

Academic Freedom International Study

BURMA

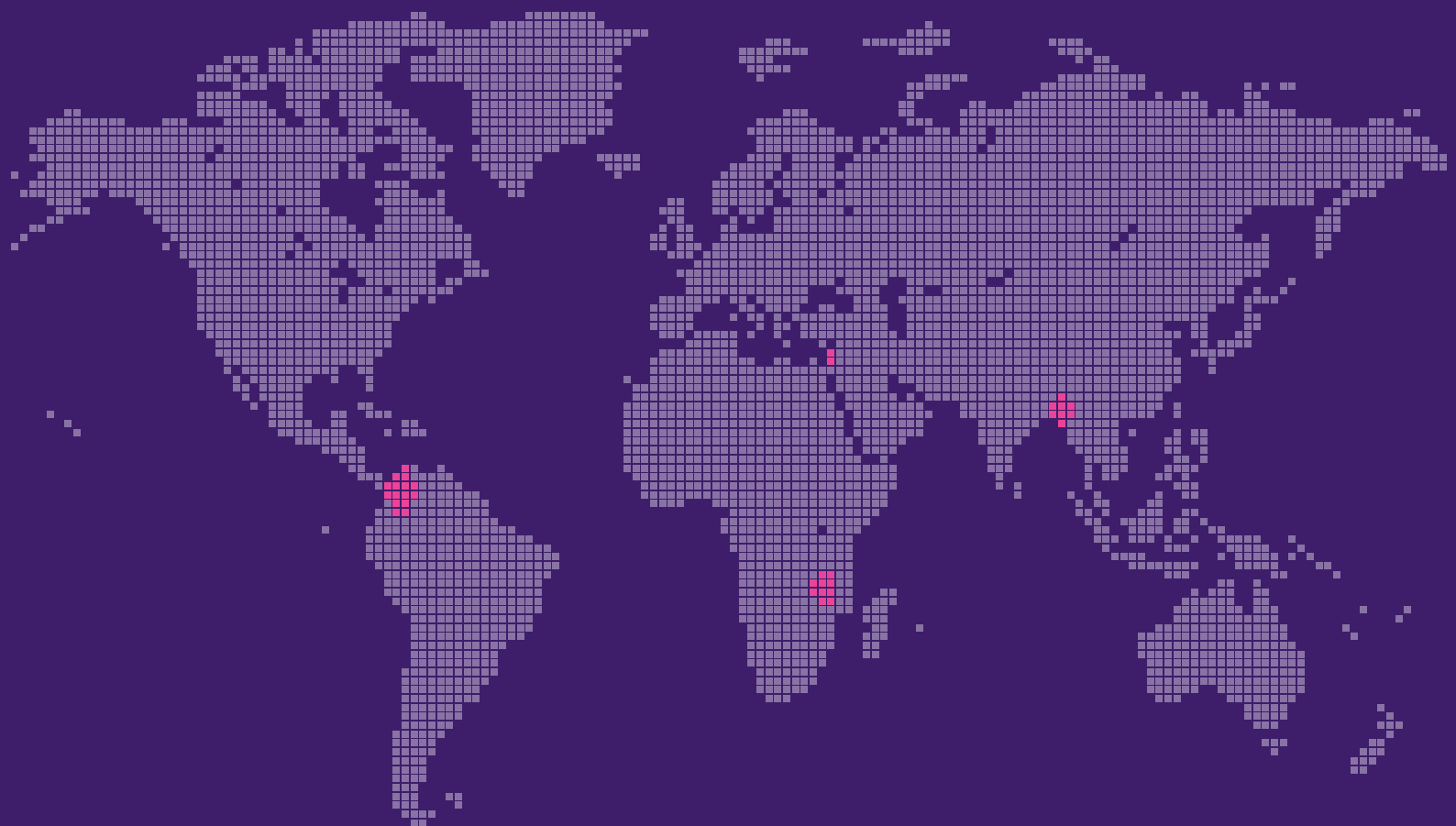
COLOMBIA

ISRAEL

PALESTINE

ZIMBABWE

James Cemmell *May 2009*



UCU
University and College Union



Education International
Internationale de l'Éducation
Internacional de la Educación

This paper about Palestine is a chapter from a larger report looking at academic freedom in five countries (the others are Burma, Colombia, Israel and Zimbabwe), which has been made available as five individual 'single country' chapters for quicker downloading and easier reading. The other four chapters, as well as the whole report, can be downloaded from UCU's website at www.ucu.org.uk.

Author's biographical note

James Cemmell (jamespearl@hotmail.com) presently works as a regulatory consultant in London, UK. His longstanding interest in internationalism in the higher education sector was stimulated while a student at the University of Leeds. Upon graduation in 2000 he was elected as the sabbatical Education Officer at Leeds University Union and was subsequently elected as Convenor of West Yorks Area NUS. He completed a four year appointment at ESU/ESIB (European Student Union) to a committee concerned with emerging policy practices and regulatory frameworks in international education. Along the way he completed an MA in International Development at the University of Bradford and spent a year at the University of Bristol in the Graduate School of Education Centre for Globalisation, Education and Societies where he pursued diverse interests in the GATS, Bologna and higher education reform issues in Kosovo. When time, family and injuries permit, James pursues interests in Shotokan Karate.

James Cemmell asserts his moral right to be identified as the author of this study.

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Foreword

Academic freedom is a core value of higher education, one which provides the basis for the integrity of university teaching and research. The trade unions in the sector give a high priority to the defence of academic freedom. We welcome this report by James Cemmell, which sets out the range of threats to academic freedom in some of the most difficult environments in the world, where to be an academic or a trade unionist may be literally to put your life on the line

The report has its origins in the interest taken by the University and College Union in the United Kingdom, in academic freedom in five of those countries, expressed in motions to the UCU Congress in 2008. UCU has commissioned this piece of independent research from Education International, and James Cemmell was employed to carry out the research and prepare the report. The report will be used to inform and carry forward UCU policy, and will be presented to UCU annual Congress at the end of May, and we hope that it will also underpin EI's global work on academic freedom. We wish to pay tribute to the work James has done to produce a thorough and authoritative report against a very tight time deadline. We hope it will be widely read and used by colleagues in the higher education sector in the United Kingdom and elsewhere.

Sally Hunt

General secretary, UCU

Preface

Academic freedom is a long-standing principle in higher education, which for centuries has put the responsibility on higher education teaching personnel to exercise their intellectual judgment and to explore avenues of scientific and philosophical discovery for the benefit of their discipline, their institutions, their immediate society and the international community.

As advocated by the 1997 UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel, *academic freedom lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research.*

The 1997 recommendation expresses concern regarding the vulnerability of the academic community to untoward political pressures which could undermine academic freedom. This study demonstrates that regrettably, such pressure remains a reality in a number of countries. Throughout the past decade, there has also been an increasing trend towards the commercialisation of education, which has posed itself as a further threat to academic freedom.

Education International has worked tirelessly on this issue. It is a matter of extreme importance to higher education staff and unions worldwide. EI publishes reports on the implementation of the academic rights enshrined in the 1997 Recommendation on a three-year basis. These reports are presented to CEART (the Joint UNESCO/ILO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel) and are used for CEART's report on the application of the mentioned recommendation.

