

A Flawed Resolution: Errors, Misrepresentations, and Omissions in the Resolution Before the AHA

On January 9, 2016, a resolution will come before the business meeting of the American Historical Association calling on the scholarly organization “to monitor Israeli actions that restrict the right to education in the Occupied Palestinian Territories.” The Alliance for Academic Freedom believes the resolution to be full of errors, misrepresentations, omissions, and imbalanced formulations, and that it therefore should be rejected.

Members of the AAF are self-identified liberals and progressives who have been critical, individually and collectively, of Israeli policies toward the Palestinian people and supportive of the national aspirations of both Palestinians and Jews. As our founding document explains, in addition to supporting a two-state solution, we reject Israeli occupation of the West Bank because it both deprives Palestinians of fundamental rights and corrodes the “democratic principles upon which the State of Israel was founded.”¹ Like the proponents of this resolution (<http://www.historians.org/annual-meeting/business-meeting/resolution-to-be-considered-at-the-january-2016-business-meeting>), members of AAF are also concerned about obstacles to education for students in the West Bank and Gaza.

Yet, as our founding documents also state, we reject the all-too-common binary approach to the Arab-Israeli conflict that seeks to justify one side or the other as all right or all wrong, and sets out to marshal evidence to prove a case of complete guilt or total exoneration. Scholarship and fairness require a more difficult and thoughtful approach. As academics we recognize the subjective perspectives of individuals and peoples, but strive to apply rigorous standards to research and analysis rather than to subsume academic discipline to political expediency.

Any resolution adopted by a broad-based professional organization such as the AHA should be grounded in unimpeachable facts. The AHA’s “Guiding Principles on Taking a Public Stance” call for the facts in any resolution to be “established, to the extent that is possible, before a public statement is drafted—much less circulated.”² This resolution fails that test by a wide margin. Its factual unreliability renders it unfit to be a basis for action by the AHA.

1. The resolution misrepresents the accessibility of travel to and from Gaza.

The resolution criticizes Israel for restricting the movement of faculty, staff, visitors, and students in the West Bank and Gaza. It would also have the AHA call for the “immediate reversal” of such policies. It is true that since Hamas gained power in Gaza in 2006, Israel has restricted the mobility of students, faculty, staff, and foreign nationals to and from Gaza via the crossing points that are under its control. And such restrictions can impede the “regular functioning of instruction and university activities at Palestinian institutions of higher learning.”

¹ “Alliance for Academic Freedom,” The Third Narrative, <http://thirdnarrative.org/get-involved/alliance-for-academic-freedom/>

² “Guiding Principles on Taking a Public Stance,” *Perspectives*, American Historical Association, March 2007. AHA website.

But this resolution is tendentious and deeply flawed in its discussion of those restrictions. Problematically, it does not make clear that Israeli policies are not the sole factor limiting the mobility of Gazans. Other governments, including Egypt, Hamas, the Palestinian Authority, and Jordan, are also responsible for the travel restrictions under consideration.

Most important is the role of Egypt. In a glaring omission, the resolution does not mention that there is an exit from Gaza through the Rafah gate into Egypt. Since Israel withdrew from Gaza in 2005, the standard route for Gazan students to access higher education abroad has been to cross at Rafah into Egypt and then to fly elsewhere from Cairo. But in 2014, in response to mounting tension with Hamas, Egypt largely closed the Rafah crossing (a move that the Palestinian Authority President Mahmoud Abbas described as fair and sensible given Egypt's security concerns).³ Yet this resolution does not call on the AHA to demand changes in Egypt's border policies, or indeed mention Egypt at all. It falsely implies that all entrance crossings are Israel's responsibility.

