

AN ANALYSIS OF
THE MILITARY ORDERS
ISSUED PERTAINING TO
EDUCATION IN THE OCCUPIED TERRITORIES

EDUCATION LAW "854"

Student Youth Movement,
BIRZEIT UNIVERSITY



ISBN 222982

جامعة بيرزيت
مركز الأبحاث

AN ANALYSIS OF
THE MILITARY ORDERS
ISSUED PERTAINING TO

EDUCATION IN THE OCCUPIED TERRITORIES

EDUCATION LAW "854"

SPC
LA
1444
W47
A534
1983



=13337

Student Youth Movement, Birzeit University

1983

B2a

" The PLO was the official spokesman for the Palestinian people before the battle of Beirut, and after it has become the official spokesman for the Arab masses. "

Yassir Arafat.

" National unity is the frame which guarantees the revolution protection and continuation. "

The martyr Majid Abu Sharar.

" The land is the organisation and the organisation is the revolution and the revolution is the people. "

Abu Ammar.

" The Palestinian people has reached maturity and refuse all tutelage. "

Abu Iyad.

HIGHER EDUCATION IN THE OCCUPIED TERRITORIES — WHERE TO ?

— A study published by the student Youth movement
in the Occupied Territories .

INTRODUCTION

Things being as they are here ' there is an increasing need for study and research methods that encompass all aspects of life and reality . There is a well — known pedagogical saying that goes " education is the key to development " — development holding here its full meaning rather than mere economic furtherence .

In the light of recent modifications' the modification of the Jordanian law for Education and Instruction no . 16 (1964) ' in force on the occupied West Bank ' into Military Order 854 . and likewise the modification of the Ottoman Organisations law that was in force in Palestine during the period of the British Mandate into a military order similar in content ' there was a pressing need for this modest study to be carried out . The study is concerned directly with examining Military Order 854 ' its scope and framework' as an attempt to thus penetrate the thought of the Zionist



Movement and its methods in planning control and colonialism .

A study of the aforementioned Military order and its scope will reveal the importance and indeed the necessity of studying Zionist thought ' the methods of the Zionist movement' its strategems and trickery; this comes out implicitly throughout the study .

In the same way' there is a clear need for collating studies relating to one or more subjects ' due to the fact that such subjects are organically related to each other and play the vital role of making information available and providing bases for drawing conclusions laying plans and making resolutions .

Similarly' the study has tried to alert the reader to the danger of modifications being carried out in school curricula' through the brief mention of examples and of the sufferings of our Palestinian people in the territories occupied in 1948 . Studies related specifically to these topics have been ' or should be carried out in as complete a manner as possible in order to examine the steps and history of the Judaization and Zionization of curricula .

The study also tries to shed light ' albeit briefly' on emigration from Palestine and the significance this holds for the general circumstances of the Palestinian people' both now and in the future .

Finally' the writer hopes that the present study might contribute somewhat to an understanding of the Palestinian situation' and hops himself to develop this study to include all aspects of education in the Occupied Territories .

At the end of the study' the writer has made a number of proposals' in the hope that they be studied and understood by all those who are concerned about the matter and who care for the interests of our Palestinian people ' The writer would like to draw the attention of the reader to the lack of accuracy in the statistics quoted in the study — most of them were drawn from the Israeli annual statistics book . Nothing proves this lack of accuracy more cogently than the example of the number of students in the West Bank in the academic year '77—78 . According to this statistics' these were over 240,000 students' while the same source gave the population of the West Bank as over 600'000 . Now' even if we assume that those students have no additional brothers and sisters' and just count their mother and father' it is obvious that we are going to have to have more West Bank residents ie we need to change the population number to make it look logical and be sufficient .

CONTENTS

STUDY ON THE SITUATION OF HIGHER EDUCATION IN THE OCCUPIED TERRITORIES IN THE LIGHT OF RECENT DEVELOPMENTS

First :

Provisions of Military Order 854

Second :

General Observations on the framework of the
above Order

Third :

Study of the Order itself

Fourth :

Higher Education in the Occupied Territories -
Where To ?

Fifth :

A Glance at the Educational Situation of the
Palestinians in the areas occupied in 48.

Sixth :

Proposals and Suggestions

STUDY ON THE DOCUMENT : WORK PERMIT

- Military Order 65
 - Analysis of the Above Order
 - Text of the Application for a work Permit
 - Analysis of the Application for a Work Permit
- THE RELATIONSHIP BETWEEN THE TWO ORDERS,
65 AND 854

ISRAELI DEFENCE FORCES — ORDER 854
ORDER PERTAINING TO THE LAW OF EDUCATION
AND INSTRUCTION NO. 16 (1964) - MODIFICATION
(JUDEA AND SAMARIA)

In accordance with the authority invisted in me according to the law of Education and Instruction no. 16 (1964) (as follows) ' the following is ordered :
Modification to Article 2 of the law :

1 — In the definition of " institute " published in Article 2 of the law, the following phrase is deleted ;
" where the period of study is less than four years " .
Modification to Article 8 of the Law :

2 — In Article 8 (j) of the Law, the phrase " its duration being less than four years " is deleted.

Modification to Article 20 of the Law :

3 — In Article 20 of the Law, the phrase " at the intermediary level of specialization between secondary education and university studies " is deleted.

Modification to Article 26 of the Law :

4 — At the end of Article 26 is inserted the following ; " It is possible for the above - mentioned regulation to include directives relating to teachers

convicted of committing a crime under the Security Laws or held in administrative detention."

Modification of Article 59 :

5 — a In Article 59 of the Law, the word "Ministry" is replaced with the following phrase ; "The person responsible according to the Order, who is invested with authority over education regulations (West Bank area) - no.91 - 1967 - 5727 (as follows - the person responsible). "

b Refers to clause (j) of Article 59 of the Law at letter (d) and inserts the following phrase before it:

(j) The person responsible may' with the counsel of the Police Commander of the area and the military commander in the matter with which the order is concerned' take account of considerations related to the general regulations together with his considerations for the granting of the permit mentioned in this order .

Interim Order:

6 — Every educational establishment functioning in the area and listed in the appendix to this Order is considered to have gained a temporary licence according to the Law as it is modified in this Order, as of the date when the Order comes into force.

7 — This Order comes into force as of 24 th July, 1980 - 8 th July, 1980.

8 — This Order is designated "Order Pertaining to the Law of Education and Instruction no. 16 (1964) — Modification — (West Bank no. 854) 1980-5740." 22 nd July, 5740 - 6 th July, 1980.

Benjamin Ben Alyizar - Tat Aluf

Commander of Judea and Samaria Area.

Appendix:

1. Birzeit University
2. National University of Najah
3. Bethlehem University
4. Institute of Islamic Studies - Shari'a College

ISRAELI DEFENCE FORCES

ORDER PERTAINING TO CLOSED AREAS (JUDEA AND SAMARIA) — NO. 34 — 5727 - 1967 GENERAL PERMISSION OF ENTRY — NO. 5 — (ISRAELI AND FOREIGN RESIDENTS) "JUDEA AND SAMARIA AREA " — 1980 - 5740

In accordance with the authority invested in me in my capacity as Area Commander, I am issuing the following order :

Modification to Article 2 :

1 — In Article 2 of the General Permission of Entry (No. 5) (Israeli and foreign residents) — Judea and Samaria - 1970 - 5730 (as follows - General Permission of Entry), after clause 9, insert the following :

" 1. — a) No Israeli or foreign resident entering the area is allowed to work as a teacher or supervisor in any educational establishment except on the strength of a personal licence issued in handwriting by the military commander.

b) The provision of clause (a) does not detract from the regulations of any legislation or security laws which determine the proper granting of permission, the obtainment of residence visas or the execution of any work — rather, it is published as an addition to them"

Interim Orders :

2 — This modification does not apply during the academic year 5740 (1979 - 80) to teachers or pupils who of necessity began teaching or studying in any educational establishment before the starting date for the enforcement of this modification .

Beginning of Validity :

3 — This modification is effective from 24 th July 5740 - 8th July 1980.

Designature :

4 — This permission is to be designated " General Permission of Entry — No. 5 — (Israeli and foreign residents, modification No. 2) (Judea and Samaria) 1980 - 5740."

22 nd July 5740 - 6 th July 1980.

Benjamin Ben Alyizar — Tat Aluf

Commander of Judea and Samaria Area.

ISRAELI DEFENCE FORCES

LAW OF EDUCATION & INSTRUCTION No. 16, 1964 REGULATION OF PERMISSION TO TEACH No.23 - 1965 (MODIFICATION)

In accordance with the authority invested in me according to Article 117 of the Law of Education and Instruction no.16 (1964) the following regulation is issued :

Modification to Article 8 :

1 — Referring to what is said in Article 8 of the Regulation of Permission to Teach no.23 1965 at letter (a), the following is inserted after it ;

b) The person responsible is allowed to cancel permission to teach granted to someone convicted of a crime under security legislation, or to anyone who has been held under administrative deteneion.