EI welcomed the approach by the University and College Union to commission research on academic freedom in five countries in which academic freedom faces particularly severe challenges. This comprehensive study will be used as input for EI's next report to CEART, which is due in the coming months. EI would like to thank UCU for taking this initiative and for their collaboration on this project and James Cemmell for the extensive work that he has done.

Fred van Leeuwen

General secretary, Education International

...there is strong evidence that economic and political freedoms help to reinforce one another... Similarly, social opportunities of education and health care, which may require public action, complement individual opportunities of economic and political participation and also help to foster our own initiatives in overcoming our respective deprivations.*

Amartya Sen, 1998 Nobel Laureate

This study was written over five weeks in Spring 2009 and highlights key constraints on the availability of academic freedom in five countries: Burma, Colombia, Israel, Palestine[†] and Zimbabwe. The choice of countries to be profiled was purposeful—each provides, due to the specifics of the national situation, a clear illustration of the interplay between society and the academy’s ability to operate properly and free from unwarranted interference.

The forces exerted on the higher education (HE) sector vary with each national setting. In each country study, demonstrable acts of resistance by the university sector to maintain and uphold academic freedoms can be seen. Unfortunately it is also possible to provide evidence in each national setting of severe restrictions on academic freedoms whereby resistance has either not been effective or is not in evidence. Extreme examples include the use of paramilitary organisations as strike breakers in Colombia, the forcible re-education of university teachers in Burma, the conduct of party political violence on campus in Palestine, the absence of job security for many junior faculty in Israel and the summary detention of student activists in Zimbabwe.

Interdependence of freedoms

The country profiles consider that freedoms within a society are mutually reinforcing. As a consequence, the availability of economic, political, social and cultural freedoms have a bearing on pedagogical and academic freedoms. The profiles consider the national political and social situation in order that the debates concerning academic freedom can be considered in an appropriate context; as a result, each profile differs in structure. However, the basic outline is to consider the national situation, the trade union situation and then the higher education sector. The cases profiled demonstrate key polarizing elements of the national situation—such as the presence of armed movements in Colombia and the restrictions on movement in and between the West Bank and Gaza caused by Israeli actions.

Trade unions, as key social actors, operate in a position of contest within societies. As a consequence, much can be understood about the availability of academic freedoms by considering the situation in which trade unions operate in

within the country. It is significant that in countries where there are severe restrictions on academic and political freedoms—such as in Zimbabwe, and Colombia, national resistance has formulated around trade union actors. Similarly, student and academic movements have formed the vanguard of resistance in countries considered in this study, such as Burma, but also in other countries outside of the present study such as Serbia, South Africa and China.

The role of UNESCO

The 1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel provides an important regulatory instrument for assuring free and fair conduct of academic livelihoods. Appended to the Recommendation are fifty international conventions and other legislative instruments which, if implemented, ensure that the academy can operate in a responsible and autonomous manner.

The status of the Recommendation is reviewed jointly with the ILO through the Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART) which meets every three years—the next session will be held this year. CEART is an influential mechanism that provides for national cases to be referred for additional study and has previously considered representations made with respect to countries such as Ethiopia and Japan.

Recognising the global nature of HE, there are incremental benefits to all academics from the redress of restrictions on academic freedoms in any individual country. It should also be noted that the availability of academic freedoms requires a balance to be maintained within politics the economy and society. As such, academic freedoms are permanently under threat: even in enabling and more just societies. Surveillance of the status of academic freedoms for consideration by the CEART takes on an important function in the nurturing of democratic practices in different societies that has impact beyond the livelihoods of higher education personnel.

Process

The review was carried out over a five week period in Spring 2009 and considered available data without the benefit of a dedicated country visit. As a consequence of the time

restrictions, the profiles should not be considered as exhaustive reviews—it has not been possible to explore all possible data sources and I have had to make sometimes difficult decisions to include or omit certain illustrative cases in the country profiles.

I would like to thank the following for helpful discussion and direction with regard to specific countries: for Burma, Martin Gemzell and Susanna Lif, formerly of the Olof Palme International Centre; for Israel, Yaniv Ronen, a researcher at the Knesset and Bar-Ilan University; and for Zimbabwe, Simon Chase of ACTSA. The above mentioned provided valuable input on a personal basis and are not responsible for any errors, omissions or inaccuracies in the text which remain my sole responsibility.

In addition, the teams from Education International (EI) and the University and College Union (UCU) provided clear direction while demonstrating sensitivity to the time constraints of the project: at UCU, Paul Bennett and Paul Cottrell; at EI, Monique Fouilhoux and Nina Gustafsson.

Bastian Baumann, Secretary-General of the Magna Charta Observatory, Almira Zejnilagic of GPW Ltd and Chris Weavers, generously made themselves available for helpful discussion.

* Extract from Amartya Sen, 'Development as Freedom', OUP 1999.

† Palestine is the name listed in the UN lists of Missions: <http://www.un.int/protocol/documents/HeadsOfMissions.pdf>. Other UN agencies, such as UNDP and UNICEF have used the common term 'Occupied Palestinian Territories': see <http://www.undp.ps/en/aboutundp/aboutpapp.html>, <http://www.unicef.org/infobycountry/oPt.html>

MATRIX OF ACADEMIC FREEDOM COMPONENTS

Examples of autonomy/freedom issues by category

	HEIs/Teachers	Students
Political	<p>Statutory enabling provisions for the protection of academics ● Participation in governance and legislative structures ● Formal status of representative bodies ● Appointment / dismissal process ● Freedom to pursue research ● Restrictions or mandatory syllabus that must/forbade to be taught ● Protest/association rights</p>	<p>Access to decisionmaking structures ● Position in decisionmaking structures (limitations on representation/grievances adhered to) ● Protest/association rights</p>
Economic	<p>Freedom of the institution to enter into contracts ● Freedom to fundraise / set fees ● Living wage ● Collective bargaining ● Properly resourced to do research ● Fixed/ permanent contracts ● Participation in budget process</p>	<p>Access free of economic constraints (fees, books, accommodation, ICT) ● Resources provided (study space, facilities, journals) ● Advice/counselling available ● Scholarships available (for who) ● Parity with private sector</p>
Cultural	<p>Teaching in native language ● Minorities included in the institution ● Local content (eg history, local text books) provided/required/restricted?</p>	<p>Access to instruction in local language ● Local language textbooks/content available ● Minorities treated fairly/encouraged ● Refugees catered for ● Religious restrictions/requirements eg Catholic HEI</p>
Social	<p>Disabled staff enabled ● Gender balance ● Racial minorities protected/subject to specific programmes</p>	<p>Age to attend ● Demographics ● Gender dimension addressed ● Disabled students enabled ● Minorities protected</p>
Pedagogic	<p>Access to ongoing training ● Access to pertinent academic networks ● Standards upheld by proportionate and effective means</p>	<p>Exams conducted fair/transparent ● Burdensome/disproportionate assessment procedure ● Transparent assessment and completion process</p>



PALESTINE*

This chapter addresses the status of academic freedoms in the Occu-

pled Palestinian Territories (shortened to 'Palestine' for reasons of brevity). Recognising that HE operates within the context of society, it has been necessary to review the Palestine-Israel political and security situation both within the text and in annexes. This should be read together with the Israeli chapter as certain arguments and data apply to both but are listed only once. The Palestine chapter considers the experience of Palestinians resident in Palestine.

