

THE IMPACT OF MILITARY OCCUPATION ON PALESTINIAN EDUCATION

Following twenty-six years of military occupation, in mid-1994 the Palestinian National Authority gained control of education. For the first time, in the brief spring that took hold, a Palestinian administration was able freely to plan strategically for the future development of its people and to implement policy for economic and cultural growth. Even if the second aspect of that newly-gained freedom was to be physically assaulted and frustrated as the decade progressed, the struggle for education has been critical to protecting Palestinian national identity and civil society. In terms of intellectual 'capital endowment' (when Palestine is not gifted with tradable natural assets), it is difficult to overestimate the esteem in which education is held or the considerable sacrifices that individual students are prepared to make to remain involved to a high level of achievement:

*Higher education can be viewed as an investment with dividends manifested in increases to the gross national income by raising the productivity of educated people. However, the goals of higher education go beyond the economic dimension to include social advancement and scientific and cultural productivity in all its forms.*¹

Education policy does not exist as an abstraction - like the muscles of the human physique, it is enmeshed with the social tissues of the body politic. There are economic constraints, government policy directives, long-run strategic planning objectives for societal development ... but - habitually - all endogenously evolved with some element of democratic participation. In this case, the dominant agents are hostile, the exercise of power is arbitrary and the constraints are exogenous.

The policies implemented by Israel in the occupied Palestinian territories that interfere with students' daily routines take various forms. They range from dedicated military operations preventing courses being held to general controls imposed on the population at large (which, in the process, impede study). They vary in intensity from actual physical violence to the attritional effects of the military occupation on students' social support networks. Loosely classified, these measures fall into the following groupings:

- A** - Dedicated destruction of and indiscriminate violence directed towards educational institutions.
- B** - Obstacles physically intervening to prevent students attending courses.
- C** - Collective punishments imposed on communities (and universities).
- D** - Attritional side-effects of military occupation on students', teachers' and administrative staff's capability to pursue courses.
- E** - Measures degrading the morale of students, teachers and administration personnel in undertaking their daily routines.
- F** - Suppression of Palestinian cultural expression.

What follows is an account of how these policies affect students and educators, in their own words where available. It does not pretend to be a comprehensive review of each event conspiring to undermine the Palestinian education sector, nor is it intended to create the impression that they are phenomena recently occurring or exceptional measures responding to the Palestinian *intifadaat*. The confrontations began with the invasion of 1967 and their incidence multiplied markedly with the hegemony of the Israeli *Likud* party's settlement policies from the beginning of the 1980s.

A - Violence directed towards educational institutions.

These are the most visible manifestations of military interference, each occurrence - if not to breach the Fourth Geneva Convention - having to be of urgent 'military necessity'.

1. Physical destruction of institutions

During 2004, the Ministry of Higher Education recorded that eight universities had been shelled or broken into since the beginning of the al-Aqsa *intifada* ...

In the early hours of 16 March 2004, the Israeli army conducted a military operation in the Al-Zaytoun neighbourhood of Gaza city, closing off access to the district and placing it under siege. The educational studies campus of Al-Aqsa University lay within the sector cordoned off. Due to persistent menaces from military actions targeting the campus, students had been transferred to alternative locations as of January 2001. During this incursion onto the University's premises, houses nearby were forcibly evacuated, explosive charges laid and detonated, damaging neighbouring homes, destroying the campus and injuring three people. Two buildings occupying 1750 square metres of land were razed - the campus served 3,000 students – with the loss of facilities consisting of 16 classrooms, 6 offices, three laboratories, a library and cafeteria. Excluding equipment and the opportunity loss of the land, the cost of the destruction was estimated at the time of the attack at over \$700,000. From the outbreak of the Al-Aqsa *intifada* until the night of the assault on Al-Aqsa University, seventy-three educational establishments in the Gaza Strip had been put out of action.²

Having been deprived of funds since the 1967 Israeli invasion, the Agricultural College of An-Najah University at Khadouri in Tulkarem was being progressively rehabilitated by the Palestine Authority. On October 2 2001, the Israeli army stormed the campus after a prolonged period of mortar and tank shelling. The following damage was reported:

The destruction of installations:

- The cow farm and advisory centre that is working under the supervision of Ministry of Agriculture.
- The Tulkarem Directorate of Agriculture affiliated to the Ministry of Agriculture.
- The College of Agriculture Affiliated to An-Najah National University .
- The Technical Industrial Institute.
- The Tulkarem Industrial School.

The loss of use of:

- The workshops belonging to the Industrial School and daily works at the school itself due to its location in the shelling range.
- The cow barracks and laboratory belonging to the Palestinian Center for Enhancing Cow Breeds. The dairy manufacturing unit, milking and infants' incubation units, fodder store and fodder fermentation units were destroyed. The estimated area of the destroyed site is 2000m².
- The entrance to the College of Agriculture - destroyed.
- A store belonging to the Ministry of Agriculture with an area of about 40 m², containing medical drugs, agricultural equipment and tools.
- 10 cows belonging to the college of agriculture - killed.
- About 60 olive trees belonging to the agricultural directorate - uprooted.
- The Meteorological Station belonging to the Palestinian Ministry of Transportation - destroyed.
- The water network attached to an artesian well for irrigating 250 dunums belonging to the station - destroyed. All the institutions established on the land of Khadouri benefit from this well.

The ancient archeological walls of the Khadouri Institute were also destroyed. Having already lost over 80% of its land since the Six Day War, the College was deprived of a further tranche of four dunums in December 2001 to be enclosed by the Israeli District Coordinating Office. This land is reported to be serving as a military base for sorties into the western neighbourhoods of Tulkarem.