Another crucial fact omitted altogether from the resolution is that Hamas, too, controls the mobility of students, faculty, and foreign nationals. Hamas has barred Palestinian students under its control from accepting fellowships to travel to the U.S. or to engage in educational visits to Israel intended to "plant seeds of peace."⁴ According to the State Department's *2013 Human Rights Report*, Hamas "prevented high school students from the Gaza Strip from participating in certain cultural and educational exchange programs, including programs sponsored by foreign governments and international organizations. Students on foreign exchange programs continued to face difficulty when traveling out of Gaza to obtain permission for onward travel abroad. In some instances families of the students petitioned Hamas' Ministry of Education so their children could travel."⁵ In addition, a 2010 report by the Sixth Educational International (EI) and the Canadian Association of University Teachers (CAUT) held that the ongoing conflict between Hamas and Fatah has negatively affected university governance, led to university closures, resulted in the harassment and arrest of academics and students, and produced violations of academic freedom and basic civil liberties in both Gaza and the West Bank.⁶ Hamas has also been very slow in producing lists of students approved for admission to foreign universities, impeding their timely travel.⁷

³ "Abbas Backs Egypt on Creation of Buffer Zone with Gaza," *i24news*, December 1, 2014.

<http://www.i24news.tv/en/news/international/middle-east/53017-141201-fatah-denies-unity-government-mandate-over>.

⁴ Kari Huus, "Hamas Bans Gaza Students Studying Abroad," *NBCnews.com*, August 17, 2011,

http://www.nbcnews.com/id/44179843/ns/world_news-mideast_n_africa/#.VJ27KZDAQ; See also Isabel Kershner and Majd al Waheidi, "Hamas Turns Back 37 Gaza War Orphans from a Bridge-Building Trip to Israel," *New York Times*, December 28, 2014, <http://www.nytimes.com/2014/12/29/world/hamas-turns-back-37-gaza-war-orphans-from-a-bridge-building-trip-to-israel.html>

⁵ "2013 Human Rights Reports: Israel and The Occupied Territories - The Occupied Territories." U.S. Department of State's *Bureau of Democracy, Human Rights, and Labor*. February 27, 2014.

<http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220358.htm>

⁶ David Robinson, *The Status of Higher Education Teaching Personnel in Israel, the West Bank and Gaza*, (Ottawa, ON: Canadian Association of University Teachers, 2010), pp. 34, 42, 44-45. <http://download.ei-ie.org/Docs/WebDepot/The%20Status%20of%20Higher%20Education%20Teaching%20Personnel%20in%20Israel,%20the%20West%20Bank%20and%20Gaza.pdf>

⁷ "2013 Human Rights Reports: Israel and The Occupied Territories - The Occupied Territories."

<http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220358.htm>

Also implicated in travel restrictions is the Palestinian Authority. The Palestinian Civil Affairs Committee, an organization of the PA, is charged with providing Israel with lists of students who have received scholarships abroad. Although students do not typically travel abroad through Israel, Israel does allow some to do so based on PCAC's lists. But this committee often provides the lists late after the academic year has started or visas have expired. These delays also play a role in impeding academic travel.⁸

Finally, Jordan contributes to the travel problems students face. Students who exit Gaza through the Erez crossing in northern Gaza and then cross the Allenby Bridge into Jordan need permits to fly from Amman to their final destination. But Jordan is notoriously slow in issuing these permits, further delaying students wishing to study abroad. According to Gisha, an Israeli human rights organization devoted to protecting Palestinian freedom of movement, the combined Palestinian/Jordanian delays mean that fellowships often expire or the term is well under way before students arrive at their intended institutions.⁹ Despite all this, the resolution before the AHA makes no mention of the roles of Hamas, Egypt, the PA, and Jordan in erecting impediments to student travel. It thus misrepresents the problems that exist as the responsibility of Israel alone.

2. The resolution omits all context regarding security issues that impede travel.

Before calling for the "immediate reversal" of all Israeli policies regarding travel in and out of Gaza, AHA members should understand what these policies are, the context in which they have developed, and how they have changed over time.

After the breakdown of peace negotiations between Israel and the Palestinian Authority, the rise of suicide bombers and other terrorist threats to civilians led Israel to introduce measures to protect its population. The resolution does not mention this vital historical context. Nor does it mention that Hamas, which has governed Gaza for ten years, has a hostile relationship with not only Israel but also Egypt. Its borders are not the equivalent of those between friendly countries and cannot be viewed as such. In addition, Hamas's battle with the Palestinian Authority for control of Palestine frequently erupts into conflict, resulting in measures that further affect education and travel.