Severe restrictions on academic freedoms have been caused by the external conflict with Israel and internal conflict between Fatah and Hamas. Institutions have been illegally used as sites for political activity and so have been targeted in instances by Israeli military operations. Illegal political rallies on campus have increased tensions within the student and academic body with spillover effects on the security and freedom of women community members.

The many checkpoints and barriers in place within the West Bank and the inability to transit between the West Bank and Gaza have caused universities and communities to undergo forced localisation. Undoubtedly psychologically damaging for those unable to move, the restrictions fragment the community of scholars and prevent full and free participation with colleagues beyond the checkpoints—a clear breach of the 1997 UNESCO Recommendation on the Status of Teachers in Higher Education whereby Article 13:

'13. The interplay of ideas and information among higher-education teaching personnel throughout the world is vital to the healthy development of higher education and research and should be actively promoted. To this end higher-education teaching personnel should be enabled throughout their careers to participate in international gatherings on higher education or research, to travel abroad without political restrictions and to use the Internet or video-conferencing for these purposes.' (UNESCO 1997¹⁶⁶)

Political overview

Palestinian Territories (hereafter 'Palestine') consist of a single territory formed of non-contiguous areas known as the 'West Bank' and the 'Gaza Strip'. The total population of 4,013,126 is divided 1,551,859 in Gaza and 2,461,267 in the West Bank—in addition there are approximately 350,000 Israeli settlers in the West Bank (CIA 2009¹⁶⁷). The principle state bodies are the Palestinian Legislative Council (PLC) (legislature) and the Palestinian National Authority (PA) (executive body). Palestine's 'Basic Law' provides for a democratic multi party political system with a President elected directly on a first past the post basis (CEC 2005¹⁶⁸). An affirmative action measure requires that quotas be met for the inclusion of women and Christians on election lists; the quota for Christians varies by district. A review of the Palestinian state since 1948 and its relationship with Israel is included as supplemental information in Annex 1.

The conflict with Israel has caused significant upset and delay to national and international development efforts; projects due to commence in 2005 included a 2005-09 \$10m World Bank tertiary education initiative. A posting on the website jointly hosted by the World Bank and the Palestinian Ministry of Education and Higher Education states with reference to a cancelled workshop that: *'We regret to inform you that the planned workshop has been postponed due to the prevailing dramatic situation in Gaza'* (MoEHE 2009¹⁶⁹).

Presidential and PLC elections

2005 Presidential elections returned Mahmoud Abbas of the Fatah Movement with 62.52% of the vote. The Central Elections Committee, a permanent electoral body, noted in its report that Israeli forces had interfered with voter registration in Jerusalem and that 500 people had committed voter fraud; however, it does not indicate that electoral irregularities impacted on the outcome of the election (CEC 2005¹⁷⁰). Hamas did not participate in the 2005 Presidential elections. The 2006 elections for PLC members returned the 'Change and Reform' List (Hamas) with 44.45% of the vote, 440,409 votes and 74 seats; the second-placed Fatah Movement

* See the introductory reference (page 4) on the use of the term 'Palestine' to describe the territories in the West Bank and Gaza.

secured 41.43% of the vote, 410,554 votes and 45 seats (CEC 2006¹⁷¹). Fatah and Hamas have been involved in an intra-state violent conflict since June 2007. For an additional note on electoral law reform carried out in 2007 see Annex 2.

Fatah/PLO

Fatah (Palestinian National Liberation Movement) joined PLO in 1968, and took control of the Chairmanship in 1969. Yassir Arafat served at the head of PLO on behalf of Fatah until his death in 2004 acting as the recognised representative of the Palestinian people.

PLO represented Palestine as the signatory of the Oslo Accords. In a related letter sent to Prime Minister Rabin on 9 September 1993, Yassir Arafat recognised Israel and committed to review former ‘*articles of the Palestinian Covenant which deny Israel’s right to exist*’. Prime Minister Rabin similarly confirmed that ‘*the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process*.’ (PLO-Israel Recognition 1993¹⁷²).

Since the elections of Fatah (Mahmoud Abbas) to the Presidency in 2005 and Hamas as the dominant party in PLC in 2006, the parties have been involved in an intra-Palestinian violent conflict. The decree issued by President Abbas to extend his mandate for an additional year to 2010 was rejected by Hamas as unconstitutional and has further increased tensions. The consequence of the conflict has been to fragment the Palestinian voice, previously unified through PLO. The trade union centre, PGFTU (Palestinian General Federation of Trade Unions) has strong ties to Fatah and supported the PLO signing of the Oslo Accords. As a consequence, PGFTU has been affected directly by the violence and its ability to function as an independent trade union has been impaired.

Islamic Resistance Movement (Hamas)

Hamas acts as a political, a military and a welfare organisation. The Charter was published in 1988 and self-defines as a wing of the Muslim Brotherhood Movement (MEMRI Hamas Charter 1988 translation 2006¹⁷³). Politically, it operates as a reaction to popular disenchantment with Fatah. The Hamas

Charter rejects any involvement in negotiated peace settlements:

‘Peaceful Solutions, Initiatives and International Conferences

Article Thirteen

*The initiatives, the so-called peace solutions, and the international conferences for resolving the Palestinian problem stand in contradiction to the principles of the Islamic Resistance Movement, for to neglect any part of Palestine is to neglect part of the Islamic faith. The nationalism of the Islamic Resistance Movement is part of its [Islamic] faith. It is in the **light of this principle that its members are educated, and they wage jihad in order to raise the banner of Allah over the homeland.*** (Hamas Charter 1988¹⁷⁴)

The consequence of Article 13 is to disregard the 1993 PLO mutual recognition of Israel and to require that the education system reflect the ‘nationalism of the Islamic Resistance Movement’—this has profound implications for academic freedom, however, when in government, Hamas has not made this a primary focus.

On 14 June 2007, President Abbas issued a contested decree dismissing the Hamas Prime Minister, Ismail Haniyeh. Hamas retain de facto control of Gaza with Fatah in charge of the West Bank areas. The conflict and irregular governance has caused upset throughout Palestine. One example is the gunpoint kidnapping of PGFTU leader Shaher Sa’ed—his abductors accused him of collaborating with Hamas before releasing him after 90 minutes (PCHR 2007¹⁷⁵). The intra-Palestinian conflict has been documented in a major Human Rights Watch study of political violence committed by Hamas in Gaza, a study that Hamas declined to participate in. Human Rights Watch summarised that:

‘During the chaos of Israel’s offensive, which killed approximately 1,350 Palestinian civilians and combatants and wounded about 5,000, Hamas security forces or masked gunmen believed to be with Hamas extra-judicially executed 18 people, mainly those accused of collaborating with Israel. Masked gunmen also beat and maimed by shooting dozens of Hamas’s political

opponents, especially members and supporters of its main political rival, Fatah.' (HRW 2009¹⁷⁶)

Israeli military operations

The international community has issued severe rebuke to Israel for military actions undertaken in Gaza (2008/2009). Actions include those taken under the auspices of Operation Cast Lead and also include previous military initiatives in the West Bank, such as 2002 Operation Defensive Shield prosecuted in Jenin. UN General Assembly Resolution RES/ES-10/10 issued a censure in response to the situation at Jenin, the UN: *'condemns the attacks committed by the Israeli occupying forces against the Palestinian people in several Palestinian cities, particularly in the Jenin refugee camp'* (UN GA 2002¹⁷⁷);