2. Vandalism: reckless damage

The Israeli army raided the Student Council building at Birzeit University on 9 September 2003. Four jeeps entered the campus. The soldiers broke into the building to conduct a search, but in effect to destroy equipment and ransack files. No items were reported

confiscated for security or other reasons, and of course no compensation was forthcoming for the damage and disruption caused.

3. Closure of institutions

Between 1973 and 1992, Birzeit University was closed on fifteen separate occasions, a time period amounting to over seven years when aggregated.

Hebron University had suffered a similar length of closure up until the Israeli army reoccupied the West Bank cities as part its 'operation defensive shield' in 2002. Soon after, in January 2003, Hebron University and Palestine Polytechnic University (PPU) in al-Khalil were both summarily closed down by military order (initially for fourteen days). These closures lasted for months - well beyond any plausible security motivation - until in June 2003 Hebron University students invaded and occupied their campus, demanding its reopening. Classes resumed on part of the campus until soldiers reinforced the embargo with an extended military order, closing both institutions for a second time on 30 July 2003. The Universities resumed teaching in August, but, as is detailed below, the harassment continued.

B - Obstacles physically intervening to prevent students attending courses.

Iterative measures targeting individuals contribute to disruption of education in a piecemeal fashion but have a significant overall impact. New students enrolling at Birzeit University from the Jenin governorate in the northern West Bank, for example, had declined by 100% by 2004 - that is, ceased entirely.³ For the academic year 2002-03, An-Najah University reported that 1574 students were unable to register (over 15% of the University's student population) due largely to the hazards of and costs incurred from military occupation. Taking these risks can be fatal ... from September 2000 to July 2004, a total of 196 university and college students and 38 school teachers and university employees had died.⁴

4. Reckless killing

On December 13, 2003, a military operation ended in the death of a 20-year-old student of An-Najah University, Kamela al-Shouly. Twelve people were arrested, including three female students, after live ammunition, percussion grenades and tear gas were deployed to establish a closed military zone. The closure prevented emergency medical services from reaching any of the individuals trapped in the area irrespective of special permits carried.

This is by no means an isolated incident. Before the outbreak of the first *intifada*, two students were killed and sixteen wounded during clashes with the Israeli army at Birzeit University on 4 December 1986. The confrontation was generated by an intensification of checkpoint controls, arrests and stop-and-search harassment of students. Their names - Jawad Jama Abu Salima and Sahib Mahmoud Jihab - are amongst thirteen students remembered on the martyr's memorial at the University campus who have fallen victim to military violence.

The menace to universities does not just emanate from military operations, however. On 26 July 1983, the Hebron University campus in al-Khalil was invaded by masked attackers from the neighbouring Kiryat Arba colony. Three students were killed and 33 injured.⁵

5. Serious bodily harm

Students at An-Najah University have recorded their experiences at the hands of the Israeli army.⁶ These accounts illustrate how military occupation is used physically to impede them continuing their studies. A pharmacology student in her third year, Manar travelled from the city of Al-Khalil (Hebron) each week, a three-hour journey that has come to require eight hours and some good luck:

"... On another occasion I remember when we were trying to enter Nablus to get to University, but as always soldiers occupied all entrances to the city. We had no choice but to try Huwarra checkpoint and ask the soldiers to allow us to enter. The Israeli soldiers not only refused but also started beating some guys who were with us. They forced us to stay in the hot sun for hours. I saw some teachers who were trying to pass the checkpoint to attend their classes, but they were forced to go back. An entire day had passed while we waited to enter the city of Nablus ... We left our home at sunrise. It was sunset when we finally entered the city. "

At other times, random violence seems designed simply to terrorise students. On December 9 2003, an army jeep arrived at the entrance to the Birzeit University campus and opened fire with rubber-coated bullets, injuring four students.⁷

6. Checkpoint closures and prohibitions on passage

Confrontation may be instigated by tight controls on movement, without apparent justification, applied to students at checkpoints. On June 12 2004, the army set up a mobile checkpoint near Birzeit University and began to detain and search students arriving there to attend courses. Predictably, the situation turned to confrontation, with students hurling stones at soldiers and soldiers opening fire with rubber-coated bullets, injuring two students. Similar operations were staged at Hebron University, with the University being placed under effective siege in July and October 2004, while in April of the same year a military raid resulted in several students being taken to Kyriat Arba settlement colony for interrogation, and one eventually arrested.

In 2002, Kanar was studying for a degree in journalism at An-Najah:

"The road between my village and the university took one hour on a usual day, while it now takes several hours, because we have to use a different road taking much more time.

When I arrive at the borders of Nablus city I have to walk through the check point and change cars . . . Sometimes we use another road [passing] Asira village. Other times we find that both roads are closed by Israelis, which can result in the loss of daily classes at the university.

*We were on our way home last week when an Israeli tank stopped us. They investigated and questioned us for a long time, while we were forced to kneel down . . . They finally called on us and we thought that they were going to allow us to continue on our way, but they ordered us to go back to Nablus even though we were going to our homes. They ordered us to go back [to the city] after making us wait for four hours."*⁸

Students are identified as such by the status of their identity cards and the time taken to check these against a centralised database is often the pretext for detaining students at checkpoints. This is equivalent in practice to being placed under summary arrest, since without valid identity papers it is impossible for Palestinians to move around at all:

"Eyad, a civil engineering student at An-Najah University, was travelling to his college in Nablus until he saw an Israeli checkpoint in Deir Sharaf. He saw people waiting in line for their turn to pass the check point. When it came to his turn to

pass through the check point an Israeli soldier took his ID to investigate. Eyad was questioned as usual, but after a few minutes the soldiers started to order all of the Palestinians to leave immediately without being allowed entrance into Nablus. They started to shoot at people to force them to leave and Eyad was used as a human shield to protect the soldiers from any danger . . . Eyad was forced to wait until nightfall to return to his village. Eyad refused to leave because the roads were filled with Israeli settlers and he was afraid he would be killed. He told the soldiers that they either had to allow him enter Nablus or wait at the checkpoint until daybreak. One hour later an Israeli soldier threw his ID onto the floor and told him that he could enter Nablus." ⁹

