. The second question that State should consider asking, as a matter of their responsibilities to their own nationals, is whether their nationals are being targeted wrongfully, in particular on the basis their ethnicity or religion. This report and its appendices provide ample indications that both of these wrongs are indeed being committed widely, persistently and unaccountably. States have clear rights to ask such questions and pursue satisfactory answers from Israel. They have the option to cooperate and seek satisfaction jointly. It should be emphasized in this connection that the unquestioned right of any State to limit or deny entry into its own territory as it sees fit does not apply Israel's occupation of Palestine. In the case at hand, repeated failures to pose the proper questions and pursue the satisfactory answers to which States are entitled, especially

in cases involving their own nationals, implies acquiescence to Israel's breaches of international humanitarian law.

Recommendations:

We call on Palestinian educational institutions and representatives including universities, local academics, Palestinian Education unions, the Palestinian Authority, the Ministry of Education and Ministry of Higher Education, the PLO to work together to face this challenge. In particular, we urge

- Establish monitoring mechanisms within their institutions to track numbers of foreign academics on faculty, the visa/residency issues they face, loss of academic programs involved, and the costs incurred
- Take collective action on right to enter restrictions practiced by the Israeli authorities on foreign academics
- Activate right to education (right2edu) networks² across the education sector throughout the oPt and globally to proactively monitor and address this issue
- Ensure that the consequences of access and movement restrictions on education are fully understood by local and international human rights organizations and Third States
- Ministry of Higher Education (MoHE) to raise issue of movement and access with Palestinian diplomats abroad

We call on international academic institutions and civil society institutions worldwide to join in support of a campaign that would:

- Call for an immediate halt to Israel's arbitrary and abusive practice of denying entry to foreign nationals traveling to the oPt to promote educational development
- Demand Israel's adoption and implementation of a clear, documented, and transparent policy enabling unhindered access to the oPt by foreign nationals who are coming to educate or promote educational development

We call on Israel to:

- Immediately eliminate the prohibitive stipulation "NOT ALLOWED TO WORK" added to visas issued to academics or researchers who are working for Palestinian universities in the oPt with the full prior knowledge of the Israeli authorities
- Provide multiple entry visas for people who are extending their visas, including family members
- Provide explicit assurances that people who have previously been denied entry will be permitted to re-enter the oPt
- End the practice of issuing permits that restrict exit and re-entry, or restrict the area of the visit (e.g. "Judea and Samaria only")
- End the practice of issuing permits of less than three months to those traveling to the oPt

² Right to Education
Academia Undermined
www.righttoenter.ps

- Cease the collective punishment of those whose relatives may have “overstayed” their original visa duration.

We urge Third States that have friendly relations with Israel to:

- Demand Israel’s adoption and implementation of a clear, documented, and transparent policy enabling unhindered access to the oPt by foreign nationals who are coming to educate or promote educational development
- Provide diplomatic support to their own nationals and citizens who are coming to work as educators, academics and researchers in Palestine
- Monitor and facilitate the entry of nationals traveling to occupied Palestinian Territory to provide educational, social, economic or development services at border crossings controlled by Israel
- Monitor and take steps to facilitate the issuance of residence permits for those nationals for the duration of their work contracts or periods of research
- Insist on ascertaining the factual justification and legitimacy of entry and residency restrictions imposed on those nationals on the basis of the applicable rules of IHL and principles of human rights law referred to in the Report’s introduction. Contest restrictions that lack lawful justification
- Ensure that the correct treatment accorded to Israeli nationals seeking to enter their countries is reciprocated by Israel’s correct treatment of their own nationals seeking to enter the oPt via Israeli-controlled borders.

2. Introduction

The right to education is a fundamental human right that is basic to human freedom. This report focuses on only one of the many problems related to movement and access restrictions that affect the quality of and access to education in the oPt: the implications of Israeli restrictions on entry and residency of foreign academics wishing to serve at institutes of higher education operating in the oPt. There are a range of other Israeli policies which impact educational provision including restriction on students and faculty holding Palestinian IDs from travelling abroad; denial of education to Palestinian political prisoners; the particular issues of Jerusalem (lack of schools in East Jerusalem, high dropout rates, no recognition of Palestinian university certificates); and the internal travel restrictions between the West Bank and Jerusalem, within the West Bank itself, and between West Bank, Jerusalem and Gaza,³ the destruction of schools and violence perpetrated against students and teachers at home, en route to schools and even within schools, which has led to the death, injury and psychological trauma to generations of Palestinian children over more than four decades of occupation.

This report details some of the major impacts on Palestinian universities of the Israeli entry and residency restrictions practiced against foreign academics. The report draws on a range of qualitative data in the form of interviews and from staff of a representative group of four Palestinian universities one each from the North, Centre and South of the West Bank and one from the Gaza Strip.

Restriction on entry and residency for foreign academics is contributing to the growing isolation of Palestinian academia from the wider academic community and circumscribing the scope and quality of basic undergraduate education, undermining research and faculty development of higher education institutions, and compromising the overall university experience for faculty and staff, thus harming Palestinian education and development.

3. Challenges to the scope and quality of university education

Low standards and limited scope for undergraduate education: As student bodies expand in Palestine due to natural population growth, more faculty is required to teach them. In addition, in order to maintain the competitive quality of undergraduate education, university curricula have to be continuously upgraded and developed through exposure to new ideas and research in all fields. As a result, in order just to maintain academic standards, Palestinian universities need to increase their recruitment of suitably qualified staff. The pace of recruitment, however, is extremely slow, largely because Palestinian universities are unable to look abroad to ameliorate shortages of qualified academics. This is particularly so in the absence of PhD programs in the country.