Addition of Article 9 :

2 — After Article of the Regulation, the following is added ;

“ 9. — Permission to do any kind of teaching is not to be granted to anyone convicted of a crime under Security Regulations or to anyone who has been held under administrative detention, except by approval of the person responsible. ”

Date of Effectiveness :

3 — This regulation comes into effect as of 24th July 5740 - 8 th July 1980 .

Signature :

4 — This regulation is designated " Regulation of Permission to Teach no.23, 1965,

(Judea and Samari) - Madification - 1980 - 5740 "

22 nd July 5740 - 6 th July 1980

Benjamin Ben Alyizar — Tat Aluf

Commander of Judea and Samaria Area.

Second : General Observations on the Framework of Military Order 854

1 — The Order Modifies the Jordanian Law of Education and Instruction no.16 1964 in effect since the 1967 occupation.

2 — The Law of Education and insstruction was originally laid down for schools and intermediary institutes - ie. two years after secondary scool - and there is no way that it could be suited to universities, no matter what modifications be made to it, since the frame in which this law was created made provi-sion only for the given quantities of school & inter-mediate institute, although. in fact, most of it treats of and legislates on scool matters.

3 — The formal modification is presented in the cancellation of some phrases and the addition of others ; this being so, these measures cannot change

the essence of the Jordanian Law of Education and Instruction, and subsequently these nor any other modifications can be acceptable.

4 — The following are among the considerations given as justification for the modification :

a.) Preservation of the population's level of learning & teaching through selection of suitable & competent lecturers. This claim conflicts right away with the measures taken to induce emigration and with the lack of residence permission for competent lecturers and nongranteeing of residence visas, as well as with other inhumane measures.

(examples of the victims of the above measures include Dr. Sa'idan of the Abu Diss College, Dr. al-Natshe of Najah, & Dr. Walid Mustafa, contracted by Birzeit, all holders of doctorates, who were turned back at the bridge.)

b.) Claims by the authorities that the universities here were founded without a special law, and that Military Order 854 came to fill the legal gap relating to the situation of universities - as if the universities were founded "above the law".

Now, in addition to the fact that all our existing Palestinian universities obtained permits from the authorities, it is well known that universities in Jordan are not subject to the Ministry of Education & Instruction & that 'Israeli' universities do not come under their Ministry of Education. Nowhere in the world is there to be found a university that is subject to the Ministry

of Education and Instruction and subsequently to its laws and regulations.

The majority of our universities are recognised by the League of Arab Universities' an international body. Likewise, most of them are also recognised by the International League of Universities, and by various universities all over the world.

This means that our universities have their distinctive characters, nature and independence, and there is no need for a new law or military order to determine their course for them. It should also be remembered that universities in all parts of the world have their own special regulations, and there is subsequently no need for regulations laid down by the 'Officer of Education'.

c) In the Order, the Officer of Education is given the 'right' to intervene in the case of appointment of teachers who have been in prison or held under administrative detention. This violates all human rights ; depriving a man of livelihood or work as a result of his political activities or of his opinions, thoughts or beliefs is a practice rejected in the most definite of terms.

d) The lack of suitable laboratories and libraries. This is a claim contradicted by limitations imposed by the authorities on the importation of equipment & books (from 1967 until the present, some thousands of books and reference works have been confiscated in every category) .

e) That the existence of Palestinian universities is a centre of political activity.

Here it can be said that universities exist primarily for academic activities, graduating generations bearing academic certificates, not any other type of qualification, after the university has prepared these graduates to share in the development of their particular situation and of their society. As a part of understanding their situation, these university students express their feelings towards events to which they and their people are exposed. And as we know, for every action there is a reaction ... Plus the fact that it is not humanly accepted that a man should be prosecuted for his political opinions and intellectual beliefs.

5 — The modification is one in a group of inter-connected modifications. The modification connected to the Law of Education was handed over to the universities together with other modifications and orders related to Closed Areas' as the authorities call them; and it is similarly easy to make a connection between Military Order 854 and the modification of Article 83 of the Jordanian Law of Employment .

(In the Military Order it is forbidden to appoint to a university anyone who has been imprisoned, held in administrative detention or prosecuted on security charges. A similarity is found in the modification of Article 83, with the lack of approval for anyone prosecuted on security charges to hold membership in administrative bodies of unions ... etc.)



In any case, the modification is a part of the 'iron fist' policy habitually practised by the authorities.

6 — The modification violates the sanctity of universities and academic freedom, and blatantly interferes with the internal affairs of Palestinian universities in every matter, large or small.

7 — The wording that is used !! A general, stretchable vocabulary ('may' is possible, measures, legislation, authority, etc), giving the authorities the freedom to interpret and apply it as they like.

8 — The modification, in short, comes to change university into school, a school that is in the hands of the Officer of Education, following the authorities' claim that occasionally the university educational level is the same as that of secondary school, and that for this reason it affected its recent modification (Order 854) and put the universities under supervision inspection, stipulations, curricula interference etc on the part of the Officer of Education : and the effect on the universities may well take a larger and wider from.

9 — The order comes as a trap laid for the universities ; according to what it contains, the universities appear to have gained a temporary permit which has to be renewed yearly. This means that the authorities have been planning for some time to get our Palestinian universities to fall into this trap, which expression has actually been reported by some Hebrew papers as having been uttered by certain leaders of the military authorities.

During the past, 'israel' has gained the backing and support of world public opinion in that she is an "oasis of democracy and logic", allows the opening of universities and so on ; thus, she fears any reaction that might have an effect on an international level.

10 — It might be reasonably assumed that the issuing of this Order at this time has a connection with the closing of the Science College in Abu Diss ; for the issuing of the decision from the High Court of Justice was postponed until 15-7-80 ie some ten days after the issuing of the Order !

Third : A Study on the Order itself

The university was founded in its current form to spread light in the society and to support an exploratory role in the spheres of education and intellectual research, human thought, and the arts. Add to that such activities as embody the humanity of mankind and bring human beings closer together, that advance the possibilities of mutual understanding through studying mankind's experiences, bitter and sweet, and through addressing man's intellect and calling upon it to share in solving man's economical, political and social problems and his problems with nature, beginning with his own problems and those of his situation and society so that mankind is in a position to create its societies humane and free of selfishness' envy, hatred, fanaticism, terrorism and all things we know as inhuman That, as we see it, is

the role and calling of the university, founded to serve humanity, to form men and to share in building human civilisation — thus it is that we can talk about the internationalism of the sciences, arts and literature notwithstanding differences in their application, utilization or employment.

Depriving a university of the realisation of its calling is an act that conflicts with all the principles & concepts of man's humanity to man, & with all human rights. It is recognised all over the world that universities have their sanctity and independence: universities give their students and lecturers full academic and human freedom to make possible for them the exercise of intellectual and human activities together with such practical activities as go along with them.

How is it possible, then, for the student to comprehend a subject he rejects, one that is not accepted? How can he be original and creative in diverse fields under inhuman conditions? How can the student express 'self', unless it be truly his own self that he is expressing?

In short, how can the student exercise his humanity in circumstances that are inhuman? How can the lecturer teach a subject that is rejected and not accepted? How can the lecturer undertake academic, intellectual and human activities in circumstances that forbid it? How can he carry out original work and research in inhumane conditions? How can he fulfill his obligations in the shadow of iron chains? In short, how can the lecturer share in

forming mankind when he is forbidden so to do? We must also ask how it is possible for the university to provide the requirements of intellectual research & the fundamentals of academic activity with the shadow of chains hanging over them? Chains that prescribe the buildings and their extension, that put conditions on teaching equipment and its importation, chains that lay injunctions on libraries, even on books..

Freedom of expression, education and thought is a human right, just as higher and university education is, and it is one of the most basic of all human rights, rights wrested by our people from the depths of their suffering and thus not to be bargained over"

A reading of the clauses of Military Order 854, dealt out recently to Palestinian universities in the West Bank and Gaza (Gaza has an order differing in number) makes it quite clear how the order is going to confiscate all academic freedom in the universities and change them into schools under the supervision of the Officer of Education.

The application of Military Order 854 means the transformation of universities into schools supervised by the Officer of Education. As was written in the order: "... and at the same time this law gives the Officer of Education the right to issue instructions by which he may determine who may be appointed, or prevent the appointment of teachers who have been convicted of contravening legislation (security regulations) or held under administrative detention."