The operation of controls on movement through checkpoints can also be systematically applied to isolate institutions. In this regard there was a notorious checkpoint situated at Surda junction, which controls the main access road to the village of Bir Zeit and the University from Ramallah. A 1.5-kilometre stretch of road is barred for vehicular traffic by trenches, concrete blocks, dirt mounds and control posts at each end. From time-to-time, passage of any kind would be prohibited, with soldiers deploying percussion grenades, tear gas and live ammunition to clear pedestrians from the checkpoint area. Restrictions became particularly intense in the period April-June 2002. Although lifted temporarily in August 2003, the checkpoint was totally closed in bi-monthly incidents occurring throughout that year. In spite of these obstacles, students and staff continued to attempt to maintain a normal daily routine, although this resulted in physical injury and one person fatally wounded while trying to circumvent the barrier via agricultural fields.

From the beginning of the 2001 spring semester, the cumulative impact of movement controls at Surda junction severely disrupted the academic calendar, with the University needing to extend the year to complete the 2002 academic programme. For final year students with arrangements to start work or pursue studies abroad, such delays introduce an additional financial burden to an already precarious balancing act. The checkpoint was dismantled (at least temporarily, but not for the first time) in December 2003, although Surda is one of hundreds scattered around the occupied territories ¹⁰. . . those controlling access between major cities have achieved an equal notoriety (for example, Qalandiya or Huwarra, outside of Jerusalem and Nablus respectively).

7. Curfew

During periods of curfew, all activity - economic, political, social ,cultural, whatever - stops. Breaking the curfew is to invite summary, lethal consequences.

Characteristic of those during 2002-03 was the uncertainty surrounding their imposition and their enforcement. They could be forewarned by loudspeaker during a military jeep's tour of a district; or they could be announced by the sudden appearance of an armoured personnel carrier firing live ammunition; and they could be extended without prior notification over consecutive days; or they could peter out as inhabitants simply refused any longer to remain at home. With this element of uncertainty, even off-campus arrangements, which enabled courses to carry on when specific university premises were subject to blockade or closure, were not feasible.

The question of pressing 'military necessity' has to justify the extent and duration of the curtailment of citizens' rights. An hourly schedule of the curfews applied to the major West Bank cities from June 2002 can be found at the Palestinian Red Crescent Society web site (at the time of going to press -

http://www.palestinercs.org/PresentationPowerpoint_Curfew_Tracking_July_2002_files/frame.htm)

A tabulation of the cumulative hours is given in Table 1. For most cities (except Al-Khalil), the large majority of the days under curfew were concentrated in the period ending March 2003, when at times life was under continuous house arrest for days on end. Without a declared state of open war between regular armies, how 'urgent military necessity' arises over such a prolonged period of time requires an explanation.

Table One: Curfew Days in Cities	
June 18 2002 to Dec. 25 2004	
Ramallah	102.3
Nablus	200.3
Jenin	156.9
Hebron	242.8
Qalqilia	91.2
Bethlehem	109.4
Tulkarem	188.6

[Source: PRCS]

8. The segregation wall

With only 11% of the planned barrier route running along the Green Line, the wall has an obvious and critical impact on students' and university employees' capability to reach their campuses. In the case of Al-Quds University, located in Jerusalem, the main campus and over a third of the student intake have been cut off from the city. At An-Najah University, access to the agricultural departments in Tulkarem region is jeopardised. In particular, where an impenetrable barrier surrounds large population concentrations, dependency is increased on army largesse at crossing points to gain passage, since circumvention of blockades using rural pathways is no longer possible.

9. Raids on student residences: arrests, theft and vandalism ...

Student accommodation is not exempt from military attention. Apartments at An-Najah University in the Al-Makhfiah neighbourhood of Nablus were raided on 1 August 2003 (during a period of 'hudna', or truce, secured by then prime minister Abbas). Soldiers used explosives to blow open doors and arrested four students, two of whom were allegedly members of 'proscribed' organisations. While trying to escape the assault, two students were shot and wounded. . . all those arrested, according to witnesses, were handcuffed, blindfolded and beaten.

Firas, an engineering undergraduate at An-Najah University, gave the following details of a military incursion in April 2002. The meticulous disruption caused reveals what these types of raids are designed to achieve:

"... The Israeli occupation army entered the flats at 4:30am. They were scaring students by shouting at them from the stairs, while using dogs to intimidate them. They ordered everyone to leave their flats and stand in the street in their pajamas. The guys were ordered to take off their shirts and trousers at gun point. We were forced to stand up against the wall blindfolded, while the soldiers checked our dorms . . . The soldiers broke everything that was in their way and had no regard for the student's belongings . . . Eight students were arrested for no apparent reason." ¹¹

Over fifty students from Birzeit University were arrested during a nocturnal raid on Bir Zeit village on June 23 2003 and held captive for several days, during which operation

half of the students reported having money and small electronic appliances stolen by soldiers. Ten other cases of army theft were reported during the course of the year.¹²

Mais, a science student at An-Najah, had rented a flat in Nablus to avoid daily travelling to the city from her village of Yabad. More than thirty soldiers, arriving in five armoured personal carriers, raided her apartment block at 4:00am during an invasion of the city in June 2001, arresting four girls for no obvious reason. The soldiers returned the next night at 2:30am, ordering the occupants to stand in the street until daybreak while they searched their apartments.¹³

On another occasion the Israeli army raided the dormitory building of Isam and his flatmates, students at a local community college, at 01:30 one morning in 2002. The soldiers used explosives to access the flats instead of knocking on doors, because it is quicker for them. The students were in bed when the soldiers entered their rooms, startled and scared. Isam recounted that the soldiers removed two computers amongst other items from the flat, then arrested the students, taking them blindfolded and handcuffed to a military base outside Nablus at Huwarra. They were kept there for a week, regularly beaten and prevented from sleeping.¹⁴

10. Incarceration

Those arrested can be detained under emergency legislation for periods of up to six months without explicit charges being made against them and without evidence being made available in open court for defendants to challenge. Indeed, 'evidence' - or, more accurately, information - presented in this context is not evaluated for its integrity, but rather assessed for its applicability: what counts is whether the story presented to the judge *in camera* is consistent with the qualifying criteria for detention. Thereafter, each six-month period is renewable indefinitely.