Academics who have taught and participated in curriculum development at universities outside the oPt would have much to offer in the way of enhancing and updating curricula at Palestinian universities by establishing new concentrations within a Bachelor's degree program, offering courses in new fields of specialization, establishing collaborative research endeavors, and bringing

³ Students from Gaza cannot study at West Bank universities, professors from Gaza cannot teach at West Bank universities. In this way, Israel's occupation has rendered higher education in Palestine unable to function as a contiguous entity, resulting in breaches not only of the right to education for Palestinian students, but also of Israel's obligation under the Oslo Accords to recognize the West Bank and Gaza Strip as a single territorial unit.

new perspectives and approaches. In addition, some subjects by their very nature such as foreign language instruction are effectively compromised without native speaker resources.

Dependence on a very small local pool of knowledge:

Palestinian universities' difficulties in recruiting foreign faculty means universities have to resort to the very small pool of local Palestinian talent, despite the fact that Ministry of Education and University officials confirm that there is a significant reservoir of highly accomplished Palestinian academics working abroad ready to come as either permanent faculty or visiting professors. Heads of Palestinian university departments ranging from history to engineering, explain that oftentimes when they post department vacancies, they receive few-to-no applications from qualified individuals. This is especially the case when recruiting for highly specialized, cutting-edge, and relatively new fields with an already limited pool of experts. Difficulties in recruiting foreign faculty similarly hinder the development of foreign language programs by blocking possibilities for recruiting native speakers.

"I put an ad in the newspaper three months ago ... I'm asking for a Mechatronics engineer ... Mechatronics is a relatively new engineering field, and we can't find anybody." (Ibrahim Hammad, Birzeit University Mechanical

Shortages in qualified teaching staff force university departments to not only weaken existing programs and departments but can lead to the exclusion of certain areas of specialization altogether.

"Very, very few academics have been able to enter Gaza for a very short time, for very short courses or to give a brief training. And they leave Gaza very shortly after that. But foreign academics who stay longer or permanently in Gaza – that is impossible." (Waleed Al Modallal, Associate Professor, of Political Science, Islamic University of Gaza)

While Palestinian universities in the West Bank are experiencing great difficulties in bringing foreign academics to work in their institutions, universities in Gaza face an even bleaker situation of extreme isolation than their counterparts in the West Bank. Israel's long time policy of separation between the West Bank and Gaza was consolidated with the near complete siege on Gaza since 2006. As a result, additional permits have to be obtained to enter Gaza once entry to Israel has been granted. These permits are difficult to obtain; they are issued to only limited groups of people (primarily humanitarian workers associated with international organizations) and are valid for limited periods of time, days rather than weeks. As a result, foreign academics are restricted to providing days rather than weeks of service.

Recycling of knowledge and teaching methodologies: As opportunities for improving faculty qualifications and curriculum development is stymied, the quality of academic instruction is inevitably undermined. Department heads in Palestinian universities frequently note that hiring their own graduates – or the graduates of other Palestinian universities – results in "*recycling old knowledge*". Universities have tried to address this issue by sending students abroad for Masters and PhD programs before returning to join the faculty of their undergraduate university but have found, however, that although students with advanced degrees enjoy a greater scope of knowledge, their basic *foundation of knowledge* remains the same. As a result, they by and large simply continue to feed that same knowledge back into the system that provided it. Post graduate students need some years of immersion in teaching abroad at undergraduate level to absorb innovative approaches and ideas before being able to contribute to the production of knowledge and

development of stronger foundations for higher education. University staff maintains, and international academic institutions worldwide affirm⁴, that the most effective way to interrupt this inbreeding of knowledge is to recruit academics who have obtained their Bachelor's degree – from which one's foundational base of knowledge is derived – abroad and Israeli restrictions on foreign academics continue to preclude doing this in any regular, systematic way.

4. Challenges to research and faculty development

Limitations to post graduate programs: A university combines both higher education and research in its vision, and it grants academic degrees in a variety of subjects and provides both undergraduate education and postgraduate education. Palestinian universities rightly aspire to this vision of becoming communities of teachers and scholars, pushing the boundaries of knowledge and creating individuals who can contribute to the development of their own community. Academics and university officials throughout the oPt consistently cite the importance of establishing connections, collaborating, and exchanging ideas and knowledge with colleagues and higher education institutions worldwide through conferences, workshops, professional development opportunities, and research.

“The average teaching load for a university professor should be twelve credit hours per semester. At Palestinian universities, the average load is fifteen to eighteen credit hours per semester, which is an additional quarter to half of the ideal load. The result of this is that quality is reduced – we are worried that quality of teaching is suffering as a result of this overload – and faculty has less time to conduct research.” (Fahoum Shalabi, PA Deputy Minister of Higher Education)

Developing Masters and PhD programs at Palestinian universities is a strategy which can both help to cope with the lack of qualified staff, promote collaborative research and development projects, and grow stronger linkages with the international academic community of which they are a part. Doctoral programs abroad for Palestinian university faculty, which were well funded in the past by international donors, no longer receive the same financial support. At the same time, the restrictions on entry and stay of qualified foreign academics restrict possibilities for establishing these academic programs inside the oPt. Visiting professors and thesis supervisors are particularly needed and are willing to come but are unable to do so because of the visa issues. University and PA Ministry of Higher education officials confirm that there are significant numbers of highly qualified

Palestinian academics teaching abroad who would be excellent candidates for permanent faculty or visiting professors willing to, but getting visas – even for short periods – is extremely difficult.