Since Israel, Egypt and the PA all have security concerns that require some restrictions on entry and exit from Gaza, restrictions on the movements of Israelis, Palestinians, and foreigners should be viewed in this light. For example, Gazan students are not permitted to study in the West Bank out of concern that they might act as Hamas operatives there. These policies are certainly open to questioning and criticism, but the overall security context must be presented to fully understand the issues at stake. By omitting this essential historical context, the resolution fundamentally misrepresents the issue at hand.

3. The resolution ignores evidence that runs contrary to its claims.

⁸ "Following Appeal by Gisha, COGAT Confirms 180 Students from Gaza Will Be Allowed to Travel over the Summer to Reach Their Academic Institutions Abroad," *Gisha*, June 2, 2015, <http://gisha.org/legal/4409>.

⁹ "Student Access Gets a Failing Grade," *Gisha*, November 5, 2015, <http://gisha.org/updates/4690>

The resolution does not mention the important fact that Israel has been increasingly permitting travel, through the Erez crossing. Because of its security concerns, Israel initially restricted the movement of Gazans into Israel to humanitarian cases. Significantly, though, in the first six months of 2015 these exits almost doubled, from an average of 6,270 per month to 13,832 per month.¹⁰ Since October 2014, 291 students have traveled from Gaza through Israel on their way to study abroad.¹¹ Unfortunately, this number does not satisfy all Gazans wishing to study abroad, but it does show marked improvement over earlier rates of egress. By omitting these increases in student travel, the resolution tendentiously frames the issue.

Regrettably, this resolution does *not* encourage Israel and Egypt to improve and expand those policies that enhance the mobility of academics, students, and staff when feasible, as both countries appear to have been doing in recent months.¹² Rather, the resolution resorts to a blanket condemnation of Israeli policies ignoring the actual, more complicated, nature of the facts.

Similarly, the proposed condemnation of Israel doesn't make sense in the context of a country that is taking significant steps to ensure that underrepresented populations, including Israeli Arabs and Bedouins, gain opportunities to enroll in top Israeli universities and complete their degrees. The rate of Arab enrollment in higher education has increased (with some dips), from 10.1 percent in 1999-2000 to 14.1 percent from 2014-5. The most significant increase has been for students pursuing advanced degrees.¹³ The Israeli government has undertaken concrete steps to increase minority groups' participation in higher education. It has reduced their dropout rates by enhancing academic counseling and preparation classes at the high school level; established programming aimed at supporting first-year Arab Israeli university students; awarded tuition-free scholarships; and given employment guidance to students in their last year of study.¹⁴ These facts, which would give a fuller and more nuanced picture of Israeli education policies, are simply omitted.

4. The resolution overstates the difficulty academics face in getting to the West Bank.

In the past few years, cases of restrictions on academics traveling to Palestinian institutions in the West Bank have become the subject of academic discussions. But contrary to the resolution's implications, academics traveling to Palestinian institutions in the West Bank are not arbitrarily denied entry. Israel's procedures and regulations follow legally accepted protocol based on the

¹⁰ "The Gaza Sheet Cheat: Real Data on the Gaza Closure," *Gisha*, October 18, 2015 http://www.gisha.org/userfiles/file/publications/Info_Gaza_Eng.pdf

¹¹ "62 Students from Gaza Travel – Significantly Late – to Academic Institutions Abroad," *Gisha*, November 9, 2015, <http://gisha.org/updates/4744>

¹² Morgan Winsor, "Egypt-Gaza Border to Reopen at Rafah, Egyptian Ambassador to Palestinian Authority Says," *International Business Times*. March 5, 2015. <http://www.ibtimes.com/egypt-gaza-border-reopen-rafah-egyptian-ambassador-palestinian-authority-says-1838058>.

¹³ The Council for Higher Education, "Statistical Data: Table 14: Undergraduate Arab Students in Institutions of Higher Education by Type of Institution 1999/2000-2014/15," 2015. http://che.org.il/en/?page_id=8903.

¹⁴ The Council for Higher Education, "The Higher Education System in Israel 2014," May 2014, pp. 69-71. <http://che.org.il/wp-content/uploads/2012/05/HIGHER-EDUCATION-BOOKLET.pdf>.