This is the regime of 'administrative detention' inherited by Israel from the British Mandate period, which requires a formal state of emergency to be declared to operate legally. The 'state of emergency' has been renewed annually by the Israeli government since the state's inception in 1948, and specific legislation - the Emergency Powers Detention Law - was passed in 1979 to regulate application of administrative detention in the occupied Palestinian territories. By January 2003, over a fifth of all prisoners - some 5,600 in all - were held under administrative detention, although the number thus held by June 2004 had almost halved (while the total number of Palestinians detained had increased by a third to 7,400 over the same period).¹⁵

Arrests are also executed for specified infringements of the autocratic martial regime established with the invasion of the West Bank and Gaza Strip in 1967, which also applies legislation inherited from preceding governments. Use of arrest for short periods of detention followed by release without charge is common.

As of January 2005, Birzeit University reported seventy-six of its student and staff members detained in prison or awaiting trial, with eleven students held under administrative detention regulations. Two-thirds of those interned had not been to trial. One member of staff had been arrested twice, the second time sentenced to six months administrative detention. One student has been kept in jail under an extended administrative detention order for over two years - it is in the design of this punishment that prisoners lose their freedom without any clear idea as to why they are being held. Aggregate figures for the higher education sector overall give the total number of students detained since September 2000 as 710.¹⁶

11. Deportations

After nightfall on November 18, 2004, the Israeli army surrounded an apartment in Bir Zeit village rented by four students of the University. The soldiers stormed the apartment, and, according to Bashar, one of the students living there:

*"...they treated us like criminals. They ordered us to gather our belongings and blindfolded us, handcuffed us . . . That was Thursday night. Because of [the Sabbath] they left us locked up until Sunday morning, and then they put us back in the vehicle and dumped us at the Erez checkpoint" [the Gaza crossing point]*¹⁷

All four, engineering undergraduates from Gaza, were in the final year of a four-year degree course. They were expelled from the West Bank because transit permission to enter or leave the Gaza Strip had been restricted to urgent 'humanitarian' applications only - and this excluded the right to study.

Although in 1994 the Oslo accords formally recognised that the West Bank and the Gaza Strip were one territorial entity, successive Israeli administrations have consistently applied policies designed to separate the two regions. It has since become impossible for Gazans to gain access to the West Bank, whether for education, for work, for residence, for family visits . . . whatever the necessity.

An international campaign of support has been launched to obtain the unconditional lifting of restrictions on the four students, but two months after the start of the final semester, they remain barred from returning to Bir Zeit. The official Israeli response invariably involves special concessions devised on a case-by-case basis, subject to 'good behaviour', applied as if Israel were a legitimate immigration authority, and backed up by signed undertakings from the 'applicants' to leave the West Bank by a fixed future date.

Their case is far from unique. Since 1991, physical and administrative controls have been created that progressively cordoned off the Gaza Strip: introduction of a three-tier transit-permit system; total bans on Palestinians travelling of a certain age group; construction of electronic security barriers and fences along the trace of the Green Line; periodic total sealing-off of any access to the Strip, accompanied by immediate invalidation of all transit permits. The pretext for these measures - clearly in breach of the international covenants and treaties discussed above - is always security, in spite of there often being no tangible evidence linking the affected population with the security threat, thereby implementing a form of collective retribution.

From 350 Gazans studying at Birzeit University in 1999, there are now only 35 registered, but the phenomenon is not linked to the advent of the second *intifada*. Nigel Parry's excellent report on student deportations from 1994 revealed that there were over 1300 Gazan students registered at West Bank institutions of higher education for the 1994/95 academic year struggling with permit frustrations. The appended correspondence to his report, documenting the pursuit of a resolution to these difficulties, is a textbook example of how Israeli bureaucratic bad faith undermines seemingly straightforward political agreements.¹⁸

12. Eligibility vetting (i) - Employment frustration

Birzeit University lost two faculty members holding foreign passports in 2003 - they were refused re-entry at Israeli-controlled border posts - while two foreign students on the Arabic Studies programme had their visa renewal requests refused.

C - Collective punishments

The Israeli doctrine of pre-emptive strikes as a form of defence means that the army considers it unnecessary to have a proven 'misdemeanour' to 'punish' identified

'perpetrators' - the potential of an assumed threat provides adequate pretext. 'Collective punishments' involve summary reprisals taken against sections of Palestinian communities, sometimes as a publicly-announced operation. In these cases, the justification cited for endangering the civilian population is once again urgent 'military necessity', where by implication to do otherwise would incur greater risk of loss of life and injury. Other examples target individuals on grounds of familial relation, or because of incidental association with an organisation, an institution or simply a neighbourhood or village. In yet other cases, indiscriminate operations, irrespective of the 'culpability' of any civilians caught up in the wrong place at the wrong time, are carried out.

Without the fig-leaf of 'military necessity', this behaviour amounts to a grave breach of the Fourth Geneva Convention - war crimes, in other words. The routine and reckless manner in which such military operations have been and continue to be deployed throughout the occupied territories establishes that *prima facie* there are many serious allegations for Israel to answer.