This means that the order directly subordinates the universities to the Officer of Education ; thus things applied to our schools are to be transferred to our universities, gradually and in stages. The Officer, therefore, will supervise employment instead of the Board of Trustees and the University Administrations ; subsequently, there is no need for either (the Boards of Trustees or university administrations) if they are merely one of the tools of the Officer of Education. Employment, appointment extension of buildings and the erection of new ones, equipping labs.. absolutely all authority will be in the hands of the Officer of Education if this order is applied.

This also allows the Officer to set 'suitable' curricula, or to modify them as he likes until they become 'suitable'. The curricula of our universities, incidentally, are studied in international universities, among them some in America — unless the intention really is to teach everything in the Jewish method !

The order gives the Officer the right to interfere in the rules and regulations of the universities so that he can have complete power over them ; and even if that is not directly clear, the Officer can change or modify the regulations as he pleases in order then to interfere in promotion and the principles thereof, in holidays, visiting lectureships, 'save as you earn' schemes, taxes and so on.

All this, naturally, follows the 'concern' felt by the issuers of the order for higher education and its

human components. The same 'concern' extends to the health situation of teachers ; the officer can cut a part of an employee's salary for health insurance, almost like the so-called 'Koubat Houlim', the sick fund under the Histadrut.

A Blow Directed at the Council of Higher Education

This order also means emptying the Council of Higher Education of its contents and responsibilities towards higher education and its affairs in the West Bank and Gaza. While the Officer of Education is directly supervising the universities, there is no need for the continued existence of the Council of Higher Education, unless it be also under the supervision of the Officer of Education.

Students' Fate in the palm of the Devil

Military Order 854 means interference in student affairs. Students from Gaza and from the 1948 territories need approval from the Military Governor in order to Join a university in the West Bank, and vice-versa ; and the Military Governor, of course, can either give or withhold his approval ! Similarly, this order means interference in fees in the universities. The Officer of Education is allowed to increase or modify these as he chooses — it may be he's going to update and revamp all the laboratory equipment, or wants to fill the libraries with the pearls of Hebrew literature which he has the right to forcibly demand should be studied....!

The Order means that the doors of the Arab

lands will be closed against graduates from Palestinian universities, most of whom cannot find adequate employment in their land, and will be at the mercy of the Officer of Education, who may perhaps decide to order that the graduation certificate be presented with his stamp and signature !

Dismembering the Palestinian people

As a preliminary step towards imposing the autonomy plot, students of Gaza or from the 1948 territories are one case and locals are another again ; the former are 'foreigners' according to how the Order goes, and have to get an entry visa to enter the West Bank.

This is an attempt to dismember the unity of one people which nature scorns to separate : our people challenge any attempts made to dissect and disperse them.

Emigration of Qualifications and Closing of Universities

This Order means the flight of those bearing certificates and qualifications outside the borders of their homeland for as long as the power of appointment is in the hands of the Officer of Education and it is he who appoints whom he likes and refuses to appoints whom he doesn't like ; and the person to whom the Officer refuses appointment in a university will naturally also be refused appointment in an institute or school, or come to that in a grocery store, because it is his very presence that is being refused. In the long run, this means the emptying of

the universities of Palestinian qualifications, which takes them well along the road to closure.

This is emphasised (ie closure) by the contents of the Military Order ; that the application to establish institutes of higher education is subject to the decision of the commander of police and the military commander, who have the right to give or refuse approval. The very least one should surmise from this is that the way is going to be barred for an increase in the number of institutes of higher education to such as would keep pace with the increase in population, or the steadily increasing demand for higher education in our country.

The Order and International Law

From the legal point of view, this order, as a modification of the Jordanian Law of Education and Instruction no. 16, 1964, constitutes a violation of international law, and is therefore invalid, according to all international standards, documents and agreements, especially the Fourth Geneva Convention of 1949, which stipulates that the occupying authorities do not have the right to change laws and regulations which were in force in the occupied area before occupation.

In addition to that, the above-mentioned Jordanian Law of Education and Instruction stresses the fact that, in essence, it is a special law for schools ; how then can a law like that be applied to universities giving doctorates ; Is it really reasonable that the deletion of four words or the addition of four others

can modify a law created specially for schools into one suitable for universities ?

The modification issued by the military authorities is a first attempt, which will be followed by further steps and attempts ; yet the modification has given to the Officer of Education, the Military Governor, and the military commander of the area where the university is located, absolute authority in determining the course and policy of the university, its activities, students, teachers and administration.

Military Order 854 is a part of Zionist Policy

Anyone who follows the policy that the Zionist authorities here have been or are pursuing, whether in the part of Palestine occupied in 1948 or afterwards and particularly with regard to educational policy, will see how the authorities begin by interfering in general administrative matters, then follow that up by interfering in internal affairs in schools such as curricula and so on ; how they begin by gradually cancelling parts of the curricula until they succeed in emptying them of their content, at which point they impose new curricula (like the compulsory teaching of Hebrew) and other such niceties as the distortion or falsification of history (Hebrew history courses).

The Order and the Rights of Man

In the International Declaration of Human Rights, there are many points that emphasise academic and political freedom for man. Among them, we would like to note :

Article 26 :

1 — Every person has the right to education. At the primary and basic stages, education should be free of charge ; primary education should be compulsory, and specialized and vocational education should be available. Higher education should be open to all on an equal footing and on the basis of ability.

2 — Education should aim at the furtherance of man's personality as a **whole**, and at the strengthening of man's respect and basic freedoms, at promoting mutual understanding, tolerance and friendship between all peoples

Article 27

“ Every individual has the right to participate freely in the cultural life of the community, in enjoyment of the arts and sharing in intellectual progress, and drawing advantage from its results.”

Article 13 stipulates :

“ Every individual has the freedom of translocation and choice of his place of residence inside the borders of his state or country.”

Article 19

“ Every individual has the right of freedom of expression and opinion ; this includes the freedom to hold opinions without any interference ' and to draw information and ideas and spread them through any means whatsoever' without being bound by geographical borders .“

(NB . Human Rights Declaration after May 1948)

fourth : Higher Education in the Occupied Territories

— Where to ?

Our people welcomed the idea of establishing Palastinian universities in our occupied land' grasping the value of the goals they comprise :

— Palastinian universities will work towards the increase in opportunities of higher education for West Bank and Gaza students .

— Palastinian universities will work for the creation of opportunities for our students to continue their education

under conditions easier than those that prevail outside for example with regard to fees and because of the lack of compition for places from other people .

— Our universities will be tantamount to lighthouses' sending light out into the comunity .

— Our universities will furnish the society with the qualifications it needs .

Our universities will bring about the poarization of qualifications from' sons of our people outside encouraging them to sow their experience ia the soil of their country .

— Our universities' sooner or later' will afford Paestinian students the opportunity of entering specialist fields which are usually difficult to get into outside our country (eg . medecien' engineering) .

With all this' our people felt that they ware begining to grow culturally and as a nation' through the

revitalization and stimulation of national and patriotic sentiments embodied by these universities .

— Before our universities set out towards their goals' and ever since their formation' the occupation authorities have been chasing after them harrasing them and beleaguering them' and most recently by issuing Military Order 854' trying to extirpate and close them down . This last is an attempt to force all our Palestinians' especially those who have competence and high qualifications' to leave their homeland' in order to put an end to the hopes our people hold of making their own life and future .

Palestinian universities are now established in our beloved country; absurdly enough' they cannot cope with the numbers of students holding secondary certificates . Nevertheless' the occupation authorities are trying to add to that the most excessively restrictive and suppressive measures' in order to realise Zionist goals . A glance at the educational situation in the occupied Territories the following:

1 — As is well known' 10% of graduates from Arab universities are Palestinians. likewise according to a study carrelled out in 76-77' the total number of Palestinian university students was 000'08 pundo (ie 20 in every 1'000) - the highest proportion in all the Arab countries and exceeding' for example' the comparable statistics in Great Britain. Also' the number of Palestinians holding various specializations

and higher qualifications is very high and invites optimism.

Nevertheless, despite these encouraging numbers there are still certain factors which will have a serious effect on the educational future of the Palestinian people and thus on the expected national results that would come from the size and development of their educational level. These effects can be summarised as follows :

i) Continuing zionist occupation and its terrorist practices, which aim at forcing the Palestinian people to flee their land, at making them ignorant, and at distorting and limiting their education and educational level through ugly psychological pressures exerted on our people.

ii) Lack of creation of a state for the Palestinian people, in which full national rule could be applied. Such national rule would naturally include the setting of its own educational programme, drawing up an educational policy and directing education.

The lack of such a Palestinian pedagogical programme as the one mentioned above means the haphazard selection of specialization by Palestinians, which obviously lessens the opportunity of development. Such random selection is mostly governed by social matters (like jealousy or imitation) or by chance, fate's decision, or individual improvement in the social, financial situation (eg demand for the teaching vocation, an advantageous vocation in the Arab Gulf).