For example, Birzeit University is currently in the process of developing its first-ever doctoral program, but faculty members and university officials find themselves caught in catch-22: while the establishment of PhD programs is seen as part of the solution to the various problems confronting universities under occupation, restrictions on foreign academics makes it extremely difficult to develop doctoral programs that meet even basic standards. With already-existing shortage of qualified faculty – in part a result of restrictions on foreign academics – Birzeit University will not be

⁴ Other institutions worldwide prefer to limit hiring their own graduates to avoid circulation of the same ideas, knowledge, and teaching methods. They seek to draw in graduates of as wide a range of institutions as possible in order to expand the scope of the education they are able to provide, and facilitate the entry and intermingling of diverse perspectives and backgrounds. In the oPt, this is not possible, due to Israeli restrictions on entry

able to establish its planned PhD program without importing the necessary personnel, including professors and student advisors who specialize in a range of fields.

“Universities try to be cosmopolitan and it doesn’t serve our students well that they are educated only by Palestinians. Like all self-respecting universities worldwide – we would like our university to be cosmopolitan both in faculty and student composition and in creating attitudes that are cosmopolitan amongst our students. I use the word cosmopolitan in the good sense of the word – in the sense of being open to other cultures, being adaptable, being willing to try and willing to listen and learn from other cultures and interact with them positively. We’re thwarted in that effort of inculcating cosmopolitanism by the uniformity of our faculty. We would like to have foreign faculty – not just Palestinian academics holding foreign passports but also foreign academics – because that is part and parcel to what a university is. The word university in most languages indicates inclusiveness, universality, and we’re consigned to a very narrow university experience that we provide our students in that respect, because of these difficulties.” (Birzeit University President, Khalil Hindi)

5. Impact on the overall university experience

The academic isolation resulting from Israel’s restrictions on movement and access confines the experience of Palestinian students to a much narrower and more insular one than most universities worldwide, systematically limiting students’ opportunities for self-realization and exploration. Interaction with international faculty who bring a multiplicity of perspectives and experiences is an invaluable contribution to an enriching education for its students, and to the creation of a true university experience, with all that the word signifies of diversity inclusiveness, and open, positive attitudes towards other cultures. The absence of foreign faculty limits the ability of Palestinian universities to broaden student’s horizons by providing firsthand experience in interacting with other cultures and ways of thinking.

6. Impact on Planning

Unpredictable disruption of courses: Each time a foreign academic is denied entry or has to travel in the course of a semester to renew a visa, the functioning of a university departments is disrupted. Departments at Palestinian universities are relatively small, and the possibility that a foreign academic could be denied entry upon any attempt to re-enter throws the department into a perpetual state of instability with the uncertainty regarding the academic’s ability to re-enter persistently looming. The department must be prepared for every contingency, restructuring the teaching load with inevitable negative consequences on all other faculty, who have to share the increased load between them. In addition, as a result of the greater teaching burden imposed on them, research work also suffers.

“If we get a phone call from someone saying, ‘sorry, they’re denying me entry,’ what do we do for the last four weeks of the semester when maybe 120, 150 students have had the same teacher for three months – what do we do? Literally, it’s like when someone dies, you fill in and you make do but it wreaks havoc on our planning and even the teaching process to have that kind of disruption.” (Brother Robert Smith, Bethlehem University)

“We are unable to recruit because there is no guarantee they can stay after three months. Last year we received an application from a very highly qualified foreign candidate; we couldn’t even look at his application – we couldn’t even consider it. It’s a big risk. It takes a year to train somebody. So you need some sort of guarantee that they can come back because no one comes here and just starts working – we invest in them first. It’s a lot of investment. What we have is very dangerous because not only do we need [foreign academics] academically, but we desperately need that window to the outside world for our students’ sake.” (Rita Giacaman, Birzeit University, Institute of Community and Public Health)

In some cases, departments have been so badly impacted, that closure was considered as an option, rather than the significant restructuring required to accommodate new staffing realities..

Organizing international or even regional conferences is problematic as it is especially difficult for academics from surrounding Arab countries to enter the oPt. Conferences are subsequently held in regional locations to which both foreigners and Arab academics are able to access, increasing costs and logistical work for the Universities concerned.

7. Adaptive Strategies

Dealing with the political force of occupation: Discussions with department heads at universities across the West Bank and Gaza reveal that although all agree on the need for foreign academics, many of them are not inclined to reach out to foreign academics during the recruitment process and/or are less likely to consider applications from foreign passport holders because of the potentially insurmountable challenges regarding permission to enter and stay. Despite acknowledging the setbacks in terms of lost potential academic opportunities, the challenges of managing the recruitment of foreign academics - the deleterious impact on the students, the financial losses that their universities and the foreign academics incur, the amount of time they have to devote to dealing with the logistics, rather than teaching and research are overwhelming. Different coping strategies have been adopted to deal with the situation. While some university officials are opting for a re-focus of their recruitment efforts on Palestinian ID holders, others still continue to press for foreign academics. (For more details see Annex 1, *In their own words*)

Basma Omari, for example who has served as chair of the Birzeit French Department for the past five years, explains that she has given up entirely on recruitment of foreign academics since last year. Two instructors from France were denied entry at the border and it has proven virtually impossible to ensure the arrival of instructors from French-speaking Arab countries, or academics of identifiably Arab origin. Twice, Omari was obliged to tell highly qualified native French-speakers with Canadian passports that they might as well not bother applying for a vacancy in the department because they had Lebanese and Tunisian roots and Arabic names.

