



## SPECIAL DOCUMENT FILE

### THE STATUS AND FUTURE OF ISRAEL'S PALESTINIAN MINORITY

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*Within the space of a few months in late 2006 and early 2007, three far-reaching documents, all dealing with the status and future of the Palestinian minority in Israel, were issued by leading Palestinian bodies in the state. The timing was not coincidental, for all three initiatives, which were several years in the making, were responses to the same stimuli: a steady deterioration in the situation of the Arab minority, and a push within the Jewish majority for the adoption of a formal constitution emphasizing the "Jewishness" of the state.*

*The constitutionalizing movement was spurred by the massive October 2000 protests by Palestinian citizens of Israel in solidarity with the just-launched al-Aqsa intifada. The unarmed protests, whose main victims were Arab citizens (13 shot dead by Israeli police), had fueled the conviction among the Jewish majority that an irrevocable and unbridgeable divide existed between the two communities, taking anti-Palestinian sentiments to new heights. Such feelings had already been on the rise, a product of the Jewish majority's sense of threat that can be traced to the 1992 Knesset elections that brought Yitzhak Rabin to power by a narrow margin thanks to the "Arab vote." Alarmed by this development—and at a time when Palestinian-Israeli peace negotiations were in full swing—the center-right Jewish parties made it a strategic goal to curtail the political power of the Palestinian citizenry with the aim of preventing "concessions" in peace negotiations not based on a purely Jewish vote. Since that time, dozens of new laws have been passed in the Knesset that discriminate against Palestinian citizens, ranging from limiting political activism to virtually banning family unification.<sup>1</sup>*

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<sup>1</sup>See Nadim Rouhana and Nimer Sultany, "Redrawing the Boundaries of Citizenship: Israel's New Hegemony," in *Journal of Palestine Studies* 33, no.1 (Fall 2003), pp. 5–22.

*The preoccupation—verging on obsession since October 2000—with the strategic and demographic threat posed by the Palestinian citizens to Israel as a Zionist Jewish state resulted in several initiatives, including the drive to endow Israel with a constitution for the first time, replacing the scattershot Basic Laws. The first such initiative, the Kinneret document, drafted under the auspices of the Rabin Center and signed in October 2001 by leading Jewish religious and secular figures representing a wide Zionist political spectrum, focused almost entirely on the Jewish identity of Israel, defined as a “Jewish and democratic” state. These same elements are prominent in the “constitution by consensus” spearheaded by the Israel Democracy Institute, whose November 2004 draft also emphasizes the “Jewish and Democratic state” definition without any mention of the Palestinian identity of the Arab citizens, who make up almost 20 percent of the population. The absence of Palestinian input in the constitutional debate only increased the level of frustration within the community, which saw in this exclusion yet another example of the Jewish majority’s refusal to engage in an open dialogue regarding their status.*

*The task of finalizing a constitution rests with the Knesset’s Constitution, Law, and Justice Committee. Whether or not a constitution will ultimately be adopted, the constitutional debate, and the release of drafts whose principal aim is transparently to safeguard the exclusive dominance of the Jewish majority, very much set the stage for the initiatives presented below. Though each of the three Palestinian documents is distinctive, all make essentially the same demands. Above and beyond recognition as a national homeland minority with collective rights, and self-administration in their own community affairs, the basic demand is for a genuine, inclusive, consensual democracy with equal rights for all citizens of the state. These demands are not new; indeed, they are encapsulated in the call for “Israel as a state for all its citizens” launched more than a decade ago by the now-exiled Palestinian leader and former Knesset member Azmi Bisbara and his party, the National Democratic Alliance. What is new is the fact that the ideas have so much permeated the political thought of broad segments of the community so as to have been mainstreamed and crystallized into formal documents intended to spark a communitywide debate and introspection on the way forward. Also highly significant is their provenance: the “Future Vision” project was initiated by the High Follow-Up Committee for the Arabs in Israel, the top leadership body of the Palestinian community, and issued by the National Committee for the Heads of the Arab Local Authorities (Councils) in Israel. Adalah is the community’s premier legal defense organization, and MADA is its leading research institution. While the documents were the product of extensive debates and consultation within limited groups, they stop short of being consensual in that none was made available to open public debate in the drafting stage. Nonetheless, they are all on the table now, and all make a point of emphasizing their intent to serve as a starting point for communitywide discussion. The documents also represent a resounding confirmation of the passage from reactive to proactive political action, and of the growing trend within the community to “get their house in order” with the aim of pressing ahead with a clear agenda for change.*

*For the most part, the documents were either ignored by the Israeli Jewish public or greeted with hostility, suspicion, and accusations of subversion and of undermining*

*state security. Yet the documents appear more reformist than radical; the calls for restitution are measured, and the emphasis is on inclusiveness, not exclusiveness. All call for a dialogue with the Israeli Jewish public, and all ultimately aim at a just reconciliation between the two peoples. MADA's statement in presenting its own document well summarizes the common intention:*

*We [hope] that the Haifa Declaration, the Future Vision, and the Democratic Constitution [will] serve as foundational texts for institutions and members of the Palestinian minority, in their effort to assert their national identity, national rights, and their right to democracy and equal citizenship. . . . [and] that the Declaration can spark a democratic, open, and constructive dialogue within our society and with the Israeli-Jewish society, one that might enable us to work together toward building a better future between our peoples. This, we believe, might lay the foundations for creating a society based on justice and equality for all citizens and inhabitants of the State of Israel.*

*At the heart of all three documents is the contradiction between Israel's identity as a Zionist Jewish state and genuine democracy, as well as the status of the Palestinian community within the state. The issues of Jewishness, democracy, and the status of the Palestinian citizens also preoccupy Israel's Jewish majority, though from a very different angle. These themes were addressed with remarkable frankness by Ariel Sharon in an op-ed written in 1993, which is why JPS thought it would make a fitting "appendix" to these documents, as well as a cautionary note as to why the Palestinian community's vision of a truly shared homeland will be difficult to achieve.*

*Jamil Dakwar, a member of JPS's Editorial Committee, contributed substantially to the compilation of this section and to writing the introductions.*

**A. NATIONAL COMMITTEE FOR THE HEADS OF THE ARAB LOCAL AUTHORITIES IN ISRAEL, "THE FUTURE VISION OF THE PALESTINIAN ARABS IN ISRAEL," HAIFA, DECEMBER 2006 (EXCERPTS).**

*This document was drawn up at the behest of the High Follow-Up Committee for the Arabs in Israel and issued by the National Committee for the Heads of the Local Authorities in Israel, the Palestinian community's two "national bodies." The High Follow-Up Committee, which was established in 1982, brings together all local (municipal) and national Arab leaders (for example, Knesset members) into one framework and has become the collective leadership forum of the Palestinians in Israel, while the National Committee, formed at the same time, groups the heads of Arab municipalities and local councils throughout Israel. Although the document was not endorsed by all the constituent parties and ideological streams of either committee, the fact that these traditionally cautious and conservative bodies did sponsor such an initiative shows the extent to which the ideas expressed have become widespread and mainstream.*

*With funding from the European Union, the initiative, formally launched in June 2005, brought together academics and experts from the Palestinians in Israel to draw up documents focusing on eight topics crucial to the community: (1) the relationship with the Israeli state; (2) legal status; (3) land, planning, and housing; (4) economic development; (5) social development; (6) education; (7) culture; and (8) institutions and political work. Each topic constitutes a separate section of the "Future Vision" document, and was drawn up by a primary researcher with input over many months from citizens, activists, and academics. The excerpts below, slightly edited by JPS, are from the overview and sections 1, 3, 6, and 8. The full document is available online at [www.mossawacenter.org](http://www.mossawacenter.org).*

### **View**

We are the Palestinian Arabs in Israel, the indigenous people, residents of the State of Israel and an integral part of the Palestinian people and the Arab, Muslim, and human nation.

The 1948 war resulted in the establishment of the Israeli state on 78 percent of historical Palestine. Those of us who remained in our homeland (approximately 160,000) found ourselves within the borders of the Jewish state. This reality has isolated us from the rest of the Palestinian people and the Arab world, and we were forced to become citizens of Israel. This has transformed us into a minority in our historic homeland.

Since the Nakba of 1948, we have been suffering from extreme structural discriminatory policies, national oppression, military rule (up until 1966), a policy of land confiscation, unequal budget and resource allocation, rights discrimination, and threats of transfer. The state has also abused and killed its own Arab citizens, as in the Kafr Kassim massacre [1956], Land Day in 1976, and the al-Aqsa intifada in 2000.