2 — The existence of a large proportion of the Palestinian people in Arab countries which makes them directly subject to their education policies, through sending students on specific programmes in order to benefit from them, or else indirectly, for example through making it impossible for them to join specific courses, or even by discrimination between the native inhabitants of the land and the Palestinians' whence comes the restriction of certain specializations to native residents and the exclusion of Palestinians from them.

3 — The increase in demand for education amongst the Palestinian people. Statistics* indicate the steady increase in the proportion of Palestinians entering education every year. The proportion of Palestinian children joining schools is 90% and in a short space of time, according to the average yearly increase, it will reach 100%. The statistics also show that 40% of the Palestinian youth are in secondary schools.

That means that in the absence of a guided educational programme, and in the shadow of the current situations to which the Palestinian people is exposed both now and in the long term, whence come probabilities of residence outside the homeland, emigration, the lack of adequate educational opportunities (especially in higher education) inside the

* (Source : Study on the effect of education on the state of Palestine — Mohsin Yusuf — in English).

homeland, and the increasing numbers of qualified Palestinians taking employment outside the occupied homeland... all that means a major stumbling block for all educational programmes several years on in an independent Palestinian state, and the loss of educational opportunities for large numbers of Palestinian people.

4 — Lack of educational programmes that could employ graduates holding university qualifications despite the occupation's policy, which aims at crippling the movement in industry, agriculture and elsewhere. The limited national capital regards the undertaking of projects under occupation to be a risky venture, let alone the fact that other capital prefers to work in comfort outside the homeland .

If we look once more at all the given characteristics special to the Palestinian people in the territories occupied in 1967, despite the optimistic aspects, one can't but voice some kind of anxiety in the face of the movements there and the developments that can be expected from them.

The 1977/78 statistics show that the number of West Bank students (not including university students) was 240,000. of whom 29,013 were in secondary schools. The number in the Gaza Strip came to 141,401 of them 15,940 in secondary schools. That is, the number of students in the West Bank and Gaza Strip reached 381,410, of them 44,953 in secondary schools. According to the first statistics, then, this means that more than 30,000 students will be holding general

secondary certificates by the end of the next three years. Looking at the limited intake capacity of Palestinian universities, we should see the glimmer of a red warning light; and if we look again, we can see it glaring!

If we add to all this another factor, the intake capacity of existing establishments (educational or non - educational) for graduates from universities or institutes (local or non local), given that employment opportunities do not exceed 1,000 yearly,* we can see quite precisely the scale of the crisis.

For example, in the West Bank there are only 760 educational establishments (non university), most of them schools, and in Gaza 279, most of them also schools. These are establishments which could take in additional numbers of graduates if it weren't for the fixed number of establishments or other undertakings (hospitals, factories, agricultural enterprises etc) which also can, or it might be assumed could, employ extra yearly numbers given assumed expansion which is, however, at the moment, lacking.

Unemployment and Emigration

According to the 1978 statistics, the number of West Bank residents not on the job market was

* (reference can be made to studies on emigration and its motives presented to the Palestinian Social Committee and carried out by Taysir Masuda, Hisham 'Ourtani' and 'Ali ash - Shak'a.)

256,900, 81,400 of them male (ie 31.7%). The number of West Bank inhabitants of 14 years or above in 1978 was 389,700; this number includes a total of 91,000 who are in the 15 - 19 age bracket, into which fall the majority of those in schools, especially secondary schools.

Out of 91,000 people, around 70,000 are in preparatory and secondary schools (14 - 19 bracket). This means two things ; there is a lack of statistical accuracy, since we have around 20,000 West Bank inhabitants whose pursuits are unknown, or, put in another way, 20,000 people in the 14 - 19 age bracket who are either unemployed or emigrating, or on their way to one of the two.

Countered in Gaza

In 1978, the number of Gaza residents not on the job market was 169,000, and those over 14 numbered 249,800, of them 118,400 males (ie 47.4%). Thus, the number who fall into the 15 - 19 age bracket (most of which is made up of students) in 1978 was 56,000.

In 1978 in Gaza, then, the number of students between 14 - 19 was around 42,000 in preparatory & secondary schools. This means that about 14,000 people in the 14 - 19 age bracket are of unknown pursuits, with the markets of unemployment and emigration awaiting them.

This means a total of 34,000 youths aged between 14 - 19 from the West Bank and Gaza enduring either unemployment or emigration, or well on the way there.

Looking at the statistics relating to emigration,

we find that there is a kind of congruence in the calculations above and the emigration numbers. The number of those who are outside (For work or study) but who are originally residents of the Occupied Territories runs as follows :

total

1976	16,253
1977	11,922
1978	14,696
1979	17,407

Over the four years, the total is 20,278, an extremely serious matter, especially as the age group here is from 18-34, the productive and educated bracket ; the alarm should be sounded !

Intake Capacity of Palestinian Universities

Out of 11,000 students who sat the general secondary exam in the West Bank, 8,845 passed ; and in Gaza, over 5,000 passed out of the 6,000 who took it. Now, according to the 78/79 statistics, Palestinian universities took in about 3,000 students and other institutes also took around 3,000; so in 78/79, Palestinian universities and institutes took in around 6,000 students from the original 14,000 holders of the secondary certificate.

If the intake of Palestinian students in Arab universities and in other areas were estimated at around 2,500 total, there would remain 5,5000 students of unknown pursuits, bringing the total to around 39,000 - and we have already mentioned the circumstances they must be enduring .

Looking at the annual population increase among Palestinians in the West Bank and Gaza Strip (given at an average of 1.7, a rather low estimate), and looking at the increasing percentage in the secondary school student numbers (increasing by 49.6% from 70-77, and by 12.7 % from 77 - 78), it can be expected that the number of tawjihi (secondary) students in the course of the coming five years will reach around 30,000. Palestinian universities should be planning for that from now, and the general Palestinian plan should take upon itself the consideration and correction of this serious matter.

The Current Effect of the 'application' of the Military Order on the educational situation in the occupied lands of Palestine :

A — Effect of 'application' of the order on Palestinian students in Gaza .

The application of the abovementioned order on the students of Gaza means that more than 200 students presently studying in West Bank universities will be debarred from studying there. Likewise, it will mean the deprivation of dozens of teachers and holders of high qualifications who are presently working in West Bank universities. This is in addition to the debarment of around 200 students from studying in West Bank institutes (teacher training, vocational training etc).

B — Effect of 'application' of the Order on Palestinians from the 1948 territories.

Application of the Order would mean the debarment

of around 20 students studying in West Bank universities, and of the or more highly qualified Palestinians from the '48' territories who teach in West Bank universities.

C — Effect of 'application' of the order on teachers and students who have served time in prison.

There are at present more than 500 students in Palestinian universities who have finished a prison sentence and then entered universities to study. The application of the order means that these students will be deprived not just of their studying, but also of any of life's opportunities, the slamming of the doors of life in their faces, especially as most of them are also forbidden to leave the country.

It is worth mentioning that the number of these students is increasing at an average yearth rate of seventy students.

Likewise, the application of the Order means the debarment of over 30 teachers from their jobs in universities because they have in the past been arrested.

D — Effect of the 'application' of the Order on Palestinian teachers working on temporary tourist visas.

The application of the abovementioned Order meas the debarment of over 30 highly qualified teachers presently working on temporary residence visas, valid at the most for one year and subject to renewal. Recently, the occupation authorities turned back two qualified teachers, under contract to Bir-

Zeit, at the crossing point.

In addition to the previous steps and measures, then, we have to sound the alarm* on account of two points in the order; investing the Officer of Education with authority, firstly, to intervene in appointments, and subsequently, to carry out a complete process of fine sifting before approving the appointment of any new employee.

In essence, application of the said order entails the forced emigration of around a hundred highly qualified teachers, and the closing of the door to those like them who wish to work in their country. Likewise it entails the loss of any future for around one thousand students, remembering to add numbers to this for every year that passes. And this, after all, is if we view the Order with naiveté, assuming that it won't touch the teachers or students who are left — which is not possible.

Five : A Brief look at the Educational Situation of the Palestinians in the 1948 territories.

The number of the section of the palestinian people living inside the territories occupied in 1948 is calculated at around 600,000, making up 180/0 of the total population in the area.

The Arab palestinians are mainly concentrated in the areas of the Galilee the Triangle and the Negev, most

* From Al Fajr (translated from Haaretz) 23-5-80

having been forced to leave their lands after whole villages were razed . confiscation measures , started then, continue at an average of the confiscation of three out of every four dunums of land owned by the Arabs (one of the most recent examples was the confiscation of over 15,000 dunums owned by Arabs of the Negev.