By contrast, Ibrahim Hammad, Mechanical Engineering Department as disillusioned as he may feel about the prospect of recruiting foreign staff, says that ultimately his department would not stand in the way of a qualified non-ID holder with a strong desire to teach at the university.

“We would appreciate it. Foreign academics come on a visa for three months, then they have to go to Jordan for a few days and then try to gain re-entry – it’s going to be hectic for them and for us but we wouldn’t stand in their way. After all, they are making the extra effort to go around these obstacles” -- Ibrahim Hammad. Interview. Birzeit. Palestine. April 2012

8. Impact on Foreign Academics

Foreign academics are heavily impacted by the accumulated stress and costs associated with the repetitive efforts required to enter and re-enter the oPt and maintain legal residency to honor the terms of their contracts with universities and other institutes of higher education. They have been denied entry at the beginning of their teaching contracts, denied re-entry in mid semester, or have been deported when returning to teach from conferences outside the oPt. Some are separated from

“You can’t imagine the psychological destruction that comes from leaving every three months and the expense that comes with it. All the tensions, the anxiety, the uncertainty – its affects your psyche and your performance in very subtle ways. We’ve been here thirty years, my family and me, but it’s been terrible – really it’s worn us down. It creates huge stress which accumulates” (Roger Heacock, Professor of History, Ibrahim Abu Lughod Institute of International Studies, Birzeit University)

their family members, who are denied entry or re-entry. We have documented cases of foreign academics who have been held for prolonged periods of time under interrogation at Israeli borders, suffering verbal and physical abuse before being deported. (See Annex 2, Case Studies of impact on Foreign Academics)

The costs incurred include legal services, extended stays in neighboring countries for themselves and family members waiting for their cases to be processed, and flights back to countries of origin for family members who are eventually denied entry. The ever-present anxiety that foreign academics experience also has an impact on their professional performance.

9. Conclusion

Israel’s continued refusal to issue a transparent, non-discriminatory and lawful policy on access into and out of the oPt for foreign nationals constitutes a serious barrier for foreign nationals wishing to join Palestinian universities – whether as faculty, staff or students, obstructing the development of Palestinian institutes of higher education and the education sector and Palestinian society more broadly. Without the ability to secure proper visas and permits to reside and work in the oPt – and to ensure free movement and access inside the oPt, universities are left in the untenable position of being unable to recruit scholars and others who can help universities fulfill their missions. Efforts to ensure quality of education are thus severely compromised. Given the widely recognized relationship between access to quality education and broader developmental goals, these restrictions are not only detrimental to the sector but unquestionably undermine broader developmental efforts and the overall welfare of the Palestinian population

The international community should insist that the Israeli authorities, bound by international humanitarian law as an occupying power to protect the welfare of the occupied Palestinian population, provide and implement a clear, transparent and lawful policy that will allow faculty, staff and students to work or study in Palestinian universities without disruption. Issuance of proper residence permits for the entire duration of the academic year or work contract is crucial to ensuring proper functioning of universities.

Third States maintaining friendly relations with Israel command the standing to challenge the arbitrary exclusion of their nationals from the occupied Palestinian territory. They have a clear obligation to scrutinize Israel's exercise of authority as an occupying power and to oppose arbitrary denials of entry and residency that harm Palestinian educational life and development. They are best placed to promote Israel's compliance with international humanitarian law and to take appropriate measures based on reciprocity to ensure the correct treatment accorded to Israeli nationals seeking to enter their countries is reciprocated by correct treatment of their own nationals seeking to enter the Palestinian occupied territory via Israel-controlled borders.

Appendix 1 – In their own words: Testimonies and interviews with Palestinian University staff and officials

Challenges to the scope and quality of education

“There is a reservoir of highly trained and highly educated and highly accomplished Palestinian academics abroad with foreign passports that we would like to get either as permanent faculty or as visiting professors for long periods – a year, two years, and so on. And many of them would come and serve given the chance. But we repeatedly run against the difficulty of getting visas.” (Khalil Hindi, President, Bir Zeit University)

“There are a lot of highly qualified Palestinians abroad who are working in foreign universities, but they are not able to come here because they do not have hawwiye [Palestinian ID]. Even if they want to come for a short visit – a year – they need a visa and in many cases the Israelis do not grant it”. (Fahoum Shalabi, PA Deputy Minister of Higher Education)

“The visa issue is much more weighty, especially for older academics who prefer to come for shorter periods, like a year, and don’t care about the financial situation. Even if it’s a volunteer position, they will say yes. I know some Palestinians in the diaspora who are ready to come as volunteers. The problem is with the visas.” (Fahoum Shalabi, PA Deputy Minister of Higher Education)

“We plan to have a college of academics associated with the program – a college of academics worldwide – and members of this college will come to Birzeit to teach courses intensively over 3 weeks, 4 weeks, 2 months – within the visa duration. You might say that in that sense we’re colluding with the system that is being imposed on us, but we’re trying to work within it” (Khalil Hindi, President, Birzeit University)

“We are planning to appoint two faculty for the upcoming academic year. One of the best candidates has a German passport, and we are thinking really hard about whether we can appoint him because we face a problem with the visa. Very, very qualified and he really wants to be here but – we will try hard to get him here. But from our previous experience, we know that it’s too difficult. He’s a Palestinian-German. He studied in Canada, the United States, and he got his PhD from Sweden. And he worked at Harvard Medical School in Boston and after that in the university clinic in Bonn, Germany. He’s very qualified, but to get him here – it’s not easy. So we have a real problem with that.” (Jamil Harb, Department Chair, Biology, Birzeit University)