Interim Accords signed by Israel and the Palestinian Authority.¹⁵ Foreign academics are free to enter the West Bank after acquiring a visa or permit—a standard procedure the world over. They can receive a three-month visa to the West Bank that can be renewed for up to twenty-seven months. More than 90 percent of academic applications are approved.¹⁶ Denials typically occur for security reasons. Israeli decisions on granting visas or allowing border entry are also subject to judicial review. Visa denials perceived to be unjustified can be overturned by the Israeli Supreme Court, to which all non-admitted persons have a right of appeal. Israel’s policy thus resembles other that of democratic states. In 2012, for example, only 142 Americans were denied entry into Israel out of some 626,000 applicants—a refusal rate of 0.023 percent. In comparison, in 2012, the United States denied Israeli applications for “B” visas at a rate of 5.4 percent.¹⁷ By this measure, the U.S.’s practices were far more restrictive than Israel’s.

5. The Islamic University’s role in the 2014 military conflict is omitted.

The resolution claims that in the summer of 2014 Israel unfairly targeted institutions of higher learning, including Islamic University of Gaza. While disputes exist about Israel’s attack on Gaza in the summer of 2014, it is widely documented that one of the explanations for the damage to civilian institutions was Hamas’s use of those institutions—including schools, universities, mosques, hospitals, and hotels—to carry out attacks on Israel.¹⁸ Hamas’s policies, which themselves violate the laws of war, did much to endanger the lives of students and academics in Palestinian universities. Yet the resolution does not call for monitoring Hamas’s actions. It omits any mention of Hamas’s widely condemned use of civil institutions for military purposes.

The role of the Islamic University is especially fraught. The resolution includes none of the important context. On August 2, 2014, Israel targeted the university because of its role in building, testing, and possibly launching weapons.¹⁹ By any definition of the laws of war, a facility engaged in such activity is a valid military target.

A strong link has existed between Hamas and the Islamic University dating to its founding in 1978.²⁰ Called “Hamas U.” by the noted Middle East journalist Thanassis Cambanis, the

¹⁵ *The Israeli-Palestinian Interim Agreement-Annex I*, Article IX, September 28, 1995, <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20I.aspx#article9>

¹⁶ “Higher Education in the Palestinian Territories: Entry of Foreign Academics to the West Bank,” The Embassy of Israel to the United States, 2014, <http://www.israeemb.org/washington/AboutIsrael/Education/Pages/Higher-Education-in-the-Territories.aspx>

¹⁷ “Border Security: Entry into Israel,” Embassy of Israel to the United States, Israel Diplomatic Network, Consular Services, 2014, <http://www.israeemb.org/washington/ConsularServices/Pages/Entry-to-Israel.aspx>.

¹⁸ See, for example, Terrence McCoy, “[Why Hamas Stores Its Weapons Inside Hospitals, Mosques and Schools](#),” *Washington Post*, July 31, 2014.

¹⁹ Joshua Mitnick, Rory Jones, and Nicholas Casey, “Israel Scales Back Forces in Gaza,” *Wall Street Journal*, August 3, 2014. <http://www.wsj.com/articles/israel-airstrikes-against-gaza-destroy-mosques-government-buildings-1406977769>; *The Times of Israel* staff and Raphael Ahren, “Israel Hits 5 Gaza Mosques Used to Hide Weapons, Won’t Send Truce Team to Cairo,” *Times of Israel*, August 2, 2014. <http://www.timesofisrael.com/israel-hits-5-gaza-mosques-used-to-hide-weapons-wont-send-truce-team-to-cairo/>; Statement of the Israeli Embassy, December 18, 2015, *History News Network*, <http://historynewsnetwork.org/article/161619>.

