

Oppose “MLA Resolution 2014-1”

We are deeply committed to academic freedom of movement, the free exchange of ideas, and rigorous scholarship. Accordingly, we strongly oppose *Resolution 2014-1*, which fails to advance the first of these two principles in any meaningful way and which grossly violates the third principle by advancing a discriminatory agenda based on flawed information and lack of context.

We urge the Delegate Assembly to reject proposed *Resolution 2014-1* as it:

- **Mischaracterizes Freedom of Movement for Academics Entering Palestinian Territories**
- **Overlooks Key Facts and Context**
- **Is Based on Minimal, Weak, and Unconvincing Evidence**
- **Does not Adequately Follow MLA Policy Procedure**
- **Is Biased and Discriminatory**

Mischaracterizes Freedom of Movement for Academics Entering Palestinian Territories

The Modern Language Association (MLA)’s Executive Council has correctly noted that the freedom of movement of academics is of important concern to us all and has been challenged in many countries, including the United States.¹ However, contrary to the resolution, Israel does not “arbitrarily” violate the freedom of movement to academics wishing to enter Palestinian institutions or the right to education of the Palestinian population. In the West Bank there are accepted procedures and regulations – defined by the law – determining the entry of foreign citizens that exist as part of the Interim Accords signed by both Israel and the Palestinian Authority.²

In this respect, the resolution fails to mention that foreign academics are free to enter the West Bank after acquiring a visa or permit – a standard procedure all over the world. They can receive a three-month visa to the West Bank that can be renewed for a maximum stay of 27 months. This is only refused in the cases of exceptional security concern and more than 90% of renewal applications by academics are approved.³ Furthermore, Israeli decisions on granting visas or granting entry at borders are subject to judicial review. If one receives a denial and feels that such a decision is without justification, one may seek to have it overturned by the Israeli Supreme Court, to which all non-admitted persons have a right of appeal. **No academics traveling to Palestinian institutions are “arbitrarily” denied entry.** In addition, academics wishing to enter Gaza may do so through the border crossing with Egypt, subject to the procedures and regulations put in place by Egypt.

To give some context about general entry into Israel, in 2012 only 142 Americans were denied entry out of about 626,000 who wished to enter, a refusal rate of about 0.023%. As a point of comparison, the American refusal rate for Israeli applications for "B" visas was 5.4% in 2012.⁴ The United States has a much more restrictive practice than Israel in this regard.

Also contrary to the impression provided in the resolution, a number of prominent international academics teach and collaborate with Palestinian universities. To take one example, Birzeit University has run a summer school program for the last six years that brings leading scholars to its campus in the West Bank.⁵ At the same time, it is important to note that Israeli and Palestinian academics collaborate on a host of subjects, from environmental issues to track II diplomacy. For instance, researchers from Ben Gurion University in Beersheba and the Biodiversity & Environmental Research Center in Nablus won a more than half a million dollar American USAID-MERC grant to increase the clean water supply around Israel and the Middle East.⁶ Instead of advancing

¹ “Statement on the Importance of Unrestricted Travel for Scholarly Exchange”. MLA.org. 2013. Modern Language Association. February 2013. <http://www.mla.org/statement_imp_unrestr_travel>.

² “Higher Education in the Palestinian Territories: Entry of Foreign Academics to the West Bank”. *The Embassy of Israel to the United States*. Israel Diplomatic Network. Education. 2014. <<http://www.israelemb.org/washington/AboutIsrael/Education/Pages/Higher-Education-in-the-Territories.aspx>>.

³ *Ibid.*

⁴ “Border Security: Entry into Israel”. The Embassy of Israel to the United States. Israel Diplomatic Network. Consular Services. 2014. <<http://www.israelemb.org/washington/ConsularServices/Pages/Entry-to-Israel.aspx>>.

⁵ “Prof. Fellbaum from Princeton is teaching at Birzeit University this Summer”. *Birzeit University*. SIERA. Integrating Sina Institute into the European Research Area. Sina Institute for Knowledge Engineering and Arabic Technologies. 16 July 2013. <http://sina.birzeit.edu/SIERA/featured-news/news-events/summerschoolfellbaum_en/>

⁶ “Palestinian and Israeli Researchers Get Reverse Osmosis Water Grant”. Green Prophet.com. 2010. Green Prophet, December 2013. <http://www.greenprophet.com/2010/07/palestine-israel-water-grant/>

the partisan agenda described within the resolution, these are the types of initiatives that should be encouraged and supported.

Overlooks Key Facts and Context

The resolution does not provide the necessary context for the aforementioned limited security restrictions Israel places on its generally broad policy regarding the travel of foreign citizens. Following the breakdown of peace negotiations between the Israeli government and the Palestinian Authority, very real terrorist threats to Israeli civilians led to Israel introducing measures to protect its population. Restrictions to the movements of Israelis, Palestinians, and foreigners from Israel to Gaza and the West Bank must be viewed in this light.

The context in the Gaza Strip is also distinct from that in the West Bank, a situation the proposed resolution obfuscates and misrepresents. The resolution refers to Gaza as occupied territory, yet since an Israeli withdrawal in 2005, and later takeover by Hamas in 2007, Gaza has been entirely area under Hamas' control. Indeed, in addition to the Israeli government and many other organizations, Mahmoud al-Zahar, co-founder of Hamas, stated to the *Ma'an* Palestinian news agency last September that, "Gaza is free of occupation."⁷ As noted by the United States, "[a]ccess to Gaza is controlled by Hamas, a designated Foreign Terrorist Organization."⁸ The UN's Palmer Report states, "Israel faces a real threat to its security from militant groups in Gaza." The southern border of Gaza is shared with Egypt, which enforces its own independent control over land crossings and exercises independent influence over this situation as the favored entry point.