“I’m facing this problem every year. I’m starting to hire some people and the problem with hiring people who graduate from here is that there is something in academia called ‘recycling knowledge.’ We want something new. I’m teaching somebody and then he comes back and teaches the same stuff to people – we don’t want to recycle knowledge. We need to broaden. For example, my school in the States where I got my PhD was not interested in hiring me – not because I was bad, but because they don’t want to recycle knowledge. They want to get somebody from Brown University, from Yale, whatever, in order to have new perspectives. And this is the right way to go with academia.” (Ibrahim Hammad, Department Chair, Mechanical Engineering, Birzeit University)

“Oftentimes we have to close down these subjects or fields – we can no longer offer them. Sometimes we merge two fields into one in order to overcome the shortage of academics. We are also forced to recruit academics who are not qualified enough to teach at the University, and that creates lots of problems. We have contacted qualified academics outside Palestine but of course the issue is that they cannot get into Gaza.” (Waleed Al-Modallal, Associate Professor of Political Science, Islamic University of Gaza)

“Palestinian universities all suffer from the fact that most of the faculty has not experienced international education except as PhD students. And universities really rely for curriculum development and academic development and research on people who have experienced these things at other universities and other systems under different conditions and then bring in the wealth of experience to the institution they serve in a different country in a different context.” (Khalil Hindi, President, Birzeit University)

“When I came here in 2004, I used slides and LCDs. And people didn’t like it – the idea about a good teacher is that he has a blackboard and chalk and starts writing. But I’m wasting my time if I want to draw a picture – it’ll take me 15 minutes out of 50 minutes. I can show them a slide in 5 seconds. Personally I did that. You bring that and your colleagues will be convinced that it’s a good way. Other people when they come here will bring new methods. Teaching methodology is very important – doesn’t work with knowledge only. You have to be able to communicate and convey your message. Science is a message; you need to be able to convey it to students. I think this is one of the strengths of recruiting people from outside – we have to communicate these methodologies and you can’t do that without recruiting.” (Ibrahim Hammad, Department Chair, Mechanical Engineering, Birzeit University)

“We depended on Lynn Welchman from the School of Oriental and African Studies, University of London (SOAS) and on Amr Shalakany from American University of Cairo (AUC), and at that time I think he was also at Harvard. He’s an Egyptian qualified in gender and law, or in the domain of legal theory from a feminist perspective – we cannot hire any law teacher without having the gender perspective. After three semesters, we were forced to drop the law component because people were harassed or denied a visa, especially at the very last minute. Twice, for example, we had to cancel the courses of Amr Shalakany because of visa problems. We had to go through the process of changing the name of the program with the Ministry of Education and with the university. We had to justify why we had to drop this component and we were blamed for establishing a program without being able to guarantee the necessary teaching staff. It was a very daunting process and we took a lot of blame – as if we can decide about our life in general here.” (Islah Jad, Director, Institute of Women’s Studies, Birzeit University)

“Diversity of knowledge is very important... We are announcing for different positions for faculty members in the department of electrical engineering, and most of the applicants are our graduates or Palestinian university graduates so when we look at their CV, it’s the courses we teach and they go take 36 more credit hours in courses and some other research credit hours and they come back, so what’s new?... They go and get their Masters, do some research, some of them may get their PhD degree, and then we do not get a diverse body of knowledge; we recycle knowledge. Maybe the body of knowledge gets affected by the university where they get their Masters and PhD, but still the main – the basic, the fundamental knowledge – is being obtained from the department. And they return to teach in the BA degree program, which mainly does not depend a lot on the courses that they took in the PhD program... They are not going to bring new knowledge unless they work for some time abroad for 5-6 years and get different experience and then come back to be innovative and bring new ideas and a new

foundation to the department of electrical engineering.” (Mohammed Jubran, Electrical Engineering Department, Birzeit University)

“As you can imagine when you’re studying for your PhD, except in a few cases, the experience is limited because you’re obsessed with getting the degree rather than looking around and knowing more about the setting you are in. If you teach at a particular university abroad, on the other hand, you get exposed to the culture of the country more.” (Khalil Hindi, President, Birzeit University)

“All of this is leading to a clear result – that we are going inside ourselves, we are not opening ourselves. And not because we don’t want to. If you look at this department, one of our faculty members graduated from Princeton, one from Oxford, one from Holland, one from France, and I graduated from Germany. So you have all of these possibilities of relationships with academics in these countries – some of my graduate school peers are now professors all over Germany. So it would be easy to make contact, invite them here, travel to them over there, but all of these obstacles are making this exchange more or less impossible.” (Nazmi Jubeh, Professor of History, Birzeit University)

“Palestinian universities have been expanding – Al Quds University has almost doubled its students but cannot double the number of faculty. The picture is not encouraging, and academic quality obviously suffers. We have ratios of 22:1 or 23:1 or 25:1 for courses in which the ideal is 9:1 or 10:1.” Before moving to Al Quds University, Zeedani served as head of the department of Philosophy and Cultural Studies at Birzeit. He describes the transformation over time of the department he used to chair: “We decided that we did not want the number of students to exceed twenty and then we increased it to twenty-two. Now they have almost fifty students in each section. Each faculty member used to teach three sections; now, each faculty member teaches four sections.” (Said Zeedani, Vice President of Academic Affairs, Al Quds University)