Since the Nakba, and despite everything, we have maintained our identity, culture, and national affiliation; we struggled and are still struggling to achieve a just, comprehensive, and permanent peace in the Middle East through a fair settlement for the Palestinian refugees according to UN resolutions and the establishment of an independent Palestinian state.

Defining the Israeli state as a Jewish state and exploiting democracy in the service of its Jewishness excludes us and creates tension between us and the nature and essence of the state. Therefore, we call for a consensual democratic system that would enable us to participate fully in the decision-making process and that guarantees our individual and collective civil, historic, and national rights. In light of this complex history, we are moving toward a new era of self-awareness where we must mark out our future path, crystallize our collective identity, and draw up our social and political agenda. The establishment of the High Follow-Up Committee for the Arabs in Israel was a turning point in the history of our community; this committee has become the highest representative body for all public and political Arab organizations.

Based on this reality of collective internal changes within our community, the project presented in this document is a continuation of our struggle toward crystallizing a clear strategic future vision for the Arab Palestinians in Israel. The project aims at answering the question, "Who are we, and what do we want for our society?"

In order to attain this goal, the future vision will be followed by practical steps and a concrete action plan with specific goals. We recommend that the document be a public reference. This document includes all streams of our society, as this vision is an independent Palestinian discourse. We hope this future vision will result in unity among the various and sometimes conflicting views and beliefs on what should be the basis of our national collective principles and interests.

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We hope that our vision will contribute to changing our reality and to impacting the Israeli agenda in an effective and positive way. This is an ongoing process of public action that the High Follow-Up Committee has been implementing since its establishment. We also hope to enrich the public discussion among us, Palestinians in the Diaspora, Jewish society in Israel, and international public opinion.

### ***The Palestinian Arabs in Israel: Their Relationship to the Israeli State***<sup>2</sup>

Israel grew out of a settlement project initiated by the Zionist-Jewish elite in Europe and implemented with the help of colonial powers and through their promotion of Jewish immigration to Palestine in light of the consequences of World War II and the Holocaust. After the creation of the state in 1948, Israel continued to follow policies based on its vision of itself as an extension of the West in the Middle East. It continued the conflict with its neighbors and, internally, pursued colonial policies against its Palestinian Arab citizens. It also carried out a Judaization process in various forms, beginning with the expulsion of the Palestinian people in 1948, the demolition of more than 530 Arab villages; massive confiscation of Arab land, and the creation of over 700 Jewish settlements to absorb new Jewish immigrants. This has led to the Judaization of the land, the erosion of Palestinian history and culture, and the construction of a political and economic system that marginalized and weakened the Palestinian people, especially in Israel.

Israel cannot be defined as a democratic state. It can be defined as an ethnocratic state, such as Turkey, Sri Lanka, Latvia, Lithuania, Estonia, and Canada (40 years ago). These countries have engaged their minorities in political, social, and economic aspects of life in a very limited and unequal fashion. This comes amid a clear ongoing policy of control and censorship that guarantees the hegemony of the majority and marginalizes the minority.

#### *Principles of an Ethnocratic System*

1. Control by one ethnic group of the state system.
2. Focus on ethnicity (and religion), not citizenship, as a basic principle of resource distribution at the expense of the "people" (citizens in general).
3. The institution of an ethnic political process based on ethnic divisions.
4. A permanent state of instability.
5. An ethnocratic logic that provides tools for understanding societies that prefer one certain group over others. Ethnocratic logic also dominates the dynamics between different ethnic groups.

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<sup>2</sup>This section is drawn from research presented by Dr. Asaad Ghanem and discussed by the group.

To maintain the ethnocratic system, Israel has implemented a number of rules concerning the Palestinian Arabs in Israel:

1. Cutting identity relations between the Palestinian Arabs in Israel and the rest of the Palestinian people and the Arab and Islamic nations. Israel has tried to create a new group of "Israeli Arabs."

2. Preventing Palestinian Arabs in Israel from maintaining relations with their brothers in Jerusalem, the West Bank, and Gaza Strip, and with Palestinian refugees.

3. Opposing any form of organizing by the Palestinian Arabs in Israel that can contradict the aspirations of the Jewish majority and the state in terms of parliamentary representation, and preventing them from exercising any extra-parliamentary political activities.

4. Opposing attempts by the Palestinian Arab leadership to propound a vision that could counter the consolidation of an Arab minority willing to accept Jewish control of the state, its resources, and capabilities.

5. Forcing the Palestinian Arabs in Israel to accept resource allocation on the basis of ethnicity rather than citizenship, thereby maintaining Jewish superiority and Palestinian Arab inferiority in the state.

The Palestinian Arabs in Israel need to change their status. Beyond preserving their Arab Palestinian identity, they need to obtain full citizenship in the state and its institutions. They also aspire to attain institutional self-rule in the fields of education, culture, and religion, which is in fact part of fulfilling their rights as citizens and as part of the Israeli state. They also seek to attain full equality with the Jewish majority.

Such self-rule within the state presupposes a system based on consensual democracy. Such a system, embodying the presence of two groups, Jews and Palestinians, would guarantee true resource, leadership, and participation in decision-making.

#### *Demands of Palestinians in Israel*

1. The state should acknowledge responsibility for the Palestinian Nakba of 1948 and its disastrous consequences for the Palestinians in general and the Palestinian Arab citizens of Israel in particular. Israel should start by rectifying the damage it caused and consider paying compensation to its Palestinian citizens as individuals and groups for the damages arising from the Nakba. It should also compensate for the ongoing discriminatory policies that result from viewing the Palestinian Arabs as enemies rather than as citizens with the right to oppose the state and challenge its rules.

2. The state should recognize the Palestinian Arabs in Israel as an indigenous national group (and as a minority under the international conventions) with the right, as citizens, to choose their representatives directly and to be responsible for their religious, educational, and cultural affairs. This national group should have the chance to create its own national institutions involving all aspects of life. The state should stop policies fostering division between the various religious sects of the Palestinian Arabs in Israel.

3. The state must acknowledge that Israel is the homeland of both Palestinians and Jews. (The Israeli future constitution and state laws should reinforce this point in any introductory paragraph.) The relationship between Palestinians and Jews in Israel should be based on equality in human and citizen rights based on international conventions and relevant international treaties and declarations. The two groups should have

reciprocal relations based on the consensual democratic system (an extended coalition of elites of both groups, equal proportional representation, mutual right of veto, and self-administration in exclusive issues).

4. Israel should acknowledge the right of minorities in keeping with international conventions. It should recognize that the Palestinian Arabs in Israel have a special status within the institutions of the international community and are acknowledged as an indigenous cultural national group enjoying total citizenship in Israel. It should also acknowledge that the Arab minority in Israel has international protection and support under international conventions and treaties.

5. Israel should refrain from adopting policies and schemes that favor the majority. It must remove all forms of ethnic superiority, executive, structural, legal, or symbolic. Israel should adopt policies of corrective justice in all aspects of life in order to compensate for the damage inflicted on the Palestinian Arabs due to ethnic favoritism toward Jews. The state should cooperate with representatives of the Palestinian Arabs to seek ways of restoring those of their lands that were confiscated *not* for public use. Israel should also dedicate an equal part of its resources to the direct needs of the Palestinian Arabs.

6. Israel should acknowledge the Muslims' right to run their affairs concerning the Waqf (Islamic endowment) and the Islamic holy sites. Israel should cede control of the Islamic and Christian holy sites and acknowledge their right of self-rule as part of the collective rights of the Palestinian Arabs.

7. Israel should acknowledge the right of the Palestinian Arabs in Israel to have social, religious, cultural, and national continuity with the rest of the Palestinian people and the Arab and Islamic nations.

### ***Land, Planning, and Housing Policy***<sup>3</sup>

There is no doubt that the struggle for land was and still is the core of the Palestinian-Zionist conflict since the inception of the Zionist movement at the end of the nineteenth century. . . . The problems facing the Palestinian Arabs in Israel are many, but the issue of land planning and housing remains the main difficulty. There are approximately 1.15 million Arabs in Israel, about 18 percent of Israel's total population, and this population will double by 2020. The geographic space of the Arab citizen (650 sq. m per person) will shrink to 375 sq. m per person.

Given this reality, it is difficult to talk about the development of Arab villages and towns without solving the issue of land sovereignty and widening its jurisdiction boundaries. The Palestinian Arabs possess less than 3.5 percent of Israel's land, and 1.5 percent of this lies outside their local authorities' jurisdiction boundaries.