A report completed by the UN Secretary General after Jenin outlined that both sides had committed human rights violations:

'I called on Palestinians to stop all acts of terrorism and all suicide bombings, stating that such attacks were morally repugnant and caused harm to their cause. I called on Israelis to stop the bombing of civilian areas, the extrajudicial killings, the demolitions, and the daily humiliation of ordinary Palestinians. I asserted that such actions gravely eroded Israel's international standing and fuelled the fires of hatred, despair and extremism among Palestinians. Finally, I urged the political leaders of both peoples - Prime Minister Sharon and Chairman Arafat - to lead their peoples away from disaster.' (Report of the Secretary-General prepared pursuant to General Assembly resolution ES-10/10, 2003¹⁷⁸)

UN Security Council Resolution 1860 of 8 January 2009, similarly noted the impact of the 2008/09 violence on the welfare of Palestinians:

'Expressing grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm; and emphasizing that the Palestinian and Israeli civilian populations must be protected,' (UN SC 1860, 2009¹⁷⁹)

A trend analysis report completed by the Palestinian Monitoring Group in 2005 found that the cumulative effect of Israeli settler and military activity had impacted severely on all aspects of state provision. With respect to the education sector the report summarised that:

'During the past two academic years, the Palestinian Ministry of Education and Higher Education (MOE) reports that incursions and curfew imposition by the Israeli army caused the loss of some 1,525 schooling days for students in government schools in the West Bank and Gaza Strip. Combined these measures have adversely affected Palestinian students' ability to concentrate.' (PMG 2005¹⁸⁰).

Gender inequality

Women remain significantly disenfranchised in Palestine in both the home and the workplace—a recent report of the UN Secretary General to the Economic and Social Council reported Palestinian statistics that *'for the second quarter (April-June 2008), the labour participation rate of women was 16.0 per cent compared to 66.3 per cent for men.'* The report further outlined that women suffered violence as a consequence of the social and security situation: *'UNFPA found that the majority of married (61.7 per cent) and unmarried (53.3 per cent) women were exposed to psychological violence. Poverty, low education levels, lack of decision-making power, violent childhoods, conflict in the community, drug abuse and lack of access to divorce were all viewed by refugee women as causes of domestic violence. A link was also made between little or no income in female-headed households and domestic and gender-based violence.'* (UN 2009¹⁸¹).

Employment conditions

Labour conditions in the West Bank and Gaza are poor by international standards. ILO LABORSTA¹⁸² data from 2007 recognises 183,689 unemployed in the West Bank and Gaza, a rate of 21.3%; total employment is given as 665,620. Wages for formal employment average at 83.9 New Shekels/day (\$20 2009 prices) with a gender imbalance leading to men earning 86.2 New Shekels/day and women 72.6 New Shekels/day (ILO

2009). A recent ILO report on the situation of working conditions in Palestine found that the economic situation, set against a backdrop of a poor security situation found that *‘working poverty is rising, genuine employment is declining, and frustration is growing...Over 80 per cent of the population in Gaza is now dependent on food aid as a result of the severe economic siege imposing a closing of all crossings save essential humanitarian supplies.’* (ILO 2008¹⁸³)

Trade union centres in Palestine

GUPW (General Union of Palestinian Workers) and PGFTU are the foremost trade union centres in Palestine. PGFTU, which maintains an active role with international institutions, is the national trade union centre affiliated to ITUC with a notified membership of 318,052 (ITUC 2008¹⁸⁴). Due to the situation in Palestine, accurate statistics are difficult to obtain. In 2007, PGFTU’s Deputy Secretary General, Rasam al Bayari, estimated the demographic and composition: *‘15 unions are affiliated to the PGFTU, which has an overall membership of about 380,000, 10% of whom are women. 127,000 members live in Gaza, with the others in the West Bank.’* (ITUC 2007¹⁸⁵). The union emerged in the 1920s as a railway workers body (PGFTU 2009¹⁸⁶) and since 1948 has operated as the representative of the workers in Palestine via cooperation with other Arab countries (PGFTU 2009¹⁸⁷). The present incarnation of PGFTU was formed by the reconciliation of two competing bodies in the early 1990s (Brown 2003¹⁸⁸). Shaher Sa’ed is the longstanding General Secretary.

PGFTU has a standing with international institutions via participation in ITUC and ILO structures; however it has often been required to participate by proxy due to Israeli restrictions on movements outside and within Palestine. The Secretary-General of PGFTU, Shaher Sa’ed, has been a prominent voice internationally for Palestinian workers rights. For example, in 2004, the Secretary General of the ILO, in an address to the ICFTU World Congress, outlined ILO’s special interest in the Palestinian situation:

‘As always I have a particular commitment to do what ever we can, within our mandate, to support the Palestinian workers in the Occupied Territories. I

welcome the presence of Shaher Saed, General Secretary of PGFTU, in these particularly critical moments.’ (ILO 2004¹⁸⁹)

Relations with the Histadrut The PGFTU has a conflictual relationship with the Histadrut (Israeli trade union centre). Numerous studies undertaken by organisations such as Gisha, B’teselem and MIFTAH have provided evidence of Palestinian disenfranchisement and discrimination in the Israeli workplace—these are reviewed within the Israel chapter.

PGFTU has been involved in a longstanding dispute with the Histadrut over the payment of dues to the Histadrut by non-Israeli Palestinian workers, working in Israel. Post Oslo, a mutual recognition agreement between Haim Haberfield of the Histadrut and Saed Shahar on behalf of PGFTU was signed. The agreement, signed on 5 March 1995 at the end of the first intifada provided for the remittance of dues paid by Palestinians working in Israel from the Histadrut to PGFTU. This represented significant financing to PGFTU with which to endow its activities in Palestine. However, the agreement was halted in 2000 at which time the Histadrut ceased making payments following a decline in the security situation; in 2008, the payments were reinitiated in a move welcomed by PGFTU:

‘PGFTU General Secretary Shaher Sa’ed said “This removes a key obstacle to future cooperation and the full respect of the rights of Palestinian Workers. Decent work is a foundation stone for political and economic justice, and we will now be in a position to devote even more attention to tackling the appalling state of the Palestinian economy and playing a fuller part in the quest for justice, fairness and democratic rights in the building of a Palestinian state.” (ITUC 2008¹⁹⁰)

The delay in the implementation of the repayment agreement further exacerbated already strained relations marked by mistrust and bad faith. Mohammed Aruri, a former member of the PGFTU Executive Committee described the relationship with the Histadrut from the perspective of PGFTU:

‘After the Oslo agreement, we signed our own agreement with Histadrut in 1995. It stated that Histadrut must return back half of membership dues taken from

Palestinian workers who were working in Israel...but Histadrut has not as of yet returned all of the money owed to us. With the dire economic situation now in Palestine, we especially need that money to continue to provide needed services to our members. During the intifada, we haven't heard Histadrut's voice against Israeli government policies that hurt our members. Many of our members have been killed and wounded by Israeli soldiers. To give an example, two months ago, Israeli soldiers killed six workers from a village near Hebron because they tried to reach their workplace...they (Histadrut) have said nothing' (Interview in D&S 2003¹⁹¹)