Challenges to research and faculty development

“We have here – as does every university in the West Bank that I have learned about since I’ve been here, and every time I talk with vice presidents or presidents they mention this issue – many of us have a bubble of people who are probably 57-63 or 55-65. Many of them got their doctorates in the USA through USAID – now, 30 years later, they’re not funding that right now. And many who didn’t go to the US went to Russia for their PhDs. We have a good number of those folks here and some of them have been teaching here for 35 years. Some of them are ready to retire and should. Welcome to the human race – that’s anywhere. But now the concern is, what do we do with this next generation of people who are 35-45 or 35-50. A good number only have a Master’s degree – sometimes two Masters degrees – but at that age range many of them are married and settled and have been teaching here for ten years. It would take a lot of energy and challenge and everything else to traipse off somewhere around the world for four years for a doctorate.” (Brother Robert Smith, Faculty Member, Bethlehem University)

“The average teaching load for a university professor should be twelve credit hours per semester. At Palestinian universities, the average load is fifteen to eighteen credit hours per semester, which is an additional quarter to half of the ideal load. The result of this is that quality is reduced – we are worried that quality of teaching is suffering as a result of this overload – and faculty has less time to conduct research.” (Fahoum Shalabi, PA Deputy Minister of Higher Education)

“Here we teach fifteen or more credits per semester; in the US they teach twelve. When you teach fifteen credits, you do not have the time to do research.” (Said Zeedani, Vice President of Academic Affairs, Al Quds University)

“Five years ago, we hired a research coordinator, Ilana Ramahi. Ilana is a Palestinian in the diaspora; she was born and raised in the UK. In addition to serving as research coordinator, she was a researcher with us as well. She was doing something on education. We are part of an international research network called GRACE, and Ilana was representing the Institute in the network. We invested in her for two or three years. Then she was denied an entry visa. She started to have lots of problems – at first she had to leave the country every three months, then every month, then every two weeks. It was unbelievable. And at the end she said, ‘I cannot go on like this because I have a very hectic life and it’s very uncertain.’ So she decided to leave the Institute. And when she left the Institute, we essentially lost our relations with the network because she had been the intermediary – she was our link to the network. And it was very difficult for us to find somebody to continue the relationship with the network so we kept the relationship only on a virtual level. But practically speaking, physically speaking, we have not been able to be part of the network anymore.” (Islah Jad, Director, Institute of Women’s Studies, Birzeit University)

University experience

“We are still in school; we are not in universities. The meaning of the university in Arabic is ‘everything’ – al jemiyya means ‘everything.’ But we don’t have different cultures, different teachers from around the world. If you want to have a good education, you have to have new teachers from other places. We have some ideas here in Palestine and people in other countries have different ideas – the communication and exchange of those ideas is critical. The best years of your life are supposed to be the years spent in university, but we just spend them in school. We are in academic isolation – you isolate your information, your experience, your knowledge about life, about how to meet new people from other countries – there are people from other countries and we don’t see these people! If we had teachers from the outside, they would learn from the Palestinians and Palestinians would learn from these teachers. There’s no exchange of information, culture, knowledge, experience, many things. So it’s like a school. It’s not a university. I’m from Hebron. If I want to come from Hebron to Birzeit, the road takes more than two hours, three hours – it depends on the soldiers at the checkpoint. Most professors teach in Hebron if they’re from Hebron, Ramallah if they’re from Ramallah, Nablus if they’re from Nablus. And we don’t have any teacher from Gaza. We don’t have any teacher from ’48 [Israel proper]. So we can’t have teachers from all the cities in the West Bank or from Gaza or from ’48. And this is a big problem. Our university has become like a school – a big school – because most of the students from Hebron study in Hebron. Most of the students from Nablus and Jenin study in Nablus. We don’t have students from Gaza and we have very few students from ’48. So we don’t even have the different [regional] cultures represented from the place we live – because of the occupation, the checkpoints, the dual system of roads in the West Bank. We don’t even have the ability to take teachers and students from inside our country, let alone outside.” (Razan Alnazer, Graduate, Birzeit University)

“The diversity of influences to which you’re subjected [as a university student] enriches you and makes it possible to find out who you are in the first place. It enriches you culturally, academically, intellectually,

and in a disciplinary way.” (Roger Heacock, Professor of History, Ibrahim Abu Lughod Institute of International Studies, Birzeit University)

“It’s not healthy to have a university with only Palestinian students. You need to have at least 5% foreign students coming from all over the world to study here. It is healthier for us and healthier for our students. All of these problems cannot be solved looking at realities on the ground. We have the Palestine and Arabic Studies Program for foreign students, but mostly the students are not studying with Palestinian students. They have their own program so it’s like a colony inside the university for foreigners. I want foreign students sitting with our students in the same classroom – exchanging ideas, methodologies, ways of thinking – to have the possibility of social and cultural experience. Both our students’ experience and the experience of foreign students will be enriched. But I know this is not realistic today. I know that some universities around the world reserve 5% of their seats for foreigners because they know how valuable such an experience is for everyone involved. We have some Palestinians from the diaspora coming to study at Birzeit; generally they live in the Gulf or in Jordan and their families have IDs so they do not have a visa problem. But we need more than that. We need students from Europe, from the United States, from Japan and other Asian countries. That will be a real university. We are a very limited university in terms of both faculty members and students.” (Nazmi Jubeh, Professor of History, Birzeit University)