²⁰ Matthew Levitt, “Better Late than Never: Keeping USAID Funds out of Terrorist Hands,” *The Washington Institute*. August 24, 2007. <http://www.washingtoninstitute.org/policy-analysis/view/better-late-than-never-keeping-usaid-funds-out-of-terrorist-hands>

university has long been a stronghold of the terrorist organization. “ Hamas doesn’t run the Islamic University, but the overlap of the party and the school is nearly seamless,” Cambanis wrote in the *Boston Globe*. “ Scientists and academics at the university double as Hamas technocrats: doctors, engineers, economists, teachers, and media specialists.”²¹ When Hamas was warring with the Palestinian Authority, Yasser Arafat of the PA ordered a police raid of the school because it housed explosives and other weapons; over six hours, three university guards were arrested, and police discovered caches of knives, explosives and suicide-bomber vests.²² In 2007, Mahmoud Abbas also ordered a raid of the university, finding several Iranian operatives running rocket-making lessons in labs; one committed suicide during the raid.²³

Middle East commentator Ehud Yaari has explained that the 2014 strike aimed at an “ R&D facility within the campus” that served the Izz al-Din al-Qassam Brigades, Hamas’s military wing, “ where different components of rockets were made. In this facility professors, lecturers and other staff members of the science faculties were working for years on production of rockets—including those with a range to hit deep into Israel—improving the explosive payload and seeking ways to introduce guidance systems. On several occasions rockets were fired from different spots within the campus.”²⁴ Before the AHA condemns Israel for attacks on institutions of higher education in Gaza, such as Islamic University, it should be definitively ascertained whether those institutions were actually functioning as academic institutions or as de facto military installations.

6. The footnotes in the resolution don’t actually support the claims they put forward.

The assertions in the resolution should be strongly supported by evidence if they are to serve as a basis for action. But in several cases, the footnotes are highly misleading.

For example, the resolution claims that Israel “ routinely invades university campuses in Jerusalem and the West Bank.” But the evidence provided in the resolution via the corresponding footnote (no. 5) amounts only to a single September 17, 2013 letter from Peter Sluglett, then the president of the Middle Eastern Studies Association. That letter in turn refers only to a single incident at the al-Quds University that does not describe an invasion. According to this letter, which is based on a report from the Palestinian Ma’an news agency, Israeli forces seeking to enter the al-Quds campus engaged in clashes with university guards and staff on September 8, wounding two men. (No Israeli perspective was provided.)

²¹ Thanassis Cambanis, “ Hamas U.,” *Boston Globe*, February 28, 2010.

http://www.boston.com/bostonglobe/ideas/articles/2010/02/28/hamas_u/?page=full

²² Scott Kraft, “ Joint Israeli-Palestinian Raids Target Militants,” *Los Angeles Times*, March 7, 1996.

http://articles.latimes.com/1996-03-07/news/mn-44184_1_palestinian-authority

²³ Ali Waked, “ Iranian General Supervised Hamas Arms, Source Says,” *YNet News*, February 2, 2007,

<http://www.ynetnews.com/articles/0,7340,L-3360122,00.html>

²⁴ Jeffrey Herf, “ Inside Account,” *Legal Insurrection*, January 6, 2015 <http://legalinsurrection.com/2015/01/inside-account-how-anti-israel-resolutions-were-defeated-at-american-historical-association/>

Prof. Sluglett's description of the incident comes nowhere near supporting the resolution's broad allegation of "routine invasions." Further research is needed to determine whether the incident amounted to an infringement of academic freedom by Israeli authorities, or whether the description offered by the resolution is even accurate.²⁵ As it stands, the current resolution fails to meet the AHA guideline that "in all cases, the facts should be established, to the extent that is possible, before a public statement is drafted—much less circulated."²⁶ For a claim as sweeping as the one in the resolution, substantial and unimpeachable evidence should be furnished, not one letter regarding a single incident.

In some cases when Israeli authorities have entered campuses, it is at least plausible that they were responding to threats of terrorism. On December 23, 2015 for example, news outlets reported that a Hamas terror cell, which was planning suicide bombings and car bombings, involved as many as twenty-five students from al Quds University in Abu Dis. The cell had a makeshift laboratory for making explosives.²⁷ There have been other cases of students operating as part of terrorist operations, according to the Israeli Security Agency.²⁸ When students, like any other individuals, engage in planning terrorism, military or police action would seem to be warranted. At the least, these fact complicate the picture of an Israeli militarily routinely and arbitrarily running roughshod over Palestinian campuses.

A similar lack of evidentiary support plagues another "whereas" clause of the resolution as well. One clause, for example, asserts that "Israel routinely refuses to allow students from Gaza to travel in order to pursue higher education abroad, and even at West Bank universities." But in this case the corresponding footnote (no. 3) actually offers *evidence to the contrary*.