Unions and security

PGFTU officials have been subjected to security constraints associated with both the intra-Palestinian conflict and the ongoing Israeli blockade. PGFTU is associated with the Fatah group, as a consequence, Hamas have targeted PGFTU representatives and offices with sometimes violent action. Al-Jazeera, in an aptly titled report, 'Palestinian Union Hit on All Sides', 2008, reported on the many difficulties that restrict the normal functioning of PGFTU. The report provides a succinct review of the issues that affect trade unions and the broader civil society movement in Palestine. Issues such as the intra-Palestinian conflict, Israeli military operations, high levels of unemployment and an irregular legal environment have all contributed to the difficulties faced by workers and their representatives in Palestine:

'With 47 per cent of the potential Palestinian labour force unemployed and a per capita income 23 times less than that of Israel, the Palestinian General Federation of Trade Unions (PGFTU) has a difficult enough job... Saed said, three assassination attempts were made by Hamas on Rasem Al Bayari, the union's deputy general secretary, which included a rocket attack on his home in January and the bombing of his office in February... Israeli authorities denied that office equipment was damaged, but confirmed that the raid of the trade union building took place "in order to protect the citizens of Israel"... One

week after the Israeli raid, Saed, leader of the PGFTU for 15 years, was forcibly taken from a Nablus restaurant by Fatah militiamen in masks... Abdullah Abdullah, a Fatah politician said: "It did happen ... But it was by mistake, they apologised. The ministry of the interior has dealt with this case.' (Al-Jazeera 2008¹⁹²)

Criticism and alternative structures

The political linkages between PGFTU and Fatah have been cited as factors that reduce the autonomy of the union and consequently its ability to effectively represent Palestinian workers. It has been claimed that: *'the PGFTU has failed to influence the two avenues open by Oslo—the enactment of a progressive labour law in the Palesinian Legislative Council (PLC) and the protection of Palestinian workers in Israel via an agreement with the Histadrut. The union's failure in these areas will have serious ramifications for the Palestinian working class'* (Sovich 2003¹⁹³)

A keynote presentation delivered by Professor Nathan Brown at the International Political Science Association Annual Meeting in 2003 further profiled the difficulties associated with maintaining links to Fatah while constituted as an independent union:

'The most prominent strikes in the short history of the PNA—the teachers' strikes of 1997 and 2000--were carried out by "coordinating committees" and not by the unions. In such cases, union leaders have been caught in a very awkward position, unwilling to confront their patrons in Fatah and the PNA but also embarrassed in front of their membership for their meekness.' (Brown 2003¹⁹⁴)

Critics such as those quoted above have argued that the legacy of PGFTU—with origins in national liberation struggles—has endowed it with a structure and mode of organisation unsuited to a modern trade union. As a consequence, as in Israel, alternative union structures have developed to introduce competition for representation.

The Coalition of Democratic and Independent Trade Unions

One such structure is the Coalition of Democratic and

Independent Trade Unions (Coalition), founded by Muhammed Aruri, a former PGFTU officer. The Coalition was launched with support from the Democracy and Workers Rights Centre (DWRC) in 2007 in Ramallah, and comprises a federation of 13 independent unions with a combined membership of around 50,000—the union membership targets the professional sector (AdvocacyNet 2007¹⁹⁵).

The Coalition has a nascent interest in the HE sector by virtue of the affiliation of the Palestinian Federation of University Professors and Employees Trade Unions (PFUPE). PFUPE has maintained an active role on the international stage raising awareness of certain restrictions faced by Palestinian academics—though by dint of the local situation faces restrictions on organising within Palestine. PFUPE representative Muhamad Abu crystallised the frustrations felt by many in the independent movement with regard to the political factioning of the Palestinian trade union sector:

“In establishing a democratic coalition, we want to end the dominance of the two largest political parties, Fatah and Hamas over trade unions, so that we can effectively address the deteriorating economic situation in Palestine. We do not want to replace or compete with existing trade unions and we welcome the unification of all trade unions under the umbrella of one federation based on democratic elections, not appointment by political factions,” (AdvocacyNet 2007¹⁹⁶)

The Director of Labour Relations at the Palestinian Minister of Labour, Ahmad Tawfiq, attended the opening session and recognised the union in his statement: *“We assert to you that Ministry of Labor supports you. I know all of you and know that you are democratic and genuine professional and independent trade unions with leadership elected by the grassroots members.”* (ibid)

It should be recognised that general unions such as the General Union of Palestinian Teachers and the General Union of Palestinian Students have their origins in the time before PA was created and continue to operate as special interest representative bodies (Observer Mission of Palestine to the UN 2009¹⁹⁷). In addition, local pressure groups such as the ‘Right to Education’ campaigns at Birzeit University act

autonomously and make representations related to sector financing and the conditions of academic life.

Higher education sector overview

Annex 3 contains an edited IAU description of the HE sector from the year 2005/2006. The data below are taken from the UNESCO Global Education Digest 2008 data relate to 2006 (UNESCO 2008¹⁹⁸). UNESCO provides the following caveat with respect to Palestinian data: ‘Enrolment data for the Palestinian Autonomous Territories do not include data for East Jerusalem, whereas the population data do. Indicators are not internationally comparable and should be interpreted with caution.’

The sector has a total enrolment of 169,000 students; 54% are women and 55% are located in the private sector. No data is provided for ISCED level 6 and presently no doctoral programmes are offered in Palestine, 90% of the students are enrolled in ISCED level 5a. The gross graduation ratio is 24 with a gender divide of 19:28 male:female. However, of 6,000 teaching staff, only 17% of teachers are female.

8,166 students study abroad at the following destinations: Jordan (5,278), Saudi Arabia (766), Qatar (346), U.S.A. (320), Turkey (201)—the gross outbound ratio is 2.3%. Females comprise 57% of the 22,000 graduates, 47% of the science/engineering graduates, 74% of the education and humanities graduates, 20% of the agriculture graduates. Female post-15 literacy is 87.9% while the male literacy rate is 96.7% - women comprise 78% of the illiterate population.

Status of higher education institutions Palestinian universities predate the establishment of PA. The majority of institutions were founded in the 1970s, and so have a foundation and standing resilient to short term political activity—a resilience that is enshrined in the legislation below. Though nominally under the control of the Ministry of Education and Higher Education, the sector operates autonomously and with reference to the Council for Higher Education.

The Law No.11, 1998 Law on Higher Education, constitutes a free and autonomous sector. Chapter One of the law outlines the status of freedoms in Palestine:

Article (2)

Higher education is a right to every citizen fulfilling academic and objective conditions stated by this law...

Article (3)

Higher education institutions are independent scientific research centers in accordance with provisions of this law to ensure scientific research freedom, literary, cultural are artistic invention....' (MoH and HE 2009¹⁹⁹)

Chapter Four sets in place legislative arrangements to support the autonomy of institutions from political and otherwise external interference:

Article (7)

Under provisions of law, higher education institutions shall have a body corporate status.