The Arabs here are also exposed to various other oppressive and harsh practices that throttle their existence. For example, 10.30% of the flats in which the 16,000 Arab Palestinians of Haifa live at an average of three people to a room are on the brink of collapse, threatening the lives of the inhabitants. Not to speak of their financial hardships, the scale of which is hidden to none. This, however, is a separate and specialised subject to which I hope to devote a special study.

Out of these 600,000 people, 37 % of the total Arab Palestinian population are in the fourteen to seventeen age bracket, in other words in the secondary study period, as compared to 23 % Jews in same bracket. The number of Arab students in secondary schools is 165,000 (statistics of 1980 AL Ittihad), we find that they form 15 % of the total number of secondary school students inside "Israel".

Looking at the number of state education centres, we find that Arabs hold only 1,800 posts as secondary school teachers as opposed to the 24,000 teachers in Jewish secondary schools is only 7 % of these posts go to Arabs. Such Arabs as do get secondary school posts face all sorts of arbitrary dismissal and racial repression.

Both students and teachers suffer various problems

imposed on them in the hope of killing off the nationalist feelings of the masses of our palestinian people there, in order to subject them to their conditions and the Jewish job market. Our people there are suffering under already bad and swiftly deteriorating financial circumstances — along with increasing unemployment goes the dismissal of workers; in the industrial sector alone, 17,000 workers have been dismissed since the beginning of 1980. Plus the deficit in the balance of payments, and an average 10% decrease in production ... In addition to all this, there is the fact that the budget presented by the Government to local Arab councils reaches an average of seven liras per head, as compared with the 120 liras per head among the Zionist Jewish community, This naturally is reflected on masses standing firm on their land. An example can be Zionist Jewish community, This, naturally, is reflected on the educational situation among the Palestinian Arab, masses standing firm on their land. An example can be drawn from the deficiency in classrooms in Arab schools. Last year, there was a deficiency of 1,300 rooms. Likewise, the cost of paper and books rose at a rate of 210% from their prices the year before, in 1978.

These days, the period of 'preparation for studies' strikes prevail in Arab schools, particularly in those in the Galilee and the Arab Triangle, as an expression of rejection by the Arab masses of these measures and policies.

Arab Student in Zionist Universities

There are some 2'700 Arab student in Zionist universities' distributed among the universities of



Haifa' Tel Aviv' Beersheve' the Hebrew University' BarElan and the Technion Institute. The major hardships endured by these students can be summarised as follows:

1— The authorities' recourse to delaying the announcement of secondary school results (al- Bagarut) intended as a means of directing the gaze of Arab students towards the job market waiting to swallow them.

2 — Lack of opportunities for them to complete higher education after the first university degree.

3 — Lack of opportunities for them to choose the scientific specializations they want to study.

4 — There exposure to racist discriminatory restrictions.

5 — Being handed over to the Zionist courts on various pretexts (this year over twenty were sent to court) and subsequently being imprisoned or dismissed from the universities with on reasons being given and in the most arbitrary of ways.

6 — Imposure of exorbitant financial penalties.

7 — Restriction on their student union organizations

8 — Prohibition of the creation of an Arab University in the Galilee which would greatly benefit these students.

This' them' is the harvest reaped by those of our people who study on in their land after thirty years of colonization and the application on them of Zionist laws; a trial that we should study for our own benefit.

Unemployment in Academic Milieus in the Zionist Entity

In a report presented to the' Zionist Knesset it was staded: "Out of 65'000 unemployed' there are 4'000 unemployed academic' in addition to 2'000 who have just recently finished their education and have not yet found work." It is said that after this' talk began among Zionist political milieus about the possibility of establishing Jewish universities in the West Bank and Gaza settlements; it may well be that this furtive plan was casting its nets further than that. One clear interpreation of Military Order 854 can be drawn in consideration of these facts. In my case' this report contains serious points that deserve close attintion and study.

In any case' thecontents of this report include serious points that deserve close attintion and study.

To conclude' education is the mainstay of all branches of upbringing and development; it is also the basis on which plans can be laid. If our people want to start drawing up a picture of the future from now' then its thinkers must take on the weighty tasks given them by the realities facing our displaced people. We live under Zionist colonialist settlement; these leaders of ours must begin planning and programming work.

Six : Proposals and suggestions

1 — Conducting a complete and accurate statistical

survey of all sectors of our (Report presented by Tawfiq Tubi in August 1980)

Palestinian people' in all the different places they live.

2 — Allocation of the Palestinian Education Fund

3 — Setting up specialised research programmes in all fields

4 - Establishing publicity programmes that will reach all Palestinian people' wherever they are .

5 — Revitalization of the council of Higher Education in the occupied Territories.

6 — Creation of work opportunities for graduates' through cooperation with production and service establishments ' and through concentration on specializations that are useful locally and are not commonly found' especially applied vocational specializations' by developing existing centres or by adding such specializations to university curricula.

(Statistics show that only 10% of all secondary certificate holders turn to vocational studies in the West Bank' and 5% in Gaza' a very low proportion; in Egypt' for example' in 1980' the ratio was 45%. The proportion is extremely low in our land' particularly among girls students' where it is practically zero.)

7 — Appeal for the opening of new schools at various levels, especially vocational and technical schools, since the number of schools presently functioning is not going to be enough to take in the increasing numbers of students in the coming few year years.

8 — Allocation of financial aid, grants and loans for

students, the outstanding and the needy ; and the provision of adequate student housing .

9 — Allocation of hours of fieldwork to be accredited to the students, through which they can transfer their experience to the local community. Cooperative work should also be encouraged for the same reason .

10 — Provision of housing for teachers and improvement of their material circumstances in order to decrease or rather to put an end to emigration. (Twenty thousand scientists emigrated from India, and the 1976 statistics show that 50,000 intellectuals living in the West are from the Third World.)

11 — Concentration on engineering studies, encouraging application for such studies, opening diverse departments in Colleges of Engineering, and facilitating students' acceptance in them. This applies especially to the universities in the Occupied Territories, since only 36 out of every 100,000 Palestinian students study engineering - a very low ratio that needs raising.

12 — Concentration on medical studies ; a mere 10% of all holders of secondary certificates among the Palestinian people are allowed to study medicine.

Suggestions relating to Military Order 854 and opposition to it :

1 — Taking all legal measures and other steps in order to oppose application of the Order, and working to get it cancelled by using all possible ways, with the participation of Boards of Trustees and Teachers' and Employees' Unions in the universities of the

Occupied Territories, together with the cooperation of all national figureheads in there .

2 — International publicity activities in order to expose the policies of the Zionist occupation which aim at killing off academic freedom and at Judaizing, or rather zionizing education.

3 — Formation of a committee to protect academic freedom in the Occupied Territories.

4 — Supporting union work among university teachers and employees and the councils of student associations in the Occupied Territories .

STUDY ON THE DOCUMENT : WORK PERMIT

Introduction

In July 1980, the Israeli occupation authorities issued a military order bearing the number 854 as a modification to the Jordanian Law of Education and Instruction, no. 16. 1964.

Since then, the occupation authorities have been trying to impose this order (854) on universities and institutes of higher education in the west Bank and Gaza Strip. The attempt has taken various forms ; the universities are sometimes closed and always harassed ; at other times, members of the teaching body have been arrested or expelled ; and again the universities have been told they must renew their permits every year .

The universities and higher institutes here have held out against these attempts and rejected them ; neither the administrations, nor the student movement nor yet the members of teaching bodies and their unions have accepted any form of the application of that order (854).

When they issued the adovementioned Order the occupation authorities concentrated on the following :

- Palestinian universities here have become centres of nationalistic activity supporting the PLO.
- These universities have no special law for them so for this object they modified the Jordanian Law o

Education and Instruction, which encompassed schools and the role of teachers only, so that it included universities and higher institutes.

In rejecting Order 854 and its appendices, the Palestinian community put its weigh on the following:

1 — that the role of Palestinian universities and higher institutes is first and last one of learning, and that they don,t graduate troops bearing military certificates or anything else.

2 — that these same universities and higher institutes have their own internal laws and regulations, and are recognised by the International League of Universities, as well as by most, if not all, universities of the world that sustain some degree or other of academic relations and student exchange schemes.

3 — that most, if not all of these universities and higher institutes developed from schools, institutes or colleges that were established before 1967.

4 — that all international laws confirm the sanctity and independence of the role of learning, and in particular of universities, & that any interference on the part on the authorities in these universities constitutes a clear violation of academic freedom, which is a concept accepted on the international level.

5 — that modification of the Jordanian Law of Education and Instruction, in any way, is a violation of the Geneva documents, and particularly of the fourth Geneva Convention of 1949.