Israel's land and planning policy since 1948 leaves no doubt that Judaizing the land was one of the most important goals of the state. Israel, which refers to itself as a democratic state, is the only state in the world where more than 93 percent of the territory is defined as "state land," which is not available for sale but only for 49-year leases.

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<sup>3</sup>This section is based on the research presented by Dr. Thabet Abu Rass and discussed by the group.

The basic issues faced by the Palestinian Arabs in Israel are racial and legal discrimination; Judaization of Arab land; demographic increase; diminishing space; administrative division of the country's space (areas of local authorities' jurisdiction); no participation in decision making; improper structural planning; and demolition of Arab houses.

#### *Basic Components of Israeli Land and Planning Policy*

1. Eliminating Palestinian historic and geographic features to prevent the return of Palestinian refugees.
2. Transforming Arab land into Jewish property by force and through the adoption of a central, collective, comprehensive, and nonindividual land system.
3. Preventing the allocation of "state land" to Arab towns and villages in Israel.
4. Adopting administrative divisions (areas of local authorities' jurisdiction) that guarantee [Israeli] control over Arab land.
5. Marginalizing the Palestinian Arabs in Israel and preventing them from taking part in the decision making process.
6. Demolishing Arab houses and using the Arab "demographic threat" to expand Jewish settlements.

#### *Recommendations*

1. Adopt laws of distributional justice between the Arab and Jewish citizens within the consensual democracy. Cancel all confiscation laws and discriminatory regulations and measures against the Arab minority.
2. Change Israeli policies concerning land and planning, starting with recognition of the historic oppression inflicted on the Palestinian Arab minority. The boundaries of Israeli land must conform to the boundaries of citizenship, not to the boundaries of the Jewish people. The term "Israeli land" should be adopted instead of "Jewish territory" or "state land."
3. Undertake an administrative reconstruction of Israeli institutions engaged in land planning and housing designed to cancel the participation of non-Jewish institutions and representatives, especially the Jewish Agency and the Jewish National Fund. Accordingly, the Arab minority must have a genuine representation in these institutions.
4. Expand the area of jurisdiction boundaries for Arab villages and towns to include public land (state land).
5. Adopt a new public rhetoric concerning land and planning, including a demand to end the current planning and housing law that discriminates against Arab citizens. New structural planning and housing policies are needed for the Arab communities based on consensual democracy and the principles of distributional justice conforming to the needs of the Arab minority. These plans should settle historically ignored issues such as the internally displaced, the Waqf (Islamic endowment), the Arabs of the Negev, and Palestinian Arab participation in the ownership and management of this public property.

#### *Necessary Considerations*

1. Land is the most sensitive issue of Arab Jewish relations in Israel. Palestinian Arabs in Israel can attain full equality only if Israel becomes a truly democratic state. Attainment of real equality for the Arabs in Israel in land and planning issues depends on a change in Israel's goals and identity as a Jewish state, thus leading Israel toward [the] adoption of

democracy. There is no single tool for attaining such objectives. This document suggests the adoption of means of struggle, with a clear timetable.

2. There are issues that can be attained in the short term through available and permitted (under Israeli law) means, such as the political and legal struggle, which also depends on raising educational awareness. To reach the strategic goals and structural change, new operational mechanisms should be adopted, such as enhanced public activism and international advocacy. These goals will never be attained without organized public work and without empowering Arab professional and political cadres.

3. Changing the nature of the Arab and Arab-Jewish struggles will inevitably raise new questions about the status and conditions of the Palestinian Arabs in the Israeli ethnocratic system.

#### ***A Strategic Vision for Arab Education in Israel<sup>4</sup>***

The status of the Palestinian Arabs in Israel poses challenges at the level of society in general and the educational system in particular. This requires a deep analysis of the reality of education in Arab schools in Israel that would shed light on the educational and technical changes needed in the education system and emphasize the role of schools in dealing with change. The problems of the educational system can be defined as follows:

1. Political problem: discrimination against the Arab education system in Israel.

2. Ideological problem: lack of control over the educational content and values that need to be imparted to Palestinian students to form their national and civic identity.

Despite the quantitative development of Arab education in Israel, the qualitative development still faces problems:

1. Education does not prepare students to deal with the modern world.

2. Despite intensive efforts to change pedagogical methods, the Arab educational system is still theoretical rather than pragmatic and uses conventional methods that emphasize memorizing rather than producing knowledge.

3. Most school graduates become employed in the services, not productive sectors, hindering their social and economic development, both individually and collectively.

4. Academic achievement in Arab schools at all levels is still poor compared to Jewish schools.

5. Arab children are deprived of preschool education.

6. There [are] no Arab university or developed educational faculties, resulting in weak teaching cadres and researchers and thereby widening the gap between school learning and the demands of the outside world.

7. Investment in education at the government, local authorities, or private (parental) level is inadequate.

8. The duality in the Arabic language between the spoken language and the classical language taught in schools impedes the educational process and ultimately weakens the development of analytical skills.

9. The lack of new curricula relevant to changes within society limits possibilities for enhancing cultural identity and complicates/delays the need to resolve the tensions between tradition and modernity, postmodernism, and globalization.

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<sup>4</sup> This section is based on research presented by Dr. Khaled Abu Asbah and discussed by the group.

Improving the weak educational system and Arabic educational curricula requires a clear educational strategy that takes into account cultural developments, exposure to culture and knowledge, and the technological revolution. Before any educational strategic planning can be undertaken, we should consider present and future social/structural challenges and problems and address education as a potentially momentous force for change in society, addressing the status of Arab women as well as economic, political, and environmental aspects.

The strategic work plan should be based on the following:

1. The right of the Palestinian Arabs in Israel (as the indigenous people in their homeland) to self-administration in the educational system and self-determination in educational policy.

2. Adoption of Arab educational objectives as drafted by the Follow-Up Committee for Arab Education in Israel after the fourth Arab education conference of 1994, with possible adjustments in line with current developments and emphasis on the universal and social values of education. . . .

#### *Work Tracks*

1. Legal track: continue to demand self-administration in the educational system, within the framework of international laws and conventions, by seeking support from international organizations that deal with such issues and appealing all matters of official discrimination to the judiciary.

2. Educational/public track: the Follow-Up Committee for Education must strengthen its relations with the community in general, and with Arab schools in particular. It should also develop a networking process with all institutions active in the field of education and alternative curricula development.

3. Practical track: devise a detailed strategic study for establishing an Arab university and create a higher Arab educational council within the High Follow-Up Committee in coordination with the Follow-Up Committee for Education. The latter body needs to improve its work methods so as to become a professional committee that can prepare educational programs and develop education departments within the local authorities capable of implementing such programs.

#### *Required Steps*

1. The local authorities need to give the highest priority to education, and [they need] to support educational departments by recruiting a professional staff capable of high-level educational and vocational work (taking into account local, educational, and societal factors). They need to end political appointments in the local authorities, and to consider the educational system as key to local socioeconomic development.

2. Discuss the possibility of creating national private schools (by NGOs) with a specific educational character.

3. Create a professional committee aimed at raising the status of the Arabic language as a mother tongue.

4. Draft an action plan in partnership with the local authorities to promote extracurricular educational programs.

5. Develop human resources in general and leadership cadres in particular, and consider establishing an educational leadership school.

6. Create a research center for strategic educational planning to work within the High Follow-Up Committee.

7. Encourage the participation of citizens and parents in the educational process.

***Institutional and Political Public Work***<sup>5</sup>

In communities excluded from state institutions, such as the Palestinian community in Israel, societal institutions are the key for carrying out a collective vision. The political, cultural, economic, and social development of the Palestinian Arabs in Israel requires an organizational structure and institutional development capable of striking a balance between the ability to work with state institutions and the ability to act freely and independently.

Creating national institutions and clarifying their internal roles and relationships with state institutions, the elected local authority, individual initiatives, the private sector, and political institutions constitute important challenges requiring discussion and decision-making.

The development of national institutions would promote real change in our collective status and affect our ability to confront the regional conflict. It would promote our status in the state and help crystallize our collective vision as it has been developing, especially since the Oslo agreements.

The current stage is characterized by building national institutions of local services—legal, religious, gender, cultural, and educational. These institutions form 5 percent of the NGOs registered in Israel, and their average budget does not exceed 2 percent of the budgets allocated to active societies in Israel, which in turn receive 1.5 percent of the budget allocated for governmental societies. Arab institutions are excluded from support from the major international Jewish institutions and face difficulty in obtaining aid from Arab international institutions.