Article (8)

Per institution has an immune campus, under provisions of law.' (MoH and HE 2009²⁰⁰)

Academic freedom and localisation Freedoms are limited by the severe external constraints placed on academics and universities by Israeli military and security initiatives. The blockade enforced by Israel comprises a wall in the West Bank and checkpoints located in both the West Bank and the Gaza Strip. The blockade has further exacerbated the already deep poverty experienced by the sector. OCHA has recently determined the number of obstacles as:

'In its latest survey completed on 11 September. OCHA observed 630 closure obstacles blocking internal Palestinian movement, including 93 staffed checkpoints. This figure represents a net increase of 3 percent, or 19 obstacles, compared to the figure reported at the end of the previous reporting period (29 April 2008). This total does not include 69 obstacles located in the Israeli-controlled section of Hebron City.' (OCHA 2008²⁰¹)

It should be noted that the land area of the Palestinian territories in sum is 6000 square km (CIA 2009²⁰²) with 11 universities; this provides a density of approximately one checkpoint per 10 square km with the consequent enforced isolation of universities. A review of the websites of Palestinian

universities illustrates that specialisation is a normal mode of academic operation. For example, the Faculty of Engineering at Birzeit University, founded in 1979, notes over 1000 enrolled students (Birzeit University 2009²⁰³); while the University of Bethlehem, located approximately 40km away does not offer such courses. A local of Bethlehem with a specialism in engineering is so prevented from continuing their academic work/studies without great personal difficulty.

The consequence of the checkpoints has been to enforce localisation on Palestinian academics and students with consequent restrictions on their freedoms to access their choice of education—this was foreseen in a UNRWA 2004 report that discussed the impact on border areas such as Abu Dis:

'The Al Quds University in Abu Dis will also be seriously affected by the barrier construction. The increased costs of transportation to Abu Dis will make attendance unaffordable to students. No details are available at the University on the place of residence or refugee status of the students. However, the great majority of them are not Abu Dis residents, therefore they will probably opt for enrolment in more easy-to-reach educational institutions.' (UNRWA 2004²⁰⁴)

The consequence of this enforced isolation is that students and academics must resettle in different areas of the West Bank—with the further restriction that transfer between the West Bank and the Gaza Strip is not generally possible. Resettlement is a time consuming and expensive process, the consequence of which is resettlement i.e. an inability to easily return to the location of former residence. As well as restricting the choice of university for students and the ability to access specialised centres for academics, the blockade has prevented academics from Palestine from visiting both other universities and branches of their own university beyond their local checkpoint. The restrictions on movement have had a disproportionate effect on Gazans who are now unable to access the majority of the academic infrastructure which is located in the West Bank.

Visa restrictions Doctoral studies are not available within Palestine, as a consequence, Palestinian students and

researchers who wish to undertake PhDs are required to gain visas to enable entry into foreign institutions. PhDs represent normal entry level criteria to academic careers—as a result the inability to undertake doctoral studies in Palestine itself represents a restriction on the ability of students to develop teaching careers without undue restraint.

Until the escalation of the Israeli blockade, Palestinian students would occasionally enter universities in Israel (as well as the key destination of Jordan—see above). Following increasing restrictions on study permits for Israel, representations were made to the Supreme Court by Gisha, an Israeli not for profit organisation. Gisha published a series of studies on restrictions on higher education access faced by Palestinians. In ‘Limitations on Access to Higher Education for Palestinian Students’ (Gisha 2006²⁰⁵), the case of Sawsan Salameh was examined. Sawsan Salameh was a Palestinian resident from the West Bank who had been offered a doctoral position at the Hebrew University, Jerusalem. Initially a six month visa had been granted for the doctoral course, Gisha described this as ‘cynical’. Consequently Gisha made representations to the Israeli Supreme Court where the practice of refusing access to higher education was reviewed. Gisha reported that:

‘In a hearing held on December 18, 2006, the Israeli Supreme Court said that the state’s interpretation of the law as precluding entrance into Israel for Palestinian students for longer than six months “raises difficulties”. At the conclusion of the hearing, the court gave the state sixty days to formulate criteria which requests by Palestinians wishing to study in Israeli institutions of higher learning would be reviewed’ (Gisha 2006²⁰⁶)

BBC had previously reported that: ‘Ms Salameh’s position reflects that of many Palestinians who have lived with severe restrictions on their movement since the start of the second Palestinian uprising in 2000. She says that she has applied to the Israeli authorities eight times to get the necessary permit to study in Israel but all requests were refused.’ (BBC 2006²⁰⁷)

Distance provision The restrictions engendered by the numerous checkpoints and restrictions on movement have caused an increase in the provision of distance learning. The Al-Quds

Open University (QOU), founded in 1991 and based in the West Bank, presently declares 62,065 enrolled students (QOU 2009²⁰⁸). However, provision of distance learning in Palestine as it stands is not without problem. By necessity, distance courses in Palestine are delivered with little or no opportunity for face to face student teacher interaction. As a consequence, the mode of provision has come under criticism as an imperfect substitute for campus based delivery—primarily as it is delivered by necessity as opposed to suitability.

A 2004 CHEA report sites concerns provided by the British Council in 2001:

‘Al Quds Open University (QOU)(Jerusalem). This was set up in 1991 by the UN to create higher education opportunities for Palestinians and was accredited by the Association of Arab Universities (AArU) (Elias Mazawi, 2000). Courses are text based, with limited face to face contact. Qualifications are not considered comparable to local degrees by the public (British Council, 2001).’ (CHEA 2004²⁰⁹)

Enforced power cuts in Gaza There are important variations in the social and political geography between the Gaza Strip and the West Bank which impact on the relative availability of academic freedoms: restrictions are particularly expressed in Gaza, which consists of around 360 sq km with approximately 1.5 million inhabitants (CIA 2009²¹⁰) and three universities. The area has been subjected to a number of enforced closures by Israel. These have restricted the ability of institutions to function normally and for Gazan university staff to have regular, sustained contact with West Bank and foreign academics. Often closures have been accompanied by enforced power restrictions which have consequently affected the ability of Gazans to participate in academic work both at universities and via distance learning. *Ha’aretz* reported Minister Yitzhak Cohen stating that power cuts were a deliberate policy:

‘as long as Sderot is burning we must suffocate the infrastructures in Gaza until all those who fire Qassams will put down their weapons in broad daylight.’ (*Ha’aretz* 2008²¹¹)

The impact on the education sector of the frequent closures has been substantial with the disruption of courses and research programmes. The impact of a recent forced closure was reported via Associated Press:

'University officials said attendance rates were down by at least 60%, prompting the closure. It affected more than 45,000 students and was expected to last four days. Officials said they would put together an emergency education plan that could include conducting some lectures over the internet and radio.' (Associated Press 2008²¹²)

Hamas restrictions on academic freedoms Politics in Gaza is influenced by a strong Hamas presence; Hamas assumed control of Gazan political structures in 2007 following an armed conflict with Fatah members (BBC 2007²¹³). Hamas has operated as a para-state institution, delivering political, social and welfare programmes within Gaza. Within the HE sector, university institutions such as the Islamic University of Gaza, founded in 1978 by Hamas founder Sheikh Yassin, are seen as centres of Hamas operations. However, the universities in Gaza, including the Islamic University of Gaza, are constituted in line with the 1998 Higher Education law and generally operate formal structures to support the academic freedoms and autonomy required by the legislation.

Regional and international media have reported a number of incidents of restricted academic freedoms that have been attributed to Hamas actions in Gaza. The more widely circulated claims are outlined below: in sum they speak more to the difficulties faced by academics and universities of operating in the face of an internal and external conflict as opposed to operating in the face of directed restrictions from Hamas. However, the presence of Hamas can be considered an independent aggravating factor due to the political/religious conflict with Fatah.