6 — that Military Order 854 means the changing of universities or institutes into 'schools' in the grasp

of the Israeli Officer of Education and Instruction, to do as he likes with them: their employees, students and administrators.

As a result of these formidable pressures, the occupation authorities went back on their steps. They did not, however, cancel them, but began to put their money on time and trickery.

Thus, we have seen repeated attempts by the authorities to impose Order 854 either all in one go or in stages, and Palestinian unanimity in protecting Palestinian universities and institutes as national gains which the occupation is trying to annex to imperialism... In this context, at the beginning of the academic year 1982-3, the authorities fixed on a new paper with which to direct the hiddem blow; they chose the paper of the teachers who hold temporary residence visas!

As stated in the introduction, the Israeli authorities demanded of the teachers holding temporary residence visas and not identification cards (ie those holding foreign passports) that they sign the form designated by the authorities 'Application for a Work Permit' — a designation which has significance and which we will come to later — issued in Military Order 65(1967) and called 'Order Pertaining to the Prohibition of the practice of professions.

There follows the stipulations of Order 65; elsewhere a complete study of the 'Application for a work Permit' will be presented, such a study being highly important.

MILITARY ORDER NO. 65

The Order is called 'Order Pertaining to the Prohibition of the Practise of Professions (Judea and Samaria) no. 65 1967/5727'.

Stipulations of the order as it is (ie as it was issued in 1967 and before the word 'Judea and Samaria' were substituted for 'West Bank'.):

Israeli Defence Forces

Order no. 65

Order pertaining to the prohibition of professions :

In the belief that the order is necessary for the best interests of the residents of the area and for the establishment of ordered administration, and on the strength of the authority invested in me in my capacity as commander of the Israeli Defence Forces in the area, I am issuing the following order :

Definitions —

1 — In this Order :

"Party" includes a legal body or a group of persons not organised as a legal body.

"Area" — the area of the West Bank.

"The day of the break" — 28th May, 5727 (7th June 1967).

"The relevant authority" — the one appointed by me to be the relevant authority according to this order.

"Commercial enterprise" — includes workshops factories, receptions, workplaces, stores, shops, or any commercial activity.

"Commercial practice" — includes profession, trade, handcraft, fine arts or provision of services.

"Resident in the area" — includes any person who was a permanent resident in the area on the day of the break.

Prohibition of the Practice of Trades and Professions.

2 — It is not allowed for any person not resident in the area to :

- a) open or run any commercial enterprise in the area, or to work in one.
- b) employ or take on in the area any person for any concern mentioned in (a) except by a permit issued by the relevant authority.

Scope of the Prohibition :

3 — The terms of Article 2 also apply to undertaking any matter mentioned in the article through another party resident or not resident in the area, either directly or indirectly, for or without remuneration, by way of purchasing or any other way in a permanent or temporary fashion, or for one time only.

Lack of Applicability :

4 — The stipulations of Articles 2 and 3 do not apply to :

a) A party who before the day of the break was undertaking one of the concerns mentioned in them even if he wasn't resident in the area ; in this case, the following two conditions have to be fulfilled :

i) that he be continuously staying in the area, and as long as remains in it.

ii) the permit he has been given to undertake any concern as mentioned above is not cancelled, restricted or changed by any order issued from the IDF commander of the area or by decision of an order as mentioned.

b) A party given a permit according to any order issued by the IDF commander in the area, or by his decision while he is working.

c) A party employed by the IDF command or working for it.

d) A representaige, resident in the area, of a commercial enterprise which has its headquarters in Israel.

e) An Israeli resident negotiating for contracts or implementing agreements.

Penalties :

5 — Any one who violates the rules of this order or contravenes the conditions of the permit issued according to it, will be penalised by a three year prison sentence or a fine of 10,000 Israeli Lira, or by both penalties together .

Closing of Businesses :

6 — The relevant authority, or he who has been delegated by the Commander of the area, can close a business that has been opened, run or has people working in it contrary to the rules of this order. This does not detract from the rules stipulated in Article 5

FIRST : LEGAL ANALYSIS OF MILITARY ORDER 65

1 — On the name of the Order :

From the name of the order, (Order pertaining to the prohibition of the Practice of professions', it is understood at once that its essence is to forbid or prohibit, and not to give permission or to allow, so the rule for the Order is prohibition and the exception is permission, and this is clear in all the clauses of the Order .

2 — On the Definitions of the Order :

a) The Order defines "party" as a legal body or a group of persons not organised into a legal body : this means that the order was designed to be applied on persons or groups organised in institutions — bodies — departments or not organised in them.

b) The Order defines "commercial enterprise" as any project now under design, or workshops, factories, offices, receptions, workplaces, stores, shops, or commercial activity, thus leaving no room for any enterprise to escape from between its teeth.

"Commercial activity" was defined as including trade, profession, handcraft, fine arts, provision of services. Thus no specific definition is given, which means that the profession of education is also included in the definition of "commercial activity" & subsequently is considered as a commercial enterprise according to the Order's definition.

On the Scope of the prohibition of the Practice of Trades and Profession

a) The Order prohibits any party not resident in the area to open or run a commercial enterprise, according to the above definition of enterprise, and forbids a non resident to work in any commercial enterprise.

b) The Order forbids any party not resident in the area to employ or take on in the West Bank area any other party ('party' as defined by the order : individual or group organised into a body or not), to open an enterprise or to run one or work in one except by permit issued by the relevant authorities .

c) The following is noted on the scope of the prohibition :

i) that the prohibition of the practice of professions (including opening, running, working) on non residents in the area (as comes in Article 2 clause(a) appears to be a conclusive and quite definite order, with no exceptions being made.

ii) Article 2 clause (b) forbids non residents to take on or employ a party or parties (according to the definitions of the Order) except by licence from the relevant authority.

On the Scope of the Prohibition

A : According to Article 3 of the Order, the regulations (nongranteeing of permission to practise professions) apply to residents and non residents at the same level :

i) whether the practice (opening, work, employing etc) be direct or indirect, or whether it be carried out by the party himself or through another party or means,

ii) whether the practice (opening, work, employment) be for remuneration (ie wages) or without ; the Order does not specify 'remuneration, — it could include non — material remuneration,

iii) whether the practice (opening, work, employing) be through a partnership or any other means, which includes all manners of professional practice, even if it be normal joint — stock, a limited company. a cooperative etc... That is, it encompasses all forms of commercial practice,

iv) whether the practice (opening, administration, work, employment) be of a permanent nature (a permanent profession) or temporary (trial undertakings, or temporary, preparatory, seasonal activities), or is carried out just one time (a one - off business deal or the like) .

B : In the scope of the Prohibition, the following is noted :

i) that the prohibition of the practice of professions includes in its scope both residents and non residents in the area on the same level.

ii) that the prohibition includes all forms, types, examples, ways, methods, place and time of practising professions ... there is nothing left over.

By this, the scope of the Prohibition of the Practice of Professions has encompassed " commercial enterprises " as defined in the Order and which include all types and forms of professions and all methods of their practice.

— All those whom this concerns are residents or

non-residents in the area ie the scope of the prohibition includes all areas and ranges of life in the area (West Bank) as a basic rule.

This is perhaps what the occupation authorities want, since they left out nothing of either major or minor import in practical activity ; we don't even know if spiritual activity is also intended, considering that he who supervises it is also practising a profession (!) — in which case it will be confiscated according to the provisions of the Order, in one way or another.

5: On the lack of applicability of the Order

a) According to Article Five of the Military order(65) the subject under discussion, the stipulations of Articles Two and Three, which prohibit any resident or non resident from practising any profession, and allow such practice under one condition, the obtention of a permit from the authorities, are not applicable to :

1 — A party, individual, group establishment " undertaking according to the regulations (thus in the Order) any concern mentioned in Articles Two and Three — even if a non resident of the area — " on the condition that he was living in the area before 7 - 6 - 67, and on condition (both conditions going together) that the permit given by the occupation authorities is still valid and has not been restricted or changed or cancelled by an order issued by the authorities.

In this context, anyone who has studied the

thoughts and planning of the occupation authorities can see that when they announced that Military Order 854 was to be frozen for one year, they were counting that period to arrange the situations of the universities & maybe other than them, by getting all those teaching in them (resident or non resident) to sign the document which they published, and which we'll come to later — and thus to entice the teachers in universities, institutes and educational establishments into the snare set ready by the authorities. After finishing with the signing of the document, the authorities will then announce the commencement of the application of 854, which Order contains restrictions, changes and so on to permits already granted:

2 — A party (individual, group, establishment) given a 'permit' according to any order issued by the authorities, or by a decision when he is carrying out the work by permission — and this includes the conditions set by Order 65 and 854 which make it necessary to get a licence, a permit to work.