These national service institutions, like the party-based or national institutions representing the Arab citizens of Israel, such as the High Follow-Up Committee and the National Committee of the Heads of the Local Arab Authorities, work without coordination or clear strategy. In general, Palestinians in Israel lack the strategic vision to develop and coordinate institutional work.

***Proposed Objectives***

1. Continue internal and collective organizing aimed at obtaining individual and collective rights (as citizens of the state and contributors to the global dialogue) of the Palestinian Arabs, the indigenous people of the land who are also part of the Palestinian people dispersed worldwide and of the Arab region.

2. Deepen awareness of the national Palestinian identity and the democratic humanitarian civic values of Arab society as basic means of resisting institutional control and challenging ethnic divisions and internal problems, including the status of Arab women and children, and class divisions.

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<sup>5</sup>This section is based on the research presented by Mr. Ja'far Farah and discussed by the group.

3. Develop and empower Arab institutions seeking to promote social change, and create networking and coordinating mechanisms among them.

4. Build strategies and institutions aimed at ending the regional conflict and promoting the peace process by benefiting from the unique status of the Arab society, both locally and regionally.

5. Develop tools and mechanisms aimed at fostering dialogue and preventing societal disputes.

6. Develop social programs aimed at improving the status of Arab women in general, and the economic and social status of Palestinian women in Israel in particular, and at increasing their political participation.

7. Develop relations and activities with other countries and organizations, including international Jewish organizations, so as to promote international recognition of the national, cultural, economic, and social rights of the Arab society in Israel. The ultimate aim is to promote the status of Arab society and develop a fair and equal democratic system for all groups in Israel.

8. Reinforce cooperation between local organizations, including Jewish organizations, so as to press for government decisions in the political, economic, and social realms that affect the individual and society, particularly Arab society, and that promote a just peace in the region.

9. Develop mechanisms to consolidate relations with the rest of the Palestinian people and the Arab world on the basis of cultural and national continuity.

#### *Proposed Principles to Develop Institutional Work*

1. Relations between national institutions and political parties: The current phase requires decisions aimed at empowering national institutions, first and foremost the High Follow-Up Committee, so as to meet the needs and expectations of the Palestinians in Israel. This also requires decisions concerning the form of relations between the High Follow-Up Committee and the political parties, local individual initiatives, and the private sector, and how to build such relations.

2. Relations between national institutions: The creation of national institutions requires organizing relations among them and instituting a coordinating framework between the independent or party-based bodies and the executive national bodies of the High Follow-Up Committee. It is also necessary to establish appropriate mechanisms for the payment of fees by the political parties and local Arab authorities to fund these national institutions. It is also important to conclude the debate over the work of the High Follow-Up Committee with the political parties and the local authorities and to complete its new constitution as soon as possible.

3. A coordinating framework for the political parties: At present, coordination among the political parties mainly involves reacting to the initiatives of the High Follow-Up Committee. The parties have failed to develop a coordinating framework that can challenge government policy and have not given priority to discussing general national plans. It is important to create this framework, which does not depend on temperament in its work but initiates the discussion process within the Israeli political sphere.

4. A national development plan: The current phase requires supporting a national development plan based on an assessment of the current situation and identifying points

of strength. This is needed to challenge Israeli government policies aimed at marginalizing the Palestinian Arabs and excluding them from its economic and developmental institutions. This plan must be based on a serious field survey that in turn is based on development plans in the areas of manpower and infrastructure.

5. Private sector support: The private sector is an important factor in the economic development and growth of any society. In Palestinian society in Israel, this sector suffers discrimination and marginalization by the government and is not being dealt with as a potential strategic sector that could benefit the community.

6. Support of independent institutions: The creation of national institutions should be complemented by the encouragement of local and national self-initiatives in the services, research, religious, cultural, and legal arenas. Development of the institutional work requires coordination of efforts between the national bodies and the political parties, the private sector, independent societal initiatives, and the creation of mechanisms to coordinate independent work between them.

#### *National Institutions Required for the Coming Stage*

1. A political leadership framework: This framework should lead the Arab community, coordinate between the political leaderships, and provide a forum for societal democratic dialogue, coordinating with youth movements, NGOs, trade unions, and media campaigns of the political parties (without compromising the principle of competition between them). The chairman of the High Follow-Up Committee should hold meetings to develop this framework as a new aspect of the committee's work. Dialogue between the political parties should begin and decisions taken aimed at meeting the Arab community's expectations concerning its political leadership.

2. A local and party leadership framework: At present, the High Follow-Up Committee combines the activities of the national political leadership and the local political leadership, despite the differing and sometimes contradictory needs of each. It is important to develop this framework and to include in it representatives of the local leadership of the mixed Arab Jewish cities.

3. A local authorities framework: The National Committee of the Heads of the Local Arab Authorities represents the interests of the local authorities and coordinates relations between the heads of the localities. The suggested framework would expand and institutionalize the work of the committee so as to utilize the potential economic force within the local authorities. It would also develop regional programs and plans that serve the citizens and local authorities. It is important to plan regional activities for the local authorities in the fields of education, sewage, industry, transportation, culture, and government services. This framework is held accountable for absorbing the anger of the Arab community arising from the policy of the government. This is particularly true due to the local authorities' position with regard to the current process of privatizing government responsibilities.

#### *Organizational Development*

1. Complete the track (led by the High Follow-Up Committee) to develop a national elected representative board for Palestinian society in Israel.

2. Develop the work of the National Follow-Up Committee of the Heads of the Local Arab Authorities and create executive apparatuses that benefit

from the status and capabilities of the Arab local authorities and defend their rights.

3. Develop the work of existing bodies and create subcommittees for the High Follow-Up Committee with the participation of independent NGOs, the private sector, and independent professionals as follows:

- Subcommittee for educational and human resource development
- Subcommittee for economic and agricultural development
- Subcommittee for health and welfare
- Subcommittee for religious institutions and the promotion of interfaith dialogue
- Subcommittee for the development of international relations and regional policies
- Subcommittee for the development of the social and political status of women
- Subcommittee for the affairs of the Negev and the unrecognized villages
- Subcommittee for land planning
- Subcommittee for media

Within this context, the organizational structure of the High Follow-Up Committee on Arab Education should be seen as a possible model for the national institutions, showing professionalism and reserving the right to influence political parties and recruit the services of independent institutions and professional experts to benefit the work of the local Arab authorities. The creation of such bodies requires the formation of a professional executive body responsible for planning and securing the necessary funding.

**B. ADALAH, "THE DEMOCRATIC CONSTITUTION," SHAFIA 'AMR, ISRAEL, 27 FEBRUARY 2007 (EXCERPTS).**

*Adalah, the Legal Center for Arab Minority Rights in Israel, was established in 1996. Given its legal expertise and its mandate, which includes advocating for legislation ensuring equal individual and collective rights for the Arab minority in all areas, it was appropriate that Adalah's contribution to the debate should take the form of a constitutional proposal for a democratic, bilingual, and multicultural Israeli state. The draft was about two years in the making and involved the expertise of Adalah's own legal staff and board, as well as outside legal experts. While the bulk of the document forms a comprehensive draft constitution or bill of rights, a footnote explains that the usual preamble—which "must be written, if at all, with the political agreement of the representatives of all the interested parties"—is replaced by an introduction intended to explain the principles that guided the drafting. The note goes on to specify that the liberties and rights contained in the proposal are based, inter alia, on the constitutions and legal experience of a number of democratic states and international human rights covenants and declarations, some of which are enumerated. Of particular importance in crafting Adalah's Democratic Constitution were constitutional models of countries with significant national, linguistic, and indigenous minorities. It is this section that conveys most directly what the organization sees as the prerequisites for reconciliation between the two peoples. The draft constitution, issued in February, remains open for discussion and possible*

*change for one year. The subjects of deleted sections are inserted in brackets in the text. The full text can be found at [www.adalab.org](http://www.adalab.org).*

### **Chapter One: Introduction**

1. The Universal Declaration of Human Rights of 1948, which enshrined the human rights lessons derived from the evils committed during World War II, and the international human rights covenants which were subsequently ratified, state that: All human beings are equal; antidiscrimination is an absolute principle which cannot be compromised; all peoples have the right of self-determination; no nation possesses rights that are superior to those of another nation; and it is essential to ensure the personal liberty and economic and social rights of the individual for freedom, equality, and justice.