13. Indiscriminate assaults

"I am a local student of An-Najah University who travels from my village to the city of Nablus to attend my classes. During the past two years I have encountered many difficult obstacles while on my way to university. For example, I was on my way to Nablus and several Israeli soldiers ordered me and the other passengers in the car to stand in the street for 4 hours while it was raining. This was a collective punishment suffered by all passengers using that street on that day, because there was a bomb explosion just before we arrived at that very same street. The soldiers were questioning us while they were beating on one of the students. I could see his blood as it mixed with the rain water. They were beating him strongly with a gun until he lost consciousness. They started to beat everybody and I was no exception ..."
[Omran, journalism undergraduate]¹⁹

14. Intimidation: family connections

Samer, an arts student at An-Najah, was stopped by an Israeli patrol when taking the back roads from his village of An-Naqla to Nablus to avoid passing checkpoints. On checking his ID, an Israeli soldier recognised Samer's family name as being the same as that of a Hamas activist killed by the army. He was arrested and detained at a settlement colony.²⁰

15. Intimidation: place of residence (birth rites of passage)

From a refugee family made homeless in 1948, Nada had experienced a few months previously the trauma of the obliteration of Jenin camp. She was an economics and finance student at An-Najah and, in spite of the destruction of her neighbourhood, was continuing her studies in Nablus and the daily grind of negotiating checkpoints: *"[The soldiers] got mad when they heard that I am from the refugee camp of Jenin. They started cursing at me, insulted me, tore my books, and did not allow me to continue my way to Nablus. They forced me to stay out under the sun for six hours, which was very hot, but at last I made it to the university."*²¹ The reaction of the military is echoed in Ahmad's testimony:

"I live with my class mates on Al-Makhfeyeh Street, so when the Israelis invaded Nablus they invaded our home as well. They ordered us to lie down on the floor, and took our ID cards. When they realised that we were from Jenin they started to beat us, curse at us and claimed that we were terrorists who wanted to commit suicide. They destroyed everything in our flat: furniture, computers and books. They arrested us and took us to Huwarrah military camp where they humiliated us. Our

*only mistake was that we were from Jenin . . . After being detained for three days we were finally allowed to leave. We were kicked out in the middle of the night . . ."*²²

Along with the general population, students are subjected to the intensive curfews and indiscriminate clamp-downs on movement that were particularly intense through April-June 2002. If they were very unlucky, students also found themselves caught up in the operations themselves ... six female students of An-Najah recounted the following:

"When the Israeli soldiers occupied Nablus during the invasion on the 4th April 2002, all six of us were in our flat. We had no choice but to rent a flat because we are not allowed to travel freely between cities. Our flat is very close to the old city of Nablus, so during the invasion we were not allowed to leave the city at all. The soldiers took over our flat and used it as a military observation point to observe the city. For one week we were all forced to stay in one room, while the soldiers were free to move around the rest of the house. We were not even allowed to use the bathroom without being accompanied by a soldier.

*We felt insulted and humiliated . . . there was an Israeli soldier who stayed in the room with us to observe what we were doing. The reason why they kept us in the flat the entire time instead of letting us go was because we were being used to protect the Israeli invaders from any attacks by the local resistance."*²³

Collective punishment may of course also be systematically applied to bloc-targets in the secondary or tertiary education sectors. Wholesale periodic closures (see **A** above) of educational institutions have been a regular feature of the military occupation since its inception.

D - Attritional side effects of military occupation

16. Attrition of intellectual culture

Vibrant extra-curricula activity cannot thrive under physical blockade or life threatening curfew. For institutions, this means a sacrifice of potential income from hosting conferences and seminars; for students and staff, events such as public lectures, arts exhibitions, concerts, film festivals, sports meetings are foregone. These activities form the essence of universities, intellectual interaction in a liberal environment, the loss of which is hard to over-emphasise for both students and Palestinian society. At the beginning of March 2004, the army conducted a nocturnal raid on an exhibition at Hebron University ('The Fourth Palestinian Cultural Week') confiscating certain materials, while damaging or destroying other exhibits. This was the ninth occasion the University had experienced a military incursion since the beginning of the al-Aqsa *intifada* in 2000.

17. Attrition of education materials

Closure and restrictions on movement contribute to accelerated depreciation of educational assets and depletion of resources. Maintenance work on building infrastructure, laboratory hardware or administration equipment is impeded; delivery of books, computer consumables or teaching materials is disrupted. Upgrading of libraries is a particular concern for universities, where book stocks would look relatively undersized against a Western Europe yardstick.

18. Economic blockade and financial pressure

Students are often obliged, to protect family economics as well as to avoid encountering travel restrictions, to leave home and live close to university premises.

The Institute of Community and Public Health at Birzeit University conducted a survey of their students to ascertain the impact of intensified Israeli military activity since the beginning of the Al-Aqsa *intifada*. Students repeatedly referred to anxiety deriving from the increased pressure of completing their studies under traumatic conditions while experiencing deteriorating personal or familial financial circumstances. Psychosomatic symptoms such as insomnia and appetite disorders were frequently identified.

E - Attritional measures taxing the morale of students, teachers and administration personnel undertaking their daily routines.

Educators and students somehow find the resilience to carry on in spite of impeded routines. Even when the physical and economic barriers of military occupation are surmounted, there always remains the risk of random disruption, regardless of material damage caused, to further undermine morale.

19. Threatening behaviour

These are relatively high-adrenalin affairs, carrying with them the psychological menace of physical harm and threatening behaviour. An Israeli military raid on the premises of Al-Quds Open University, Al-Khalil, on 25 September 2004 resulted in soldiers breaking into buildings and chasing students out of their classes. Dozens were detained - held up against walls - while others were forced to strip under the pretext of being searched for explosives. It was reported that some 60 students were targeted, several being severely beaten and subsequently transferred to hospital and clinics in Al-Khalil for medical attention.