“I learned many things from him (a US Physics Professor, who taught at Birzeit for a semester and wanted to stay longer but could not because of Israeli-imposed visa restrictions) – not just about physics but about cultures – because it’s a new culture for me. You can read books about physics, but the only way to gain a broader view of the world is through interaction with different types of people from different backgrounds. The problem when you remain with the same teachers – Palestinian, from Ramallah – is that your view of the world is very limited. If you don’t broaden your worldview in university, then you didn’t learn anything. Because university is one of the only opportunities in life to expand your horizons and gain exposure to different cultures. But in Palestine this is very hard.” (Razan Al Nazer, Graduate, Birzeit University)

Impact on planning

“It was hugely disruptive to my courses – I was in the middle of courses. Other people [who were assigned to replace him for the remainder of the semester] don’t know what the hell to do... I had to send the university my final exams from Jordan, where I was, and cut down on what I asked students in the exams. The university managed to find someone traveling across the bridge to give me the papers to mark, so I marked the papers in Jordan and sent in the grades.” (A Palestinian-Canadian academic who was denied entry in May 2010, when a month of classes still remained in the semester)

“We can attract people who have interest in the country. But then we are facing the problem of how long they will be able to stay, whether or not they will get a visa, and – if they get a visa – whether they will be able to re-enter the country after leaving every three months. So uncertainty is ruling everything. Therefore, we always have to develop fallback positions just in case, which academia under normal conditions does not do – they just think and look for money to finance their projects and that’s it. But we have to think a lot about logistics – how our foreign academics are going to leave and come back to the

country – these things become main issues for us, which leaves us less time for real academic work.” (Nazmi Jubeh, History Department, Birzeit University)

“In the ‘80s, more than one-third of the Cultural Studies Department faculty were foreign – Americans, British. When foreign faculty began to be harassed and denied entry at the border, we were about to close down the department. Ultimately, university officials decided to keep the department alive, but it had to be significantly re-structured in order to accommodate the new staffing reality.” (Islah Jad, Director, Institute of Women’s Studies, member of Cultural Studies Department, Birzeit University)

“If we want to hold a conference or workshop and it’s worldwide, we have to do it in Jordan, not here. Even if foreigners are able to make it through Ben-Gurion Airport, academics from Arab countries will not be able to gain entry.” (Samar Alnazer, Department Chair, Architectural Engineering Department, Birzeit University)

Adaptive Strategies

“When we hire teachers, of course we take into consideration their residency status. If they have a problem with residency, we don’t hire them. We cannot – because it affects students. We cannot rely on someone who we cannot guarantee can finish the semester with the students. We cannot afford that. When we were about to do the big preparation work for our annual conference, for example – which is when [their foreign research coordinator] was so much needed – she had to leave the country because of her visa. This disturbs your work; it adds lots of pressure ... I will never again even think about hiring a research coordinator who has problems with her residency here. Why? Because it’s a cumulative kind of job – you accumulate contacts, relations, experiences, knowledge – so you cannot do that every time and then people leave you at the end. We invested heavily for two or three years in this research coordinator and at the end she said ‘I cannot go on like this’ and we could not go on with her because she was never around when we needed her.” (Islah Jad, Director, Institute of Women’s Studies, Birzeit University)

“When you put an ad on the web, you receive I don’t know how many responses and you have to explain – you have to say, ‘Sorry you cannot come because you are Algerian’ or ‘because you are Tunisian.’ I cannot, in the ad for the vacancy, say ‘Everyone is welcome to apply -- except for the following nationalities’. If it’s someone with a European or American or Canadian passport, you have to explain the consequence..’ And it’s hard to tell somebody, ‘Have a try, and you might lose your ticket. You might lose everything.’ I just had to stop recruiting. I didn’t have a choice. It’s very hard to say ‘ok’ to someone who wants to come in spite of all the visa problems, and then the week before the semester begins, she gets denied entry” (Basma Omari, Department of French, Birzeit University)

“We don’t prefer to invite anyone with a foreign passport now. It’s too difficult for us to arrange a visa for them.” (Jamil Harb, Department Chair, Biology, Birzeit University)

“I would like to have more Arabs, more Arabic speakers as instructors immediate concerns were raised about the visa issue. Lebanon, for instance, is quite Catholic and Christian and there are quite a few monks and nuns. But the trouble there was raised by Palestinian clergy at this meeting – that it’s a tough sell to get Lebanese monks and nuns here because of the Israeli authorities. And then I raised questions about – what about Egypt? Or Syria? And they said it’s impossible from Syria. Then there was talk about

Jordan – might there be some nuns, monks, brothers with at least Masters if not doctorates?” (Brother Robert Smith, Faculty Member, Bethlehem University)

“The people who can join our department have to be Palestinian ID holders – otherwise it will be very difficult. So we are targeting a very small group of Palestinians – only those who have the local ID and, if abroad, are interested in coming back.” (Khaled Abaza, Department of Civil Engineering, Birzeit University)

“We prefer to recruit local staff because the obstacles to recruitment of foreigners weigh heavily in our minds – but of course we would like to have more foreigners because it’s very beneficial for research and for education.” (Abaher El-Sakka, Chair, Sociology Department, Birzeit University)

“We would appreciate it. Foreign academics come on a visa for three months, then they have to go to Jordan for a few days and then try to gain re-entry – it’s going to be hectic for them and for us but we wouldn’t stand in their way. After all, they are making the extra effort to go around these obstacles” (Ibrahim Hammad, Department of Mechanical Engineering, Birzeit University)