2. After the end of World War II, and as a result of their long and just struggle against colonial regimes, many nations succeeded in attaining their independence and realizing their right of self-determination. In the last two decades, historic processes have taken place in states where policies of repression and discrimination had reigned. The end of the apartheid regime in South Africa is the most prominent example. These states have derived lessons from the past and promoted historic reconciliation based on recognition of the historical injustice these policies inflicted on groups that were repressed and discriminated against, and ensured the effective participation of these groups in the process of constitution-making.

3. Based on universal principles, international human rights covenants, and the experience of nations, we as a human rights organization seek to propose a constitution, which contains provisions on the governing regime and on rights and liberties, as detailed below. We believe this constitutional proposal should be incorporated in the laws and/or the future constitution of the State of Israel.

4. In order to build an equal and democratic society, free of repression and violence, and as a basis for historic reconciliation between the State of Israel and the Palestinian people and the entire Arab nation, the State of Israel must recognize its responsibility for past injustices suffered by the Palestinian people, both before and after its establishment. The State of Israel must recognize, therefore, its responsibility for the injustices of the Nakba and the occupation; recognize the right of return of the Palestinian refugees based on UN Resolution 194; recognize the right of the Palestinian people to self-determination; and withdraw from all of the territories occupied in 1967.

5. The Palestinian Arab citizens of the State of Israel have lived in their homeland for innumerable generations. Here they were born, here their historic roots have grown, and here their national and cultural life has developed and flourished. They are active contributors to human history and culture as part of the Arab nation and the Islamic culture and as an inseparable part of the Palestinian people.

6. Since their political status has been changed against their will, making them a minority in their homeland; since they have not relinquished their national identity; and since the rights of a homeland minority must include, *inter alia*, those rights which should have been preserved and developed as much as possible had they not become a minority in their homeland, thus the legal starting point of this constitutional proposal is [that] the Arab citizens in the State of Israel are a homeland minority.

7. The policies and practices of Israeli governments have caused severe injustice to the Palestinian Arab minority since 1948, some of which continues today, including this minority's physical detachment from its people and nation; the uprooting and destruction of villages; the demolition of homes; the imposition of military rule until 1966; the massacre of Kafr Kassim in 1956; the killing of young people during the first Land Day in 1976 and in mass protests of October 2000; the confiscation of properties from the Muslim Waqf; the expropriation of land; the nonrecognition of Arab villages; the separation of families; policies of institutional discrimination in all fields of life; and the exclusion of the Arab minority based on the definition of the state as Jewish. Therefore, the following constitutional proposal determines that the basic rights of the Arab minority include the return of land and properties on the basis of restorative justice; effective participation in decision-making; the fulfillment of the right to cultural autonomy; and the recognition of the Arabic language as an official language in the State of Israel.

8. The dignity and personal liberty of the individual constitute the basis for maintaining a society founded on human rights. However, the realization of these rights is conditional upon the existence of a society based on equality. Therefore, this constitutional proposal determines the duty to guarantee and protect the economic and social rights of all residents and citizens, especially the most needy.

9. In a state that does not control or occupy another people and that is based on full equality between all of its residents and between all of the different groups within it, Jewish and Arab citizens shall respect each other's rights to live in peace, dignity, and equality, and will be united in recognizing and respecting the differences between them, as well as the differences that exist between all the groups in a *democratic, bilingual, and multicultural state*.

## **Chapter Two: The Foundations of the Regime**

### *The Borders of the State of Israel*<sup>6</sup>

1. The borders of the State of Israel are the borders of the territory which was subject to the Israeli law until 5 June 1967.

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<sup>6</sup>The demarcation of the borders of the State of Israel in the constitution is also critical for issues of civil rights. The historical importance of the territory-citizenship synthesis began with the Treaty of Westphalia (1648) in Europe. Previously, the connection between citizens and the regime was not based on territory, but rather on tribal allegiance, religious affiliation, contact with the church, and/or the lifestyle of a group. . . . The test of belonging to "a clear territory" facilitated the definition of "who the citizen is" that stands as an equal before the state without intermediary agents. This is particularly true with regard to the State of Israel, where the lack of a defined border contributed to the fact that tribal and ethnic affiliation became the essence of citizenship. This also explains why Israeli law deals with "who is a Jew" and not "who is a citizen"; and it is no coincidence that the citizenship of Jews living outside the green line, for example, is stronger than that of the Arab citizens who live within the green line. It is also no coincidence that proposals are put forward for the transfer of the citizenship of some of the Arab citizens (in the Triangle area) as part of an exchange of populations. Indeed, the public perception that the citizenship of some of the citizenry is temporary due to a lack of defined borders will continually harm the everyday status of these citizens, thereby affirming the truth of the statement [that] empires have frontiers, but democracies have borders.

*A Democratic State*

2. The State of Israel is a democratic state, based on the values of human dignity, liberty, and equality.

*The Supremacy of the Constitution*

3. The constitution is the supreme legal norm in the State of Israel.

*The Parliament*

4. The Knesset is the legislative authority of the state.

5. The Knesset is the house of representatives of the state and comprises 120 members.

...

[The omitted sections concern a multiparty parliamentary regime, the government, the judicial authority—*Ed.*]

*Citizenship*

15. The laws of citizenship and immigration will be established on the basis of the principle of anti-discrimination and will define the arrangements by which the State of Israel will grant citizenship to:

- Anyone who was born within the territory of the State of Israel and whose parent was also born within the territory of the State of Israel;
- Anyone who was born to a parent who is a citizen of the state;
- The spouse of a citizen of the state;
- Those who arrive or remain in the state due to humanitarian reasons, including those who are persecuted on the basis of political background.

16. The citizenship of an Israeli citizen cannot be revoked.

*A Bilingual State*

17. [Parameters for a bilingual state]

- Hebrew and Arabic are the official languages of the State of Israel and enjoy equal status in all of the functions and activities of the legislative and executive branches.
- All official announcements, including laws, ordinances, and regulations, will come into effect when they are published, printed, and disseminated simultaneously in the two official languages.
- The rulings of the Supreme Court, the District Courts, and the appeals tribunals will be published, printed, and disseminated in the two official languages immediately upon being issued.

...

*A Multicultural State*

18. [Parameters for a multicultural state]

- Each group that constitutes a national minority is entitled to educational and cultural institutions; each group that constitutes a religious minority is entitled to religious institutions.

- All the groups mentioned [above] are entitled to operate their institutions via a representative body chosen by the members of the group (hereinafter: the representative body).
- The State of Israel will allocate a suitable budget to the representative bodies for operating the institutions to ensure their existence in good quality and at a level equal to that of the majority's institutions.
- All the historical, cultural, and holy sites of all of the groups shall be preserved and protected from any damage or harm to their dignity and sanctity.
- The dignity, equality, and liberty of a person subject to the decisions of the representative bodies must be respected.
- Every citizen affiliated with one of the aforementioned groups is entitled to maintain his or her identity and culture in public life and to develop and practice them.
- Every citizen is entitled to establish and maintain his or her family, [as well as] social, cultural, religious, and economic relations with members of his or her people or nation, including the right to freely cross borders to them.
- These minority groups are entitled to appropriate representation in all institutions of the state.

### *Symbols*

19. The symbols of the state will be defined by law in accordance with article 20, below.

### *Participation in Decision-making*<sup>7</sup>

#### 20. Model I

- A parliamentary committee will be formed that will be called the Parliamentary Committee for Bilingual and Multicultural Affairs. Half of the committee members will be members of parliament from parties that by definition and character are Arab parties or Arab-Jewish parties.
- No laws will be enacted in the Knesset or statutes approved in parliamentary committees on issues related to the instructions of this chapter without the prior consent of the Parliamentary Committee for Bilingual and Multicultural Affairs.

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<sup>7</sup>Article 20 relies on the principle of power-sharing by minorities in government, especially in the case of homeland minorities, national minorities, or linguistic minorities. We have proposed two alternative models here as examples of the implementation of this principle, but they are certainly not the only models that could be used to implement this principle. Defining the type of model is a matter for political agreement between the representatives. In states where minorities have been granted territorial autonomy and in some federal states this principle is implemented at various levels. . . . We did not set a date for ending the interim period because that is a matter for political agreement. We did not offer such power-sharing to other groups because (1) the Arab minority is a homeland minority; (2) the two national groups (Arabs and Jews) are the only two groups that have established a distinct and clear category of "the other" vis-à-vis each other in a very clear and sharp way; and (3) serious weight was given to the historical fact that the representatives of the Arab minority in the parliament are the only representatives to have been in opposition since 1948.