There is a demoralising history of raids taking place at Birzeit University, situated to the north of Ramallah. On March 14, 2005 - once again during a negotiated ceasefire governing "all military activity" - the Israeli army broke into the university campus, launching tear gas and rubber-coated bullets at students. One student was arrested and one left injured with respiratory problems caused by tear gas inhalation.

20. Insults and humiliations

Students, in testimonies of their experiences, often refer to the humiliation and insults suffered in terms that suggest these provoke the greatest sense of resentment. If they wish to pass a checkpoint, Palestinians themselves may be forced to direct such insults at others in their company. Flashpoints of cultural or religious sensitivity make effective targets for flaunting absolute authority, on occasions with sexual overtones. Stories of those being asked to strip themselves bare are legion, often without discretion from public view:

"On the checkpoint of Deir Sharaf, which is a few miles from the heart of Nablus city, two Israeli soldiers ordered a female student to take off her shirt. The girl refused such an insult. The order was not only against her religion, but it was also against her human rights. The two soldiers told her to take off her shirt or they would open fire on her, and claim that she was trying to attack one of the soldiers . . . She still refused to obey their orders . . ." [testimony related anonymously by An-Najah student].²⁴

Then there are other accounts of having to perform rituals of humiliation for soldiers' amusement, such as this from a pharmacology undergraduate at An-Najah:

"I will never forget the day that we were forced to pass through sewage water without our shoes. The [male students] were forced to go back to Tulkarem city, so only girls were present. The soldiers were laughing at us and cursing. It was as if

*they were watching a comedy movie on TV. They were very pleased with themselves when my friend fell down into the sewage water. I wanted to help her stand up, but the soldiers raised their guns in front of my head and shouted: 'go away or you will be a dead body here !' and they continued their laughing."*²⁵

Needless to add such behaviour is unimpressive from an army that likes to brag of its high moral conduct. There are soldiers, however, who aim to reward their questioning with an educational experience, as five students attempting to negotiate a checkpoint on the route from Yasid village to Nablus discovered in the spring of 2002:

"An Israeli soldier took a book from one of the students and asked the student about it. The student said, 'this is a book about history'. The soldier asked him once again, 'why do you carry it?' The student replied 'I have to take an exam today.' The soldier decided that he would ask the student some questions from the book, and he was told that if he did not reply to the question correctly he would be punished. The soldier asked the Palestinian student what the size of the state of Israel was. The student did not reply and was silent for a long time. A strong beat (sic) came from the soldier onto the face of the student. The soldier asked him about the geography of the state of Israel, but the student did not reply, so another blow came to his head. The student was put through a hard psychological phase because the questions were symbolic questions, which touch the heart of every Palestinian's national dreams.

*The Israeli soldier asked 'what about your teacher of history?' The student did not fear replying to such a question, so he did. The soldier replied 'good, and because you replied to the question I will reward you with two books instead of one.'" The soldier tore the book into two pieces, threw them onto the ground and stomped his boots on what was left of the book ..."*²⁶

21. Psychological impact

During an interview with Rami Hamdallah, President, and Sami al-Kilani, Director of Public Relations of An-Najah University, I asked about the psychological impact of occupation on the students ...:

Sami al-Kilani: *"The occupation effects our daily life - our families, our economics, our daily existence. Students cannot come to university because they do not have money to pay for their fees because their parents are prevented from going to work. Students come to school and they cannot study well owing to the psychological effects imposed upon them. So it's not only a matter of students [being affected], it's all of the people under the occupation facing the same problems. We are facing interrelated problems caused by the occupation. "*

Rami Hamdallah: *"The tension and uncertainty that the students are living under affects them greatly on the psychological level. You may notice some violence sometimes in their acts because they are under stress and their performance is affected by this situation. So the psychological impact - this is one major effect of the occupation, in addition to the economic level that we were looking at . . . But inside the city, the kind of life the students are forced to live: continuous curfew; invasions and closure; uncertainty whether tomorrow there are classes or not. No-one is sure when you will be graduated. Last summer, the second semester was about to close - two examinations were left to be held on two days. There was a curfew and then invasion. Those two examinations were suspended three months - those students waited three months to close down the semester. Therefore there were many who had incomplete grades and students had to find alternative dates with their professors. Sometimes they lost these dates once, twice or three times. So they have to get ready for their examinations three*

or four times until in the end they make it to their examinations. You can imagine the anxiety that students experience when they are in such a situation." ²⁷

F – Suppression of Palestinian cultural expression.

22. Curriculum interference - textbooks

Israel's attacks on Palestinian educational texts have gained - and not by chance - the attention of international media. The Palestinian Authority took control of education policy in 1994, assuming the curriculum and materials employed by Jordanian and Egyptian systems in the West Bank and Gaza Strip respectively. In spite of the introduction of the PA's revised curriculum in 2000-01, Israeli analyses have relied on issues from predecessor texts when attacking the new generation of textbooks (in one case citing extracts that cannot be traced to any source at all).

It is claimed that these produce hatred, violence and anti-Semitism. The objections tend to focus on alleged negative presentations of Israel in Palestinian historical texts: references to former ownership of territory situated in present-day Israel; depictions of the demographic distribution of populations before 1948; expulsion of Palestinian communities from traditional lands and the changing of place names . . . information that is empirically difficult to avoid or deny, given the subject.