The note refers to an update on the mobility of Gazan students published by Gisha, headlined, "Israel allows 30 Gaza students to travel abroad for their studies." The news item states that as of March 2 2015, Israel opened the Erez crossing to allow thirty Gazan students per week to travel abroad, even as Egypt continued to close Rafah gate.²⁹ In other words, the footnote illustrates that Israel is enhancing—rather than "routinely refusing"—the mobility of Gazan students. For a sweeping claim of "routine" behavior, as opposed to targeted policies (however debatable), substantial evidence should be furnished.

The hastily drafted resolution lacks the strong evidence, even in its own footnotes, that should be required before it is adopted by the AHA.

²⁵ Historians Against the War, "Protecting the Right to Education in the Occupied Palestinian Territories," <http://www.historiansagainstawar.org/aha16/resolution.html> , footnote 5 (citing Peter Sluglett to Prime Minister Benjamin Netanyahu, et al., September 17, 2013, at <http://mesana.org/pdf/israel20130917.pdf>)

²⁶ "Guiding Principles on Taking a Public Stance," AHA website at <http://historians.org/news-and-advocacy/statements-and-resolutions-of-support-and-protest/guiding-principles-on-taking-a-public-stance> .

²⁷ Judah Ari Gross, " [Hamas Cell Planned Suicide and Car Bombings, Shin Bet Reveals](#)," *Times of Israel*, December 23, 2015.

²⁸ Israeli Security Agency, Statement on Student Involvement in Terrorism, at https://www.shabak.gov.il/SiteCollectionImages/english/TerrorInfo/studentsterror210709_en.pdf

²⁹ "Israel Allows 30 Gaza Students to Travel Abroad for Their Studies," *Gisha*, March 2, 2015, <http://gisha.org/updates/4024>

7. The resolution would require the AHA to do something it lacks the resources to do.

The resolution calls on the AHA to “commit ... itself to continuing to monitor Israeli actions that restrict the right to education in the Occupied Palestinian Territories.” To monitor another country’s actions regarding education in a serious way necessitates a substantial investment of staff time and money. It might involve commissioning a study, sending a delegation abroad to meet with educational leaders, or investing in other institutions, such as New York University’s Scholars at Risk, which monitors infringements on academic freedom internationally. But the AHA has neither the staff nor the funds to make this type of investment. Without dedicating itself to serious study of the issues, its monitoring efforts will likely translate into condemnations based on complaints without the requisite investigations. Such blanket condemnations are more likely to alienate those who are in a position to enhance such experiences.

8. Better ways exist for AHA members to improve education access in the region.

Like those proposing the current resolution, members of AAF are also concerned about obstacles to education in the West Bank and Gaza, as we are about impediments to education everywhere. But rather than enjoining the AHA to “call for the immediate reversal of Israeli policies,” “to call for the cessation of attacks on Palestinian educational institutions,” or “to commit itself to continuing to monitor Israeli actions,” the AAF encourages the creation of opportunities for collaboration and exchange that would expose Palestinians and Israelis to each other’s historical narratives and use knowledge and mutual understanding to promote peace. Toward that end, AHA members could, individually or collectively, support, host, or collaborate with the many groups that already exist to promote these goals. Many of these groups can be found on the website of the Alliance for Middle East Peace, an umbrella organization for groups seeking partnership and cooperation among Israelis and Palestinians.³⁰

In addition, we encourage the AHA to continue and, if appropriate, strengthen, its collaboration with New York University’s Scholars at Risk Network, of which it recently became an affiliated member.³¹ We also encourage AHA members who are specifically concerned with the mobility of Gazan students to support Gisha, the Legal Center for Freedom of Movement frequently cited both by those who support and oppose this resolution.³²

³⁰ See <http://www.allmep.org/>

³¹ The AHA staff, “The AHA Joins Scholars at Risk as an Affiliated Member,” Perspectives, September 2015. <https://www.historians.org/publications-and-directories/perspectives-on-history/september-2015/the-aha-joins-scholars-at-risk-as-an-affiliated-member>

³² <http://gisha.org/>