Censorship In 2007, shortly after the PLC elections and the installation of Dr. Nasser Sha'er as Education Minister and Deputy Prime Minister in the Hamas lead government, it was reported that the Ministry of Education and Higher Education had considered an edict to ban from a book from

schools. The book, *Speak Bird, Speak Again*, is a well regarded Palestinian book of poetry; it was further reported that the seized copies were to be destroyed (*Independent* 2007²¹⁴). The furore following reports in Palestinian, Israeli and international media included a demonstration by Palestinian faculty and a statement by the respected academic author of the book reported by BBC in which he voiced his concerns:

'I don't want my book to be used by Palestinian groups to attack each other,' he says.

'But I do think it was a mistake to ban the book as it contains nothing harmful or offensive.' (BBC 2007²¹⁵)

In response, the Education Minister indicated that it was not his intention to ban the book per se, but to remove it from the primary and secondary education syllabus as it was not appropriate for the age level and curriculum. The tenure of a Hamas Education Minister could have provided evidence for or against the notion that Hamas would pursue a policy of reduced autonomy of institutions and enforced censorship. However, no clear inferences can be drawn from the short tenure of Minister Sha'er (2006-07). It cannot be concluded from the above case that Hamas had intended to enforce pervasive censorship on the HE sector through ministerial actions. However, it does indicate that the academy was sensitive to such a potential and took immediate action to demonstrate the importance of maintaining academic freedoms.

Demonstrations at the Islamic University of Gaza A second reported disruption attributed to Hamas activity was the closure of Al Azhar University in Gaza following student protests. It was reported in international media such as the New York Times, and subsequently by NEAR, that a student group had stormed the university in violent protest and had raised the Hamas flag over the university's main building. The article noted several direct infringements of rights and freedoms committed by both the demonstrators and the Hamas security apparatus. The violence and disruption was subsequently condemned by a release from the Palestinian Centre for Human Rights (PCHR):

'On Tuesday, 14 October 2008, around 100 students from the Islamic Bloc (the student wing of Hamas) at al-Azhar

University, and other universities in Gaza, gathered together outside the campus of al-Azhar University in Gaza City. They then broke into the campus shouting slogans against the administration of the university and other academic figures...

In the aftermath of those incidents, the university administration established an investigation committee, and, in accordance with the conclusion of its investigation, the administration dismissed the eleven Islamic Bloc students. The Islamic Bloc considered the decision unjust, and demanded it be reversed. The Islamic Bloc subsequently issued three successive statements during the month of October. The final statement warned of “repercussions against members of this unjust decision”, claiming the Islamic Bloc students held the university and its executives “responsible if they do not retreat from this unjust decision.” (PCHR 2008²¹⁶)

PCHR have previously recognised that universities represent sites in which national political conflicts are manifested. In 2006, during the PLC elections, PCHR issued a bulletin on the situation in universities with respect to election related violence. The bulletin, ‘Universities Utilized for Campaigning’ reported that:

‘Over the past few days, PCHR observers have noticed a series of campaigning violations, in the form of utilizing universities for legislative elections campaigning. Al-Azhar University, the Islamic University, and al-Aqsa University have been involved in these violations. Election banners and posters have been displayed on campus at the universities. Al-Azhar University and al-Aqsa University have posters and banners for Fatah and electoral list candidates displayed. The Islamic University has posters and banners of Hamas activists displayed. In addition, Fatah and Hamas activists organized election rallies in al-Azhar University and the Islamic University...

...PCHR calls upon all candidates to abide by campaigning regulations and to stop all violations. In addition, PCHR calls upon all candidates to keep public institutions free from any campaigning activities.

Furthermore, PCHR calls upon the administrations of universities to put an end to all campaigning activities and to remove existing violations.’ (PCHR 2006²¹⁷)

The conduct of extra-legal political activity on campus during the 2006 elections forewarned that post-election, universities would continue to represent sites where political factions would continue their conflict. The case above demonstrates that the independence of university campuses has been directly violated by party political activists. The intimidation and violence used by the protestors provides for clear restrictions on academics to work in an environment free from discrimination and fear.

Bombing of the Islamic University at Gaza A third attributed direct restriction on academic freedom by Hamas is the prelude to the Israeli military bombing on the University of Gaza after which activities at the university had to be ceased while the infrastructure was rebuilt. Media reports indicated that Hamas had invited the attack as part of a ‘hearts and minds’ campaign to gain sympathy with the international community by stationing (and building) Qassam rocket stations within the university compound. The bombing, conducted during the Israeli operation ‘Cast Lead’ in December 2008, destroyed university buildings deliberately targeted as key centres of Hamas activity. The conservative *Jerusalem Post* reported the strikes:

‘IAF aircraft bombed the Islamic University and government compound in Gaza City early Monday morning, both centers of Hamas power. Witnesses saw fire and smoke at the university, counting six separate air strikes there just after midnight.

Two laboratories in the university, which served as research and development centers for Hamas's military wing, were targeted. The development of explosives was done under the auspices of university professors.

University buildings were also used for meetings of senior Hamas officials.

The IDF said rockets and explosives were stored in the buildings.’ (Jerusalem Post 2008²¹⁸)

Consequently, the buildings were reconstructed; however, the institution was forced to undergo closure in the interim

period which prevented students and academics from conducting academic activities on the campus. Both restrictive actions—utilising university facilities to manufacture and launch rockets and the subsequent bombing by Israel—present violations of domestic and international obligations to remove education facilities from direct participation in conflict.

Violations of academic freedoms associated with direct action undertaken at universities such as those described in the second attributed action can be directly attributed to Hamas supporters—whether or not such action was also undertaken by Fatah supporters.

Harassment of women on campus The Hamas sympathetic student protests described above represent a restriction on academic freedom. They can be viewed in the context of a highly politicised society with political contest carried out within and through all social institutions, including universities and trade unions.

However, accusations that the protesters deliberately directed violence at women indicate that the Hamas actions would impact on the rights and freedoms of women to advantage themselves of a university education free from sexual harassment. Specifically, it was reported that:

‘Rana Redwan, a student of psychology, said she received a blow to the head after she entered the rally and a speaker on the podium called her “impure.” Witnesses said they saw her tearing a Hamas flag.

Another woman, Riham Abu Arrus, was struck in the leg with an ax, according to friends who accompanied her to hospital. Ms. Abu Arrus was first taken to Gaza’s main Al Shifa hospital, which is now under Hamas control, but was refused immediate treatment, the friends said. Most of the wounded were treated at the private Ahli Arab Hospital.

The women who were wounded were all wearing colorful headscarves, in deference to Islamic rules of modesty, but not the more conservative uniform worn by female students at the nearby Islamic University.’ (New York Times 2008²¹⁹).

GUPW (General Union of Palestinian Women) have called for the full engagement of the university sector in combating the pervasive sexual discrimination in Palestine. The GUPW National Strategy for the Advancement of Women plan calls for:

‘D. Societal awareness:

1. To spread legal awareness in schools through the social studies and to introduce a course on legal affairs at the university level.’ (GUPW 2009²²⁰)

A number of women’s studies courses and research centres have been established at Palestinian universities which should contribute to the revision of the present inequities experienced on campus.