However, the Knesset plenum will be authorized to enact or approve such legislation, overruling the committee's decision, by a special majority of no less than two-thirds of the members of the Knesset.

- This article will come into effect during an interim period to be agreed upon in order to establish and implement the principles of this chapter.

#### Model II

- No bill shall be approved by the plenum of the Knesset if 75 percent of the members of the Knesset who belong to parties which by their definition or character are Arab parties or Arab-Jewish parties vote against it under the reasoning that the bill violates the fundamental rights of the Arab minority.
- This article will come into effect during an interim period to be agreed upon in order to establish and implement the principles of this chapter.

### ***Chapter Three: Rights and Freedoms***

#### *I. Fundamental Freedoms*

##### **Basic Principles**

21. A person's basic rights in the State of Israel are rooted in the values of the sanctity of human life, dignity, equality, and freedom, as well as the principles of distributive and restorative justice.

...

[The omitted headings are the right to life and limb and the right to dignity—*Ed.*]

##### **Equality and Anti-Discrimination**

24. Every person is equal before the law and is entitled to equal protection; no person should suffer direct or indirect discrimination based on national affiliation, religion, race, sex, color, ethnic origin, sexual orientation, disability, or age.

...

[The omitted section concerns personal liberty—*Ed.*]

##### **The Right to a Family Life**

26. Every resident or citizen has the right to establish and maintain a family life in the State of Israel.

...

[The omitted sections concern rights of the child, freedom of conscience and religion; freedom of expression and association; right to privacy, freedom of movement, freedom of information, freedom of occupation, and the environment—*Ed.*]

#### *II: Distributive and Restorative Justice*<sup>8</sup>

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<sup>8</sup>In this section, the articles referring to restitution of land, compensation, and recognition of traditional title of Arab Bedouin are familiar to many judicial systems. The constitution of South Africa addresses the principle of restitution. In Canada, the United States, and Australia, for example, similar rights were recognized for the indigenous peoples and natives. International principles of human rights also address these rights. . . .

**The Right to Property**

36. Every person is entitled to his or her property; this right shall not be restricted except by a law enacted for a necessary purpose which is in accordance with the basic principles of a bilingual and multicultural democratic society, and to an extent that is no greater than is required.

**Anti-Discrimination in Property**

37. No person shall be discriminated against—directly or indirectly—in land transactions, such as purchasing, long-term leasing, or renting property, based on nationality, religion, race, sex, color, ethnic origin, sexual orientation, disability, or age.

**Distributive Justice**

38. Every group of citizens which has suffered from a policy of injustice and historical discrimination in the allocation of land is entitled to affirmative action based on the principles of distributive justice in the allocation of land and water and in planning.

**Restitution of Private Property**

39. Every person whose land has been expropriated or whose right to property has been violated arbitrarily or because of his or her Arab nationality under the following laws is entitled to have his or her property restored and to receive compensation for the period during which his or her right to property was denied: the Land Ordinance (Acquisition for Public Purposes) of 1943, and/or the Land Acquisition (Validation of Acts and Compensation) Law of 1953, and/or the Absentee Property Law of 1950, and/or article 22 of the Statute of Limitations of 1958, and/or Regulation 125 of the Emergency (Defense) Regulations of 1945.

**Internally Displaced Persons**

40. All of the Arab citizens of the State of Israel who were uprooted from their villages or from their place of residence during and after 1948 and were not permitted to return are entitled to return to their villages and original places of residence; a mechanism will be formulated in law to provide appropriate compensation for personal damages suffered by these individuals and their families since being uprooted, as well as assistance for building villages and/or homes of an appropriate quality.

**The Muslim Waqf**

41. Muslim Arab citizens are entitled to the reinstatement of all assets of the Muslim Waqf, including its revenues, which were held by the Supreme Muslim Council and transferred as absentee property to the Custodian for Absentee Property pursuant to the Absentee Property Law of 1950.

**Traditional Title to Land**

42. The Arab Bedouin citizens of Israel are entitled to recognition of title to land which is or was possessed by them based on their traditional patterns of ownership; none of these entitled persons shall be transferred from their land except with their full and conscious consent.

**Alternatives to Restitution**

43. In cases where there is an objective and genuine obstacle to fulfilling the right of restitution of land as defined in articles 39–42, an alternative and fair solution will be formulated with the consent of the rights holders; if no agreed solution is attained,

the decision will be transferred to a special authority whose powers, working methods, and composition will be established in law and subject to article 20.

### **Unrecognized Villages**

44. The residents of villages known as “unrecognized villages” are entitled to have their existing villages recognized without delay through the implementation of adequate planning procedures with their full participation.

### *III: Social and Economic Rights*<sup>9</sup>

#### **The Right to Health**

45. A. Every person is entitled to essential health services and an appropriate standard of health conditions. The state will take reasonable legislative and other measures to achieve the progressive realization of this right.

...

[The omitted section concerns the right to social security—*Ed.*]

#### **The Right to Housing**

47. Every resident or citizen is entitled to adequate housing; the state will take reasonable legislative and other measures to achieve the progressive realization of this right.

...

[Omitted sections concern the right to sustainable development and the right to education—*Ed.*]

#### **Affirmative Action in Education**

50. Every person who belongs to a group of citizens which has suffered from a policy of historical injustice or discrimination in realizing the right to education is entitled as an individual and/or as part of his or her group to affirmative action in all matters related to the allocation of resources for advancing the right to education.

#### **Anti-Discrimination in Job Hiring**

51. An employer shall not discriminate among his or her employees or job candidates, directly or indirectly, on the basis of nationality, religion, race, sex, color, ethnic origin, sexual orientation, disability, political opinions, or age.

...

[Omitted sections are on minimal working conditions, labor unions, and the right to strike—*Ed.*]

### *IV: Rights in Court and Criminal Justice*

#### **Access to the Courts**

54. Every person is entitled to have access to the courts and to receive a legal remedy in his or her case; his or her case will be heard, discussed, and completed within a reasonable period of time, in accordance with the rules of fairness, justice, and equality.

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<sup>9</sup>In this section, we adopted a similar approach to that of South Africa and the International Covenant on Economic, Social and Cultural Rights, to which the State of Israel is a party. Some of these rights require progressive realization that also depends on the principle of distributive justice of budgets and resources. . . .

### **The Rights of a Detainee**

55. A person who has been arrested is entitled to the following rights:

- To be informed immediately, in a language he or she understands, of the right to remain silent and avoid self-incrimination.
- To be informed immediately, in a language he or she understands, of the reasons for his or her arrest.
- To have notification of the arrest sent immediately to someone close to him or her, as designated by him or her.
- To meet with an attorney of his or her choice immediately.
- To be brought before a judicial authority within twenty-four hours of arrest.
- To [either] be sentenced within a reasonable period of time or released.

...

[The omitted section concerns the presumption of innocence—*Ed.*]

### **The Right to Due Process**

57. Every person in a civil lawsuit or a defendant in a criminal case in court is entitled to a fair legal proceeding. . .

### **The Rights of Prisoners and Detainees**

58. The personal dignity and right to social rehabilitation of a prisoner or detainee shall not be violated.

59. None of the basic freedoms and rights of the prisoner or detainee shall be violated except those rights which derive from his or her incarceration as such, including restrictions on his or her freedom of movement.

60. A prisoner or detainee shall not be discriminated against in the conditions of incarceration or release on the basis of the type of crime and/or circumstances of committing the crime, political opinions, nationality, religion, race, sex, color, ethnic origin, sexual orientation, disability, or age.

...