3 — "A party employed by the IDF Command, or working for it ". This explains what comes in clauses A—1,2 and clause (b) from Article Forur, putting on the same level, with regard to the lack of applicability of the prohibition upon them, those who have obtained a work permit, and those who are employed by or work for the Israeli authorities !

4 — "A representative of a commercial enterprises which has its headquarters in Israel, the representative being a resident of the West Bank ." This article has

dangerous legal and political implications. What is the legal situation (forgetting even the political position !) of a commercial enterprise that is based in 'Israel' and is represented by a resident of the area ?

5 — " Running negotiations by an Israeli resident with the intention of making a contract or implementing an agreement". The contents of this article are nothing but the offering of all possible facilitation (commercial freedom , the implementation of agreements, making contracts — all so vague) for the 'Israeli' resident; from here come robbery, dominion and much more, all without restriction !

b) General Observations on Article Four — lack of applicability of the Order.

1 — The prohibition order does not apply to parties (individuals, groups etc) who are in one way or another fulfilling Israeli goals and objectives.

2 — The order does not apply to parties (individuals, groups establishments) subjugated to harsh Israeli conditions (political, legal, human blackmail etc) which in the end achieve Israeli objectives and aims.

6 — On the Penalties

a) Article Five of the order 65 stipulates: that anyone who violates any one of the provisions of the order or acts contrary to the conditions of the permit issued according to it (which means that the permit issued according to it was prepared previously) is to be punished by a three year prison sentence or a fine

of 10'000 Israeli Lira' or by both together. If we refer to the conditions of the ' Application for a work Permit' we find the following:

"These conditions do not detract in any manner from any obligation imposed on the bearer of the permit according to any law or security legislation' or from any penalty imposed on him in the case of the violation of such obligations." (not to mention the fifth and sixth conditions in the ' Application for a work Permit!) The occupation authorities will not be satisfied with merely cancelling the permit if someone violates any of its conditions' but rather will imprison the bearer for three years or fine him 10'000 IS (at the '67 rate) or do both.

7. On the Closing of Businesses

In addition to the above penalties' the authorities or their appointee may close a business - this is just how it is written in the order' without specification of the type of business that has been opened' run' or was being worked in - in the case of a violation of the terms of Order 65. (see the terms of Art.6 in Order 65)

8. On abiding by the rules; Article Seven in order 65 stipulates:

9. On the remainder of the Order

The remainder of the Order (Articles 8 and 9) deals with the starting date of the application of the order' on 18th August' 1967' and with the designation thereof - "Order Pertaining to the Prohibition of the

Practice of Trades and Professions (West Bank area no. 65- 1' 1967."

General Observations

1. Military Order 65 is a clear violation of the Geneva Convention and agreements' infringes international codes and goes against human rights. Thus' from this aspect' the order is utterly rejected and can be considered void. ("This Order comes as an addition to every announcement or other ordered that has been or is to be issued by me (or by the Commander of the West Bank) and not to detract from them. "That means that his order will no cancel or detract from any military orders that have been or will be issued (eg 854). This makes a laughing stock of the announcement by the occupation authorities that 854 has been frozen!!

2. The above order does not differ in content from Military Order 854' both of them attacking the minimum requirements of academic freedom .

3. The Order was designed to be applied to residents and non residents' as is clear from what follows:

a) the two terms Passport- Identity Card - place of issue of passport - identity card - are used in the Application for a work Permit' through which is intended (with regard to the word 'identity card') those resident in the Gaza Strip or elsewhere' like the 1984 Territories and Jerusalem.

b.) complete omission in the name of the order 'Order pertaining to the prohibition of the Practice of trades and professions (West Bank)' and the



'Application for a work permit' of any reference to the fact that they concern foreigners only' contrary to the usual format of military orders with regard to careful definitions' for example in the Military Order 34 ' 1967 : Order Pertaining to Close Areas — General Entry Permit — No. 5 — Israeli and Foreign residents - (Judea and Samaria) — 1980 . (see appendix of 854 appended to the study) .

4. There are dangerous political implications and content in the substitution of 'Judea and Samaria' for 'West Bank area'.

SECOND : APPLICATION FOR AWORK PERMIT

Text :

ISRAELI DEFENCE FORCES

Civil Administration for Judea and Samria .

Order pertaining to the Prohibition of the Practice of professions (Judea and Samaria) No. 63.

5727 — 1967 Application for awork Permit

I hereby submit an appliation for Permission to work :

I — Details of Application :

- 1 . Name of applicant
- 2 . Religion . . .
- 3 . Date of Birth . . .
- 4 . Place of Birth . . .
- 5 . Nationality . . .
- 6 . Passport / Identity Gard . . .
- 7 . Place of Issue of Passport / Identity Card . . .

- 8 . Type of entry visa . . .
- 9 . Valid until . . .
10. Level of Education . . .
11. Profession / specialization . . .
12. Name and address of place of study . . .
13. Permanent place of residence in the area , address . . .
14. telephone . . .
15. Permanent address outside the area . . .
16. place of residence before 1967 . . .
17. Specialized to work in the position of . . .
18. Place of work . . .
19. from . . . until . . .
20. Area and street number . . .
21. Marital status . . .
22. Childrens' names . . .

II . If the application is approved , the work permit will be issued conditional upon the following :

- 1 — The permit is given for the period of one year from the date of issue . . .
- 2 — This permit is valid only for the position and place of work given in numbers 17 and 18 of the application .
- 3 — Throughout the period of the validity of this permit , the bearer is to refrain from undertaking any action injurious to security and general order . The bearer shall abide by the provisions of the Law and Security Legislation, which forbid any action or the offering of any service which can be considered as aiding or supporting the PLO or any other hostile organisation as indicated in the Order Pertaining

to Acts of Incitement and Hostile Propaganda (modification)
— Judea and Samaria — no. 938 — 1981/5741.

4 — These conditions in no way detract from any obligation upon the bearer of the permit according to any law or security legislation, or form any penalty imposed in the case of violation of such obligations .

5 — Violation of any of the conditions of this permit constitutes a reason for its cancellation .

6 — Fulfilment of special conditions specified in the permit .

DATE

SIGNATURE

Analysis of the ' Application for a work Permit ' .

1—The application form begins with the term ' Civil Administration for Judea and Samaria' which beginning is rejected by all sectors of our palestinian people (municipalities and others) .

2—The form then moves on to the name of the order according to which it is issued - Order Pertaining to the Prohibition of the Practice of Professions (Judea and Samria) (no. 65) 1967 . It should be noted that the use of the term ' Judea and Samaria ' in this isolated way is different from the term ' in Judea and Samira ' which has been used in many other orders . That which should be understood from the isolated term used in the wording of the order , as compared with other terminologies , is that it is a prohibition of the practice of professions for those who are residents in the area , those who will be working in it ,

or will be working in other areas . This is what is clarified in the provisions of order 65 .

3 — In the working of this form , one can notice insistence on the word ' permit ' in its every clause and paragraph ; meaning insistence on the contents of the provisions of order 65 , and on what it calls for , at the expression ' contrary to the conditions of the permit issued according to it - tie to Order 65 . Through this, the form becomes no less than a document with dangerous political aspects and scope ; also , it will thus become the link joining the two orders 65 and 854 . Subsequently , the form will become a prelude to the application of order 65 . The following should be noted on the wording of the form :

a) the juxtaposition of the word ' identity card ' with ' passport ' by which the authorities intended those teacher residents in the occupied territory .

b) concentration on ' place of residence in the area ' and place of residence before 1967 , which goes along with the requirements and conditions of Order 65 (see Order 65) .

c) attention to the type of entry visa to the area ; this means that the form was designed with other arrangements in mind for the future , that is , that there will be a kind of entry visa to the area , ' to the west Bank ' .

This might mean that entry from Palestinian areas other than the west Bank will need an entry visa ... !! This coincides with the clauses and appendices of 854 .

d) The form then moves on to paragraph two , in which is stipulated ; ' If the application is approved , the work permit will be conditional on the following ' Does signing

BIRZEIT UNIVERSITY LIBRARY



the form, then, not mean approval for it ; And isn't the mere recognition of and signing of a form issued by the Civil Administration in the area (Judea and Samaria) enough to satisfy ? No — it seems that it goes further than that. The 'special conditions' referred to in condition six of the form are waiting for applicants.

On the Conditions of the Permit .

a) In the first condition , it is stated that the permit is given for one year only , and there is no reference , for example , to the fact that it can be renewed .