It is not necessary to treat the plausibility of the claims here,²⁸ but it is significant to note the persistence with which Israel makes these representations through channels capable of depriving the Palestinian Authority of essential international subventions (World Bank financing, for example). In May 2002, the European Union recorded that the "new textbooks, although not perfect, are free of inciteful content and improve the previous textbooks, constituting a valuable contribution to the education of young Palestinians," concluding "allegations against the new textbooks funded by EU members have proven unfounded."²⁹ However, the allegations were repeated by Israel's Department of Palestinian Affairs in a June 2004 report³⁰ and subsequently by Israeli Prime Minister Ariel Sharon in November 2004 when calling for the curriculum to be the acid test for the Palestinian leadership, just a few days after the demise of President Yasser Arafat.³¹

23. Eligibility vetting (ii) - Military Order 854

Military Order 854 was introduced in August of 1982. Its consequences were to require all students from Jerusalem or the Gaza Strip who wished to study in the West Bank to obtain prior permission from the military administration of the locality in which the university is situated. It also enabled the civil administration to demand that local and foreign university teachers (i.e. non-Israeli citizens), when applying for work permits, sign an undertaking refraining from "*any activity, nor to offer any assistance to the organization called PLO or any other terrorist organization that is considered to be hostile to the State of Israel, as indicated in the Act for the Prevention of Acts of Belligerence and Enemy Propaganda ... such acts being of a direct or indirect nature.*"³² Infringement would result in revocation of the work permit and checkpoints were established around the universities to enforce the order.

It was suspended one month later, but the civil administration persisted with trying to impose its replacement contract terms. Dozens of non-resident faculty were expelled for refusing to sign (from Birzeit, Bethlehem, Hebron and An-Najah Universities, including the Vice-Chancellor of the latter). In January 1983, the civil administration ordered foreign teachers at Birzeit University not to lecture to their students; they were prevented from reaching the campus at the surrounding checkpoints.

The pledge was finally withdrawn and replaced with an embedded condition in the work permit application. When a few lecturers returned to An-Najah University in May 1983

having signed the revised version contracts (reproduced at the end of this chapter), they were boycotted by the students.

24. Criminalising learning

The closure by military order of Hebron University on 15 January 2003 (see under **A** above) was carried out because, in the judgement of the commander of the central region of the Israeli military forces in the West Bank, General Moshe Kaplinski, the colleges "*endorsed terror and acts of vengeance as part of their curriculum*" and the army "*has a duty to prevent education that incites murder of Israelis.*"³³ The prognostic logic linking the treatment to the diagnosis remains to be explained.

International Humanitarian and Human Rights Law

As an occupying power, Israel's belligerence involves grave violations of the fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) and subsequent international humanitarian law. Faced with such aggression, Palestinian politicians, community leaders and human rights organisations have repeatedly appealed for protection:

- to international agencies to pressurise Israel via their governments to comply with treaties and conventions governing a people's rights to self-determination (e.g. the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights).
- to UNESCO to intervene to put an end to attacks on educational institutions.

Israel is a party to international treaties which regulate the conduct of states in the fields of economic, political and cultural rights. The Universal Declaration of Human Rights (1948), reaffirmed by the World Conference on Human Rights (in which Israel participated in Vienna, 1993), advocates undertakings regarding basic human freedoms. Explicitly,

- that everyone has the right to education and that higher education shall be '*accessible to all on the basis of merit*' (article 26);
- that "*education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms*" (article 26);
- that "*everyone has the right freely to participate in the cultural life of the community*" (article 27);
- that "*everyone has the right to freedom of opinion and expression*" and that "*this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers*" (article 19);
- that "*everyone has the right to freedom of movement and residence within the borders of each State*" (article 13);
- that "*everyone has the right to leave any country, including his own, and to return to his country*" (article 13);
- that "*everyone is entitled to all the rights and freedoms set forth in this Declaration ... no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty*" (article 2).

These rights were developed further in the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) which, as an international treaty (ratified by Israel in 1991), is legally binding. The treaty declares that 'all peoples have the right of self-

determination,' but also that,

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations. (ICESCR, Article 1)

The ICESCR addresses the right to education explicitly, stating that States Parties:

- recognise "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" (article 13).

Potential exemptions from the provisions of the treaties were allowed States Parties under certain conditions. Under the ICESCR:

the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society. (Article 4)

Such exemptions would need to be mindful of the principle of proportionality. They would be legal only to the extent that the exemptions constituted exceptional deviations from the precepts governing other conventions and covenants protecting human rights. The deviations would have to be limited to what is necessary and to be restricted to a proportionate response to a perceived public emergency.

Endnote

At the beginning of the 2002-03 academic year, the Palestinian Minister of Education & Higher Education, Dr. Naim Abu Hommous, made the following appeal in an open letter of 28 August 2002:

I do not need to remind you of the disastrous life conditions of Palestinian people, and the serious recession in the Palestinian economy. The enormous increase in unemployment and the subsequent increase in the proportion of people living in poverty, estimated at about half of the Palestinian people, are both placing a question mark on the ability of families to afford sending their children to schools and universities once again.

Within all this, I think that it is crucial for all international institutions and partners in the development of the education system, to stress on the following priorities for sustaining the education process:

1- providing protection to Palestinian civilians especially children.

2- Urging the Israeli's to lift the curfews and the closures imposed in the Palestinian areas to permit students, teachers, and employees to have access to their schools and universities.

3- Stopping the destruction of the educational infrastructure, including schools, universities, and district offices.

4- Providing cash assistance to poor and needy families to provide for food, medical care and to secure their children's schooling.

5- Providing continuous budget support to the Palestinian Ministry of Education and Higher Education.

6- Supporting the repair of infrastructure assets damaged by the Israeli's.

Finally, I would like to reiterate the Ministry of Education and Higher Education commitment towards sustaining the education process by all means and up to the last moment. We believe that Palestinian children like all other children of the world have the right for education. It is now time for all of us to save the success stories that we have mutually achieved since 1993.