The proposed resolution also neglects to mention the role of other significant obstacles in improving Palestinian higher education. Research published in 2011 indicates that Palestinian universities have trouble recruiting international faculty because of low salaries and poor working conditions.⁹ The International Higher Education and Research Conference reported in 2007 that "Since the Palestinian Authority took control of the universities in the Autonomous Territories, issues concerning restriction of academic freedom have centered around the control exerted by the Authority on university policies," and ranked them as restricting academic freedom in the same category as Algeria, Rwanda, and Sierra Leone, among other countries.¹⁰

Based on Minimal, Weak, and Unconvincing Evidence

The proposed resolution's supporting documentation, *Academia Undermined: Israeli Restrictions on Foreign National Academics in Palestinian Higher Education Institutions*, does not make a convincing case that Israel is systematically denying academics entry to the West Bank and Gaza.

There are four named cases of alleged entry denial, however all notations refer to the West Bank and lack any factual reference to Gaza (which is in the unique situation of a state of armed conflict as noted above). Of the four cases, three are approximately five years old, and two feature scholars who were able (as shown by the documents themselves) to enter the areas in dispute, proving the documents accomplish the opposite of "arbitrary denials of entry," as stated in the resolution language. There is one current case (2013) of a high school teacher, who attributes her difficulties to institutional infighting rather than systematic policy. Beyond that, the documents are drawn extensively from one-sided, activist literature.

⁷ "Zahhar: Gaza more secure than West Bank." *Ma'an News Agency* (English). 18 September 2012.

<<http://www.maannews.net/eng/ViewDetails.aspx?ID=520228>>

⁸ "Entering and Exiting Jerusalem, the West Bank, and Gaza". *Consulate General of the United States*. Jerusalem. 2013.

<http://jerusalem.usconsulate.gov/border-crossings.html>

⁹ Robinson, David (Associate Executive Director of the Canadian Association of University Teachers), "The Status of Higher Education Teaching Personnel in Israel, the West Bank and Gaza," January 2010 at <http://download.ei-ie.org/Docs/WebDepot/The%20Status%20of%20Higher%20Education%20Teaching%20Personnel%20in%20Israel,%20the%20West%20Bank%20and%20Gaza.pdf>

¹⁰ "Session 2: Protecting and Defending Academic Freedom". *6th International Higher Education and Research Conference*. Education International. 14 November 2007. <<http://download.ei-ie.org/docs/IRISDocuments/Education/Higher Education and Research/Higher Education Policy Papers/2008-00037-01-E.pdf>>

Does Not Adequately Follow MLA Policy Procedure

It is not clear whether or not the Delegate Assembly Organizing Committee (DAOC) asked for a reply from the “named party” in the resolution, i.e. the Israeli government. Such a response, which would have been shared in the supporting material, could have provided clarification regarding government policies and would have lent some legitimacy to this resolution process.

Further, the proposed resolution does not meet two of the DAOC’s submission requirements¹¹:

1. For approval, resolutions must be accompanied by “material that provides evidence in support of the resolution[’s] claims” (MLA constitution, art. 11.C.3.b). The appended material from two Palestinian political activist organizations and a few excerpts from an Israeli group (2007) includes no evidence of denial of entry to Gaza. All individuals quoted in the report, and all the case studies appended to it, refer only to institutions in the West Bank.
2. Because no evidence is provided in support of the resolution’s claims, the reference to Gaza in the resolution proper is entirely unsupported. Consequently, the resolution does not meet the requirement that resolutions “may not contain erroneous, tortious, or possibly libelous statements.”¹²

Biased and Discriminatory

In singling out Israel alone for criticism, the proposed resolution neglects an array of access issues for academics within other countries around the world. The MLA Executive Council released a *Statement on the Importance of Unrestricted Travel for Scholarly Exchange* following its February 2013 meeting, and it is this statement that should serve as the underlying expression of the MLA’s general belief that, “as a scholarly society, we have a positive obligation to defend the freedom of scholars and artists to travel across national borders.”¹³

The proposed resolution calls upon the U.S. Department of State to contest Israel’s allegedly arbitrary denials of entry to Gaza and the West Bank by U.S. academics. A cursory look at the U.S. Department of State’s *Country Reports on Human Rights Practices for 2012* reveals many countries with noted restrictions on academic freedom. As for Israel’s profile, the *Country Report* states that in 2012, “[t]here were no government restrictions on academic freedom.”¹⁴

Repeated polls show that Israelis and Palestinians support peace and a two-state solution that will provide them each with their own sovereign existence. Unfortunately, this resolution also conflicts with this goal by promoting a biased and distorted picture of the region that places blame for a complicated conflict on only one party. Rather than advance an inflammatory agenda that is questionable, the MLA should promote mutual reconciliation and coexistence.

We therefore call on the MLA to:

- Reject the proposed resolution 2014-1 as currently presented;
- Reaffirm the MLA’s Executive Council statement on the importance of equitable freedom of movement for all academics, and stop attempts to advance an agenda that unfairly singles out one country.

MLA Members for Scholars’ Rights

¹¹ “Preparing Resolutions for the Delegate Assembly”. MLA.org. Modern Language Association. Governance. 2014.
<http://www.mla.org/prep_resdelegateassembly>

¹² Ibid.

¹³ “Statement on the Importance of Unrestricted Travel for Scholarly Exchange”. MLA.org. 2013. Modern Language Association. February 2013.
<http://www.mla.org/statement_imp_unrestr_travel>

¹⁴ “Israel 2012 Human Rights Report”. *United States Department of State*. Bureau of Democracy, Human Rights, and Labor. 2012.
<<http://www.state.gov/documents/organization/204575.pdf>>