

Academia Undermined:

Israeli Restrictions on Foreign National Academics in Palestinian Higher Education Institutions¹

8 July 2018 - Israeli-imposed entry and residency restrictions on international academics have severely diminished opportunities for development of faculty, courses, and research programs at Palestinian institutes of higher education.

Over the past two decades, as recruitment of international 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.

International 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.

International 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 international academics willing and able to teach at Palestinian universities are decreasing. Research confirms 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.

¹ Information in this document is largely taken from a research study published by the Right to Enter Campaign entitled "Academia Undermined: Israeli Restrictions on Foreign National Academics in Palestinian Higher Education Institutions" (May 2013) with updates as relevant. See: <http://www.righttoenter.ps/new-education-report/>
www.RightToEnter.ps RightToEnter@gmail.com



A grassroots campaign working for the right to freedom of movement and residency in the oPt

The expertise and participation of internationals, 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, whether 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.

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 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 is whether foreign nationals are being targeted wrongfully, in particular on the basis their ethnicity or religion. Research provides ample indications that both of these wrongs are indeed being committed widely, persistently and unaccountably.

It should be emphasized 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.