Taking measures to end Israel's occupation of the Palestinian territories would be a much more efficient means of realising Dr Hommous' priority list than depending on the interventions of emergency humanitarian agencies. The International Covenants referred to above declare inalienable rights which the State (or in this case, the occupying power) is treaty-bound to honour. It is a citation that bears repetition:

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations. (ICCPR, ICESCR, Article 1)

ADDENDUM

The Israeli Defence Forces

The Civil Administration for Judea and Samaria

Decree on the prohibition of work (Judea and Samaria) No. 65 5727-1967

Application for a work permit

I hereby apply for a work permit

A. Particulars:

1. Name of applicant
2. Religion
3. Date of birth
4. Place of birth
5. Nationality
6. Passport/identity card
7. Place where passport/identity card was issued
8. Type of entry visa
9. Valid until
10. Degree of education
11. Profession/specialization
12. Name and address of educational institutions attended
13. Domicile in the area (literally: Permanent place of residence in the area)
14. Telephone number
15. Permanent address outside the area
16. Place of residence before 1967
17. Post description
18. Place of work
19. From ... until...
20. With payment/on a voluntary basis
21. Civil status
22. Name of children

B. [If] the work permit is granted, it will be subject to the following conditions:

1. The permit will be valid for one year as from the date of issue
2. This permit will be valid only for the job and place of work stated in particular, 17 and 18 of this application
3. During the period of validity of the permit, the permit holder will abstain from undertaking any action whatsoever threatening security and public order, that also includes respect for the provisions of the Law and security regulations prohibiting undertaking any action or rendering any service considered as helping or strengthening the Palestine Liberation Organization or any other hostile organization as defined in the order on action of provocation and hostile propaganda (Amendment No. 1) (Judea and Samaria) (No. 938) 5741-1981
4. These conditions do not exonerate the permit holder in anyway from obligations under any law or security regulation nor does it diminish a penalty which would be inflicted on him in case he violates an obligation
5. The violation of a condition attached to this permit could entail its withdrawal
6. Implementation of any special condition defined in the permit.

Date: Read and approved

Signature

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- ¹ *Palestine Human Development Report 2002*, Birzeit University Development Studies Programme, p104.
- ² Palestine Centre for Human Rights report, *Israeli forces destroy university building in Gaza*, 16 March 2004.
- ³ Birzeit University, Right to Education Factsheet (July 2004), p2.
- ⁴ Birzeit University, Right to Education Factsheet (July 2004), p1.
- ⁵ United Nations General Assembly 38th Session *Report Of The Special Committee To Investigate Israeli Practices Affecting The Human Rights Of The Population Of The Occupied Territories* para. IV B 1 (a) 98.
- ⁶ Report on An-Najah University Students - *The Impact of the Imposed Israeli Occupation Siege*, November 2002; Public Relations Department, An-Najah University.
- ⁷ Birzeit University Summary Report, January-December 2003 : *Violations by the Israeli Occupation Army Against the Birzeit University Community*
- ⁸ See footnote 11, p4.
- ⁹ Ibid. p14
- ¹⁰ The UN Office for the Coordination of Humanitarian Affairs recorded 67 checkpoints in the West Bank and 890 obstacles in the West Bank and Gaza Strip in 2004.
- ¹¹ See footnote 11, p10.
- ¹² Birzeit University, *Violations by the Israeli Occupation Army Against the Birzeit University Community* Annual Report 2003
- ¹³ See footnote 11, p9.
- ¹⁴ Ibid. p15.
- ¹⁵ Data from the Mandela Institute for Human Rights.
- ¹⁶ Birzeit University, Right to Education Factsheet (July 2004), p1.
- ¹⁷ Quotation from a Ha'aretz article by Amira Hass, *Gazan students unable to study in the West Bank* (16 February 2005).
- ¹⁸ Human Rights Action Project, Birzeit University - *Making Education Illegal*, Nigel Parry (January 1995)
- ¹⁹ Report on An-Najah University Students - *The Impact of the Imposed Israeli Occupation Siege*, November 2002; Public Relations Department, An-Najah University, p13
- ²⁰ His day ended in hospital, after having a tear gas bomb thrown into the windowless room in which he was held with another detainee. He lost consciousness and was kept in intensive care for the following three days [Ibid. p13].
- ²¹ Ibid. p3.
- ²² Ibid. p14
- ²³ Ibid. p11.
- ²⁴ Ibid. p10.
- ²⁵ Ibid. p4.
- ²⁶ Ibid. p5.
- ²⁷ Author's Interview with Rami Hamdallah, President, and Sami al-Kilani, Director of Public Relations of An-Najah University, Nablus, 3 March 2003.
- ²⁸ For a review of the value of the Israeli claims, see Professor Nathan Brown - *Democracy, History and the Contest over the Palestinian Curriculum* [Adam Institute], 2002. Professor Brown concluded: *Harsh external critics of the PNA curriculum and textbooks have had to rely on misleading and tendentious reports to support their claim of incitement.*
- ²⁹ Cited from the testimony of Ziad Asali, MD (President, American Task Force on Palestine) to the hearing of the U.S. Senate Committee on Appropriations, Subcommittee on Labor, Health and Human Services, Education : *Palestinian Education - Teaching Peace or War?* (October 30 2003). The EU statement also pointed out that the evidential basis for incitement was inaccurate: "quotations attributed by earlier Center for Monitoring the Impact on Peace, CMIP, are not found in the new Palestinian Authority schoolbooks."
- ³⁰ *Incitement against Israel, Zionism and the Jews and their vilification in Palestinian textbooks*, Department of Palestinian Affairs.
- ³¹ Akiva Eldar in Ha'aretz (9 December 2004) - *Learning all the wrong facts*
- ³² United Nations General Assembly 38th Session *Report Of The Special Committee To Investigate Israeli Practices Affecting The Human Rights Of The Population Of The Occupied Territories* para. IV B 2 (a) para. 157.
- ³³ Israeli army spokesman cited in *Occupied Campus: The Israeli Military Closure of Hebron University*, research study of the International Palestinian Youth League (31 December 2003).