Annex 1

Abridged review of Palestine since 1948

UN General Assembly Resolution 181 specified that an Arab state be formed in the former British Mandate of Palestine. The borders of the state were defined within Part 2 of the Resolution. Following the 1948 'War of Independence'/ Nakbah (catastrophe), subsequent Arab Israeli wars and consequent peace negotiations, the final status of the Palestinian state remains to be determined. UN General Assembly Resolutions 242 (November 1967), 338 (October 1973) that ended the Six Day and Yom Kippur wars respectively required and then upheld the decision that a final, peaceful settlement should be negotiated among Middle East states:

'Requests the Secretary General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;' (UN Security Council Res 242, 1967²²¹)

Oslo Accords The Oslo Accords ('Oslo I Declaration of Principles on Interim Self-Government Arrangements September 13, 1993') provided for interim arrangements in Palestine while Israeli forces withdrew from the then occupied territories. The Accords required that Israel withdraw from previously occupied Palestinian territory:

'Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.' (Annex II)

In addition, the Accords specified the competencies of the Palestinian Authority and provided for final status negotiations to be initiated with respect to: *'Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of*

common interest.' (Article V). Upon Israeli withdrawal, the Palestinian Authority was then to responsibly deliver full social and welfare services; including education provision: *'authority will be transferred to the Palestinians on the following spheres: education and culture, health, social welfare, direct taxation, and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon.'* (Oslo Accords retrieved from the Israeli MFA 1993; Article VI (2)²²²)

Second Intifada and beyond Subsequent developments in Palestine, such as the second intifada in 2000, the death of PLO leader, Yasir Arafat, the failure of the 2000 Camp David Summit and further regional conflict meant that the final settlement envisaged in Oslo and the 2003 Quartet roadmap would be postponed indefinitely (CIA 2009). In response to the intifada, Israel launched a number of military operations into Palestine—with consequent severe human rights violations. Settler activity increased and was initially encouraged by Israel. During this time the human rights situation deteriorated and the HE sector, along with other infrastructure, began to suffer crises.

In 2005, Sharon and Abbas reaffirmed their commitments to the peace process via the Sharm el-Sheikh Commitments—Mahmoud Abbas stated that:

'From the city of Sharm al-Sheikh, the city of peace, I reiterate, in the name of the Palestine Liberation Organisation and the Palestinian National Authority, our adherence to the peace process points of reference, the resolutions of international legitimacy, the agreements signed between the PLO and the government of Israel, and the roadmap' (Statement made at the Sharm al-Sheikh Summit 2005, retrieved from BBC²²³)

However, Israel retained severe restrictions over Palestine including restrictions on Gaza, the sovereignty of territorial seas and airspace. The political situation both within Palestine and with Israel further declined in 2006 following the electoral victory of the Hamas list in the PLC elections. One direct consequence has been the Israeli blockade which in effect prevented Palestinians from visiting universities in Israel due to the students comprising an 'at risk' demographic. The

restrictions in movement have also limited the options of Palestinian students and university staff to the extent that many are now forced to enrol in their local institution regardless as to whether it is the most suitable for their needs.

Annapolis In 2007, the Annapolis Middle East Peace Conference confirmed a commitment to a two state solution, the communiqué was issued ‘In furtherance of the goal of two states, Israel and Palestine, living side by side in peace and security’ (Annapolis Joint Understanding on Negotiations 2007, MFA). The conference was boycotted by Hamas. A subsequent report issued by the PLO Negotiations Department argues that Israel has not implemented any of its roadmap obligations. With reference to UN-OCHA data, PLO states that:

‘As with other post-Annapolis indicators, the numbers of Palestinians killed and injured by Israeli forces increased substantially after November 2007. Whereas 330 Palestinians were killed and another 1,706 injured by Israeli forces in the first 11 months of 2007, at least 498 Palestinians were killed and another 2,148 injured in the 11 months after Annapolis, an increase of 51% and 26% respectively.’ (PLO Negotiations Affairs Department 2008²²⁴)

Most recently, Security Council Resolutions 1850 and 1860 reaffirm the previous SC Resolutions and call for a cease to hostilities both inter-Israel Palestine and intra-Palestine.

Annex 2

Electoral law reform

On 2 September 2007, President Abbas issued a decree to amend the elections law (CEC 2007). The decree amended the eligibility for candidacy to the presidency and PLC. As a consequence of the change, it is required that PLO be upheld as the representative of the Palestinian people and that provisions within the Basic Law be so too:

‘The candidate for the position of President must meet the following requirements:

...

5. To uphold the PLO as the sole legitimate representative of the Palestinian people and the Declaration of Independence Document in addition to the provisions of the Basic Law.

The candidate for the Legislative Council membership must meet the following requirements:

...

6. To uphold the PLO as the sole legitimate representative of the Palestinian people and the Declaration of Independence Document in addition to the provisions of the Basic Law. (Basic Law Amendment 2007²²⁵)’

The Amended Basic Law of March 18th 2003 references its foundation in the Oslo Accords (‘Oslo I Declaration of Principles on Interim Self-Government Arrangements September 13, 1993’) which are categorically rejected by Hamas pursuant to Article 13 of their founding Charter. As a consequence, the amended elections law precludes Hamas from participation in the PLC and Presidency.

Annex 3

IAU sector description

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Institution types and credentials

Types of higher education institutions

- University
- Community College
- Technical College
- Open University
- University College

Higher education is mainly provided by Universities and Community Colleges. All Universities have their own administrative organization with a President, a Vice-President, a Board of Trustees; Colleges headed by a Dean and administrative Councils at the department, college and

university levels. The Ministry of Higher Education is the national organization which supervises and coordinates the activities of the institutions of higher education within the framework of national policies.

Main laws/decrees governing higher education

- **Decree** Higher Education Law (1998)
Concerns Higher education institutions

Academic year Classes from September to May
Long vacation from 30 June to 31 August

Languages of instruction Arabic, English

University level studies

University level first stage: Bachelor's Degree The Bachelor's Degree is generally conferred after four years' study by universities and some University Colleges. Engineering and Agricultural studies last for five years.

University level second stage: Master's Degree, Postgraduate Diploma Master's Degrees are conferred in certain subjects two years beyond the Bachelor's Degree. Postgraduate Diplomas are conferred in certain subjects after one or two years' study beyond the Bachelor's Degree without research training.

University level third stage: Doctorate (PhD) An-Najah National University awards a PhD in certain subjects (eg Chemistry) after three years of study beyond the Master's Degree. Al-Aqsa University awards a PhD in Education.

Non-traditional studies

Distance higher education Distance education is offered at Al-Quds Open University which comprises 20 regional centres. The University offers Undergraduate Degrees and Continuing Education and Training are offered in Land and Rural Development, Home and Family Development, Technology and Applied Science, Management and Education.

National bodies

Responsible authorities

- Ministry of Education and Higher Education
(www.mohe.gov.ps)

Role of governing body Supervising and coordinating all activities related to higher education in Palestine.

Role of governing body Provides statistical information on higher education institutions and coordinates scientific research activities.

National student associations and unions

- Ministry of Education and Higher Education
Participation of country in multilateral or bilateral higher education programmes
Name of exchange programme PEACE
Name of exchange programme TEMPUS

Data for academic year 2005-2006

Source IIAU from Ministry of Education and Higher Education, Higher Education Sector, Palestine, 2006

Note on Higher Education Institutions Also 10 Community Colleges.

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