The question that poses itself here is why only for one year ? And the answer is caer - basically, the order is not going to stop at the limit demarcated by the signing of the form, for the authorities are after more than that and are working to realise far bigger things; but they're doing it step by step. Because of that all the strings are in the hands of the authorities, and they are strengthening their strings by their conditions whenever they get the chance.

b) In the second condition, it is stated that the permit is given for work in one specified position only in the university, or in the one institute, and the bearer, according to the stipulation, is not allowed to work in any position other to the one he recorded on the form, or to work in any university or institute apart from the one he recorded. This means the beginning of practical interference in internal university affairs

c) In the third condition we read :Throughout the period of the validity of this permit, bearer is to refrain



from undertaking any action injurious to security and general order. The bearer shall abide by the provisions of the law and security legislation which forbid any action or the offering of any service which can be considered, as aiding or supporting the PLO or any other hostile organisation as indicated in Order Pertaining to Acts of Incitement and Hostile Propaganda (modification) — Judea and Samaria — no. 938 — 1981/5741.

Thus, the third condition becomes more than just a warning or announcement, more that information or a caution, as the Israeli media tries to portray it: from the phrase "the bearer is to refrain" it is obligation that is understood, not caution.

Moving on to the other part of the third condition that relates to the PLO: this condition considers the PLO hostile organisation, or rather more, it considers it to be a terrorist organisation. This is because of the definition of hostile organisation as given in the Order Pertaining to Acts of Incitement and Hostile Propaganda no.938 and originally called the Terrorism Law, Laid down by the Israeli Knesset in 1981. This definition emphasises what we mean by saying that the third condition considers the PLO a terrorist organisation.

This is with the fact that the sum total of the provisions of Order 938 is that raising or repeating a slogan, a song or the Palestinian flag or any show of support for the PLO by word or by action, are considered terrorist activities for which the Order specifies various penalties, the least of which is six months in prison !.

All the provisions of order 938 lay it down — just as the media has done - that the PLO is not the sole legitimate representative of the Palestinian people, and that merely mentioning that it is, in an interview or in the press, constitutes an adequate reason for the punishment of the party who said that by prisoner by stopping publication, on the pretext that the PLO is a terrorist organisation. Such is the information that was given to the administrations of the Arab papers published in Jerusalem.

Thus, the order is no mere warning or caution; it contains recognition from 'the signer of the permit' that the PLO is a hostile terrorist organisation.

d) In the fourth, fifth and sixth conditions it is stated that the conditions stipulated in the form do not detract from any penalty to be imposed on the bearer of the permit in the case of his contravening the conditions according to any order or security legislation that has been or will be issued - and this means the penalty of three years in prison or the 10,000 IL fine, or both at once; plus, in addition to these two, the debarment of the person considered by the authorities to have violated the conditions from working in the universities of the Occupied Territories, and also his being forbidden to reside in or ever to return to his country (!).

Plus, of course, the condition of abiding by the special conditions determined in the text of the permit which will be given by the authorities to the person who has signed the application (and God only knows what they might be!)...

..... these conditions will be waiting for he who signs on the application document.

7) In his attempt to defend the document (work Permit Application) , the Israeli Defence Minister , said in the Israeli Knesset that ' many countries in the free world asks for asimilar application ' . other Israeli sources said that ' America asks that those submitting an application from for an entry visa should not be members in the Communist party ' . It is not our intention here to verify or disprove such point s , but there are afew facts we would like to mention :

a) The point mention ed about the entry visa application to America is aquestion : ' Areyou amember of the Comm - unist party ? ' amatterwhich requires spicial legal arrang - ements and measuresfor foreigners , such as permission to be amember in that party to be approved by the relevant authorities ; in any case , the answer , whether yes or no , does not impose upon the person concerned (ie the applicant) any obligations or dec larations or specific political stands .

b - Israeli universities themselves do not makesimilar demands from the teachers who work in them .

Thus , we find there is abig difference between the application for an entry visa for America and the contents of Israeli work Permit appilcation , not to mention the difference between the polical and legal position . Here , they are occupation authorities who do not have the right to interfete in the academic and legal situations, whilst over there is an independent country .

8) The conditions of the application , necessitating hostility to the PLO or to any other organisation , damages freedom of opinion and expression , something to which foreign teachers are not used, and which in any case infringes their freedom and feeling, which their embassies and diplomatic representation should work to protect and increase .
On the relationship between the two orders 65 and 845 :

Military Order 65 , which issued the work Permit Application , conditioned that the teacher (starting work there not resident in the area) get a permit to teach from the authorities ,

On the other hand , in the terms of 845 we find the following stipulation : ' No Israeli or FOREIGN resident entering the area is allowed to work as a teacher or supervisor in any educational institution except by personal permit issued in handwriting by the Military Commander.

In addition to a number of other similar stipulations which allow the authorities to prevent any student, teacher, administration or establishment from teaching under some or other pretext ... (see 854) .

From here we can discover the relationship between the two orders 65 and 854 ; or rather , we can reveal the trickery and deception of the authorities ' announcing they were freezing 854 and that the order is nothing .

On the Political Aspect :

The application of Military order 65 to universities and academic institutions means emptying the universities of any academic or non - academic interest .

The application of Military Order 65 , making necessary the work permit Application which contains paragraph 3 ,

describing the PLO as a hostile organization, means that tens of thousands of Palestinian people reject the representation of the PLO - and not only this, but they also put their signatures to it.

Application of order 65 means application of Order 854, with all its factors that put an end to the most important national gains that the Palestinian people have realised, like educational institutions.

Application of Military Order 65 making necessary "Application of work Permit" which is headed by the 'Civil Administration Judea and Samaria' means a dangerous normalisation of relations with the Civil Administration & vitalization thereof.

Administration of Judea and Samaria and vitalization thereof. The most dangerous thing in order 65 is that it was issued to include all professions, and if the occupation authorities succeed in applying it in the universities, then its application on the professions and commercial businesses will be imminent and a matter of the utmost ease.

If the authorities succeed in this, it means that hundreds of thousands of Palestinian people are signing a document describing the PLO as a hostile organization, or as if they are signing documents that state this organization is not their organization.

When that time comes, the occupation authorities will be the first to welcome 'the right of self-determination' for the Palestinian people, or to be specific, 'to political self-determination for the residents of the Territories' according to the occupation authorities' expression.

And at that time Israel will say to the world and to



world public opinion that the palestinian people have determined their own destiny and there they are , the signitures of hundreds of thousands of them who consider the PLO ahostile organisation . when things get to this point , what is to stop ' Israel ' from political annexation ! of Gaza and the West Bank , once it has finished with its legal and spiritual annexation !

There is adangerous aspect to signing : the signature of the bearer of the permit on the application form for the work permit means that he has fallen into atow - sided trap :

1 That he has accepted to work according to this permit forone year , and lack of renewal in the next year means the bearer also accepts to leave the country because of its decision .

2 — In the case of the expulsion of the bearer from the Occupied Territories for any reason seen fit by the occupation authorities that means that the Bearer of the Permit, by recognizing it (by his signature) accepts this formula which will debar him from ever returning to the country under any other guise and by any other way ; and not only himself , according to the work permit Application, but also his wife and children .

The choice of the Israel authorities of this timing does not mean that it is sultable , even if the aim behind it were hitting off the political gains realised by the cause of the palestinian people and the PLO on the international level , yet continual denunciation by world public opinion of the practices of the Israeli authorities in the Occupied Terri - tories , which include the expulsion of university teachers ,

will lead to :

a) an increase in condemnation of the measures of the occupation authorities and an increase in international isolation .

b) an increase in support for the just palestinian case .

These two points will make the occupation authorities think carefully before taking any step that will make the situation in the Occupied Territories tense or will stir up world public opinion against it .

The Israeli authorities ' recourse to expelling foreign teachers means that it is building an army faithful to the palestinian people and ambassadors dedicated to their cause

taking it with them wherever they go . This matter requires a lot of thought by the authorities before risking it. Opposition voices inside Israel itself will get louder if the authorities take any step considered by these voices to be provocative and unjustified .

SUGGESTIONS AND PROPOSALS

1 (Increasing the publicity campaign of Israeli measures which infringe the very basics of academic freedom and freedom of expression .

2) Sending letters to all universities in the world calling on them to give their solidarity to the stand of the palestinian universities and institutions .

3) Sending letters and telegrams to international cultural and academic bodies such as UNESCO and the International League of Universities and the Red Cross and

the Union of International Human Rights and the UN .

4) Appeal to foreign teachers to hold press conferences to elucidate Israeli measures.

5) Encouraging the foreign teachers and their representatives to take a stand that will stop the authorities continuing measures that go against their interests .

6) Rejecting orders 65 and 854 and any recognition of them, because of their infringement of academic freedom and freedom of expression and thought and the independence of the universities and the role of education .

BIRZEIT UNIVERSITY LIBRARY