[The omitted fourth chapter is entitled “Miscellaneous,” with subheads on amending the constitution, transitional orders, and interpretation—*Ed.*]

## **C. MADA AL-CARMEL—THE ARAB CENTER FOR APPLIED SOCIAL RESEARCH, “THE HAIFA DECLARATION,” HAIFA, 15 MAY 2007.**

*MADA al-Carmel—The Arab Center for Applied Social Research was founded in 2000. In contrast to the pragmatic action orientation of the National Committee’s sector-by-sector overviews and the specificity of Adalah’s draft bill of rights, the Haifa Declaration is more of a manifesto. The product of five years of deliberations at workshops, roundtables, and plenary sessions that brought together individuals with a wide range of viewpoints and expertise, the declaration is a broad document focusing especially on identity, the legacy of the past, the community’s relationship with Israel and the Arab nation, internal social issues, and “our collective future and status in our homeland, the major challenges facing our society, our relationship with our people, nation, and the State of Israel.” The declaration also clearly sets out the*

*terms for a historical reconciliation between the Jewish and Palestinian peoples, and it spells out the conditions necessary for transforming Israel from an ethnic Jewish state to a democratic state for Palestinian Arabs and Israeli Jews. The document has been unanimously approved by a large group of participants and has been endorsed by many Palestinian citizens who did not take part in the deliberations that led to its formulation. The declaration can be accessed in full at [www.mada-research.org](http://www.mada-research.org).*

We, sons and daughters of the Palestinian Arab people who remained in our homeland despite the Nakba and who were forcibly made a minority in the State of Israel after its establishment on the greater part of the Palestinian homeland in 1948 do hereby affirm in this declaration the foundations of our identity and belonging, and put forth a vision of our collective future, one which gives voice to our concerns and aspirations and lays the foundations for a frank dialogue among ourselves and between ourselves and other peoples. In this declaration, we also set forth our own reading of our history, as well as our conception of our citizenship and our relationship with the other parts of the Palestinian people, the Arab nation, and the State of Israel. We further present our vision for achieving a dignified life in our homeland and building a democratic society founded upon justice, freedom, equality, and mutual respect between the Palestinian Arabs and Jews in Israel. We also put forward our conception of the preconditions for [a] historic reconciliation between the Palestinian people and the Israeli Jewish people, and of the future to which we aspire as regards the relationship between the two peoples.

\* \* \*

Our national identity is grounded in human values and civilization, in the Arabic language and culture, and in a collective memory derived from our Palestinian and Arab history and Arab and Islamic civilization. It is an identity that grows ever more firm through active and continuous interaction with these values. It is continuously nourished by our uninterrupted relationship to our land and homeland, by the experience of our constant and mounting struggle to affirm our right to remain in our land and homeland and to safeguard them, and by our continued connection to the other sons and daughters of the Palestinian people and the Arab nation.

Despite the setback to our national project and our relative isolation from the rest of our Palestinian people and our Arab nation since the Nakba; despite all the attempts made to keep us in ignorance of our Palestinian and Arab history; despite attempts to splinter us into sectarian groups and to truncate our identity into a misshapen "Israeli Arab" one, we have spared no effort to preserve our Palestinian identity and national dignity and to fortify it. In this regard, we reaffirm our attachment to our Palestinian homeland and people, to our Arab nation, with its language, history, and culture, as we reaffirm also our right to remain in our homeland and to safeguard it.

\* \* \*

Our close affinities with the rest of the Palestinian people and with the Arab nation are in fact a form of connection to ourselves. They are our natural space, of which we were deprived following the Nakba, and this connection is the embodiment of the

complete self. It is a human need and a natural and universal right of individuals and groups which cannot be circumscribed by the existence of political agreements among states. It is also enshrined in international conventions pertaining to human rights.

We strive to give substance to our Palestinian and Arab affinities at all levels, including contacts between family members, relatives, and friends, as well as free and continuous contacts with cultural and intellectual centers in the Arab world. We aspire to deepen and expand these contacts on the political, economic, and institutional levels.

\* \* \*

We view with pride the many luminous milestones traversed in our collective journey, which served to strengthen our identity. We value the role of continual political, civic, and cultural activism, aimed at holding on to our land and homeland and protecting and consolidating all the elements of our national identity. We also look with pride on the resistance to the military regime put up by our people and its national leadership, and the creativity our people have displayed in the realms of thought and culture, which has contributed to the preservation and enrichment of our identity. We greatly admire what they have produced in terms of our illustrious national days, the most prominent of which are Land Day in March 1976 and the Jerusalem and al-Aqsa Day in October 2000, as well as the historical landmarks along our path of self-organization, most significantly the founding of the High Follow-Up Committee for the Arab Citizens of Israel, the Land Defense Committee, and the Arab Students' Union and Committees.

\* \* \*

We bear responsibility, as a society, as individuals, and as active organizations, for our social problems. Our society has been, and to a large extent remains, subject to social, family, sectarian, and local structures that curtail individual freedoms. We respect family ties, as well as individual rights to free worship, faith, and creed, provided no creed or loyalty is exploited to impair individual freedoms, dignity, or rights. We reject sectarian zeal and all forms of prejudice, which at times reach the extreme of physical violence and which obstruct the opportunities of wider social solidarity and the construction of a national identity.

Adherence to these social structures together with the prejudices thus engendered has made it easier for Israeli governments to exploit the divisions and tensions within our society in order to subjugate our people through numerous means. Thus these governments have attempted to strip groups away from our community through a policy of "divide and rule," which reinforced a discourse of sectarian, tribal, familial, and regional bigotry among us. Furthermore, Israel imposed compulsory military service upon the Druze youth of our people, and sought to enlist other Arab youths by exploiting occasional tensions between sectors of our society and pursuing enticement policies through the offer of individual benefits. Israel has also appointed and supported Arab leaders loyal to these policies and has striven to create a subordinate Arab society indifferent to its own public good, and to impede its political, cultural, and economic progress.

Our society must strengthen its rejection of all these phenomena and must develop ways to resist them. It must also put forth a political and social agenda that highlights

human and national identity; restores respect for the value of political, nationalist action; sets as its goal the building of a credible political authority; and strives to develop the institutions and economy of our society. Rallying around and supporting this political and social agenda will guarantee the rise of an alternative consciousness and a different culture, with the ability to change the prevailing social structures and to establish moral standards to guide collective action and govern the dealings between the national parties and the civil and community institutions in our society.

Despite the progress achieved on the status of women and the rise in awareness of and popular and feminist support for women's equality, most women in our society—especially the economically disadvantaged women—are still subject to multifaceted oppression: class, national, social, and gendered. It is our duty to endeavor to bring an end to the marginalization of women and discrimination against them in the private and public spheres in various fields, the most important of which are labor and education, and to resist attempts to deny them their right to total mastery over their fate. We must also resist all forms of violence, abuse, and exploitation exercised upon many of them, occasionally reaching the point of murder, in the name of what is known as "family honor." It is our duty to strive to put an end to all forms of discrimination against women and to protect their rights on the basis of the principles of equality, justice, and affirmative action.

Discrimination and oppression in our society are not confined, however, to women, but also affect the elderly, children, and those with special needs. These groups suffer from social marginalization and from the infringement of their status, rights, and dignity, which necessitate the defense of their rights and the rights of all social groups that suffer from discrimination. Therefore, we call for the formulation of a national, progressive, and democratic plan to build a society based on social solidarity among all its members, which respects the freedom of the individual and his or her right to dissent and to differ, and which is based on the principles of justice, equality, and pluralism.

\* \* \*

Our presence in our homeland is an extension of a perpetual historical renewal that has accompanied the eras and events that the Arab East has known during its rise and decline, its awakening and its liberation, and its resistance to invasion, occupation, and colonialism. Toward the end of the nineteenth century, the Zionist movement initiated its colonial-settler project in Palestine. Subsequently, in concert with world imperialism and with the collusion of the Arab reactionary forces, it succeeded in carrying out its project, which has aimed at occupying our homeland and transforming it into a state for the Jews. In 1948, the year of the Nakba of the Palestinian people, the Zionist movement committed massacres against our people, turned most of us into refugees, totally erased hundreds of our villages, and drove out most inhabitants out of our cities. Later, the State of Israel prevented the return of the Palestinian refugees to their homeland in defiance of United Nations General Assembly Resolution 194 and the UN's successive resolutions in this same regard. Although we were made citizens of the State of Israel, the state nevertheless continued to pursue its uprooting and evacuation operations after its establishment, with the result that many of us were displaced from our towns and villages, becoming refugees in our homeland. Against us, Israel has pursued policies of

repression, which at times reached the level of killing, as in the case of the massacre of Kafr Kassim in October 1956. Upon us, it imposed a military regime that remained in place until 1966. It has prevented the return of the internal refugees (internally displaced persons) to their towns and villages, and to this very day it refuses to recognize dozens of Arab villages in the Naqab, where it follows policies of land dispossession. The State of Israel enacted racist land, immigration, and citizenship laws, and other laws that have allowed for the confiscation of our land and the property of the refugees and internally displaced persons. Israel further sought to distort the identity of our sons and daughters through educational curricula that aim at educating them in accordance with the Zionist narrative and leaving them ignorant of their own national narrative. It has spread an atmosphere of fear through the Arab educational system, which is supervised by the security services. The state has exercised against us institutional discrimination in various fields of life such as housing, employment, education, development, and allocation of resources.