“You have to go for it. You have to. You have to insist: you have to come here. Their policy is that you should not come here and stay here... If the university isn’t doing enough, it should be held to account...It’s worth every moment of effort that the administration and people in different offices put into it. We fought for a year for [name omitted] to come back, and I don’t regret for a minute all the trips I took to the lawyer, all the conversations I had, going to the President, getting letters – of course. We shouldn’t have fought for [name omitted]? When she finally came back, we said ‘this woman was denied by the Israelis, she managed to come back’ – we gave her a course immediately, even though international studies is not her field, and [another department] did as well. So this mentality or ideology whereby it’s not worth the effort – it’s unfair. Because it’s a fight, it’s a struggle, but it’s worth every bit.” (Roger Heacock, Professor of History, Ibrahim Abu Lughod Institute of International Studies, Birzeit University)

Appendix 2 – Testimonies of foreign academics

Case study 1: “It’s going to be the last time you see it”

Case study 2: “You can’t imagine...”

“You can’t imagine the psychological destruction that comes from leaving every three months and the expense that comes with it. All the tension, the anxiety, the uncertainty – it affects your psyche and your performance in very subtle ways. Three months go by fast.”

“It’s not like you choose to travel at a specific time. You have to go when your three months are up – it could be in the middle of finals, in the middle of the winter, or whatever.”

“We’ve been here thirty years, my family and me, but it’s been terrible – really it’s worn us down. It creates huge stress which accumulates. I know plenty of foreigners who’ve said, ‘I can’t take it anymore, I’m leaving.’ So they’ll stay one year, two years, three years, five years – and that’s it. They’ll just give up”

“In 2009, I went to Amman with my daughter. After two days, we came back and I presented my passport first. It took a few minutes and they gave me a three-month visa. Then they took my daughter’s passport and said ‘fill out these papers,’ just something standard at the bridge. After five or six hours, they came back and asked for my passport. They denied my daughter entry and canceled the visa they had given me a few hours ago. Why? They say, ‘You told us that you work at [name of university], but your visa says “not allowed to work”.’ I asked for the supervisor. He says ‘You violated the visa conditions.’ I said, ‘listen, when I applied [for the visa extension] you asked me for my work contract. I think this means I’m not allowed to work in Israel.’ He says, ‘no, it says not supposed to work, and you’re working.’... We were there arguing for many hours. They closed, they sent us back, and we were stuck in Amman for two weeks while a lawyer from Israel sorted it out. After two weeks, she sent me a paper from the Ministry of Justice saying that they should let me in. But they refused it at the bridge! Two days later, we go back and they still refused. Finally, we go back after another two weeks and the lawyer says ‘hopefully they will let you in; I’m not sure about your daughter.’ So they let me in – they wouldn’t let my daughter come in. She went back to the Jordanian side. They give me a three-month visa -- it says “PA areas only”.

After her deportation to the city from where she had departed, the academic immediately flew to Amman, Jordan, hoping that the Palestinian Authority in coordination with her university and Israeli lawyer would be able to secure entry permission from the Coordination of Government Activities in the Territories (COGAT), a body of the Israeli Ministry of Defense. Twice, COGAT denied the request and finally the academic, realizing that this would be a longer struggle, returned to the United States to wage the legal battles that would ensue. She and her lawyer fought for a year and a half before the academic was finally permitted to re-enter. An entire additional academic year lapsed before she could resume teaching.

Appendix 3 - The real reason for no visas: An Israeli academic's view

Neve Gordon, professor of Politics and Government at Israel's Ben-Gurion University, said in an interview over Skype [June 2012] that Israeli universities have benefited greatly from this unimpeded access to academics from institutions worldwide as the following quote illustrates:

“In my university , and in every other university inside Israel, there is no problem whatsoever to bring people from abroad to teach. Just this past semester, my department brought two professors from abroad to teach. In many departments and in all universities, academics simply come from abroad, and it is extremely advantageous to Israeli universities that this can happen ...Lack of mobility reduces the prospects of collaborative research between Palestinian academics and academics abroad – all the research collaborations I have, I have with people I know who have either been to my university or I've been to their University.

A lot of this conflict is about information and access to information and disinformation...These professors have a large network abroad. They come for a semester and live in Ramallah or Nablus or Hebron, and suddenly they experience firsthand what's going on in the West Bank or Gaza. It's very powerful – the experience of teaching first-hand at a Palestinian university. An academic who comes for a half year or a year is much more threatening than the average John or Jane. And then, in a sense, these academics become ambassadors for the Palestinian people. And that's what Israel doesn't want”.

Appendix 4 - International Human Rights Framework

With thanks to the Right to Education campaign at Birzeit University

[<http://right2edu.birzeit.edu/news/article99>]

The world's major human rights instruments, ratified by Israel, include these provisions:

The [Universal Declaration of Human Rights](#), 1948 (*Article 26*)

Everyone has the right to education... and higher education shall be equally accessible to all on the basis of merit.

[International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#), 1966 [ratified by Israel in 1991] (*Article 13*)

The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

General Comments on the Implementation of the Right to Education provisions in the ICESCR adopted by the United Nations Committee on Economic, Social and Cultural Rights [1999] Education is both a human right in itself and an indispensable means of realizing other human rights. (*General comment 13, 1*)

The right to education can only be enjoyed if accompanied by the academic freedom of staff and students ... [I]n the Committee's experience, staff and students in higher education are especially vulnerable to political and other pressures which undermine academic freedom. (*General comment 13, 38*)

Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing ... Academic freedom includes the liberty of individuals to fulfill their functions without discrimination or fear of repression by the State or any other actor. (*General comment 13, 39*)