\* \* \*

In 1967, Israel occupied the Gaza Strip and the West Bank, including East Jerusalem, in addition to Egyptian and Syrian territories. Throughout the occupation of the Palestinian territories, which has lasted to the present day (making it one of the longest occupations since World War II), Israel carried out policies of subjugation and oppression in excess of those of the apartheid regime in South Africa. In the occupied territories, Israel has perpetrated war crimes against Palestinians, killed and expelled thousands, assassinated leaders, jailed tens of thousands (many through military and administrative orders), inflicted physical and psychological torture, and bulldozed thousands of houses. Israel has also, in violation of international humanitarian law, employed a policy of collective punishment, such as military sieges and curfews imposed on cities and towns. It has splintered the occupied territories by constructing hundreds of barriers and by imposing restrictions on freedom of movement between Palestinian towns, villages, and refugee camps. It has further confiscated land, uprooted trees, destroyed orchards, separated families, enacted racist military laws preventing family unification, and denied residents in occupied Arab Jerusalem the right to live in their own city. Israel has also exploited private and public Palestinian resources such as land and water in order to construct settlements and build roads for Jewish settlers' use. It has erected the racist Separation Wall, which has divided villages and split up families in the West Bank and Arab Jerusalem. These Israeli policies and practices in the Occupied Territories affect the lives and dignity of every single Palestinian, and gravely violate his or her freedoms and fundamental rights.

\* \* \*

Our citizenship and our relationship to the State of Israel are defined, to a great extent, by a formative event, the Nakba, which befell the Arab Palestinian people in 1948 as a result of the creation of the State of Israel. This was the event through which we who remained from among the original inhabitants of our homeland were made citizens without the genuine constituents of citizenship, especially equality. As we are a homeland

minority whose people was driven out of their homeland, and who has suffered historical injustice, the principle of equality—the bedrock of democratic citizenship—must be based on justice and the righting of wrongs, and on the recognition of our narrative and our history in this homeland. This democratic citizenship that we seek is the only arrangement that guarantees individual and collective equality for the Palestinians in Israel.

We believe that the policies that require us to perform “civil service” and the steps that could lead to our involvement in Israeli militarism and the distribution of the spoils of wars are incompatible in our case with the principle of equality, because they disfigure our identity and disregard historical injustices.

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We look toward a future in which we can reach historic reconciliation between the Jewish Israeli people and the Arab Palestinian people. This reconciliation requires the State of Israel to recognize the historical injustice that it committed against the Palestinian people through its establishment, to accept responsibility for the Nakba, which befell all parts of the Palestinian people, and also for the war crimes and crimes of occupation that it has committed in the occupied territories. Reconciliation also requires recognizing the right of return and acting to implement it in accordance with United Nations Resolution 194, ending the occupation and removing the settlements from all Arab territory occupied since 1967, recognizing the right of the Palestinian people to self-determination and to an independent and sovereign state, and recognizing the rights of Palestinian citizens in Israel, which derive from being a homeland minority. Furthermore, such [a] historical reconciliation between the two peoples must be part of a comprehensive change in Israeli policy, whereby Israel abandons its destructive role toward the peoples of the region, especially in the context of a hegemonic U.S. policy which supports certain Arab regimes in oppressing their citizens, stripping them of their resources, obstructing their development, and impeding the democratic process in the Arab world.

This historic reconciliation also requires us, Palestinians and Arabs, to recognize the right of the Israeli Jewish people to self-determination and to a life of peace, dignity, and security with the Palestinian and the other peoples of the region.

We are aware of the tragic history of the Jews in Europe, which reached its peak in one of the most horrific human crimes in the Holocaust perpetrated by the Nazis against the Jews, and we are fully cognizant of the tragedies that the survivors have lived through. We sympathize with the victims of the Holocaust, those who perished and those who survived.

We believe that exploiting this tragedy and its consequences in order to legitimize the right of the Jews to establish a state at the expense of the Palestinian people serves to belittle universal, human, and moral lessons to be learned from this catastrophic event, which concerns the whole of humanity.

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Our vision for the future relations between Palestinian Arabs and Israeli Jews in this country is to create a democratic state founded on equality between the two national

groups. This solution would guarantee the rights of the two groups in a just and equitable manner. This would require a change in the constitutional structure and a change in the definition of the State of Israel from a Jewish state to a democratic state established on national and civil equality between the two national groups, and enshrining the principles of banning discrimination and of upholding equality between all of its citizens and residents. In practice, this means annulling all laws that discriminate directly or indirectly on the basis of nationality, ethnicity, or religion—first and foremost the laws of immigration and citizenship—and enacting laws rooted in the principles of justice and equality. It also means the application of equality between the Arabic and Hebrew languages as two official languages of equal status in the country; ensuring the principle of multiculturalism for all groups; securing the effective participation of the Palestinian minority in government and in decision-making; guaranteeing the Palestinian citizens in Israel the right of veto in all matters that concern their status and rights; guaranteeing their right to cultural autonomy, which includes the rights to develop policies for and to administer their own cultural and educational affairs; and distributing resources in accordance with the principles of distributive and corrective justice. It is these principles that can guarantee our right to self-determination as a homeland minority.

We are confident that in such a democratic state, responsibilities of all citizens and residents—Jews, Arabs, and others—would grow as they strive to build a democratic and multicultural society, one which abolishes all forms of discrimination, safeguards the freedoms and rights of individuals, and guarantees social and economic rights—especially the rights to education, health care, and social welfare, and labor rights—for all.

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We firmly believe that the fulfillment of all the conditions for a reconciliation between the two peoples, the Jewish Israeli and Arab Palestinian, which requires the recognition of the right of the Palestinian people to self-determination, and the realization of the rights of the Palestinians in Israel as a homeland minority, will create political circumstances that will enable the creation of confidence, cooperation, and mutual respect between two independent and democratic states: the State of Palestine and the State of Israel. We further hope that this will open up new horizons in which agreements and treaties will be concluded between them in the economic, scientific, and cultural fields that guarantee free and reciprocal movement, mobility, residence, and employment for the citizens and residents of the two states.

**D. ARIEL SHARON, “DEMOCRACY AND THE JEWISH STATE,” 28 MAY 1993 (EXCERPTS).**

*When Ariel Sharon wrote this op-ed for Yedi'ot Aharonot in May 1993, he was a Likud member of parliament in the opposition, Labor having gained control of the government with the June 1992 parliamentary elections. The Labor victory, widely seen as having been made possible by the Arab electoral vote, had led to the formation of a “pro-peace” government under Yitzhak Rabin. Though the Oslo negotiations were still secret at the time, Israeli-Palestinian peace talks were ongoing in Washington,*

*D.C., and the future of the occupied territories was very much on the table. It is against this background that Sharon's reflections on democracy and the Jewish state, and on the dangers of a democracy where Arab voters have the power to influence "existential questions" for the Jews, must be viewed.*

*The op-ed was translated from Hebrew to French by Pascal Fenaux and published in the Belgian periodical Espace Orient (no. 32, May-June 1998); excerpts of that translation were later published in the French weekly Courier International (12-18 January 2006). These excerpts were translated from the French by JPS and corrected against the Hebrew original by Jamil Dakwar, member of the JPS Editorial Committee.*

My words at the last Likud congress concerning democracy and the Jewish state raised, as expected, a real storm . . . "Our grandparents and our parents," I had said, "did not come here to build a democracy. It's good that a real democracy was created, but the reason they came here was to build a Jewish state. Remember this." In fact, the real threat to Israel's existence is from those who swear first and foremost by democracy and peace, at the risk of undermining the foundations of the democratic Jewish state and opening the way to the murderous dictatorship of a Palestinian state led by the PLO.

The declaration of independence . . . explicitly defines the nature of the State of Israel, in whose name and for what reason it was established in Eretz Israel. In four places, the declaration explains the nature of the state that came into being on 5 Iyyar 5708 [14 May 1948] . . . and in none of these places is there any mention either of a "democratic" state or of a "Zionist state" or of a "state for the Jews," but only of a "*Jewish*" and solely "Jewish" state, that is to say, a state of the Jewish religion. This is why the declaration was proclaimed "with the blessing of the Protector of Israel." Moreover, the symbol of the state is the menorah, a symbol that embodies the unity of the Jewish religion and the Jewish nationality and that concretizes the preeminence of religious and historic right, the sole basis of the restoration of Jewish sovereignty in Eretz Israel.

In basing itself on the Jewish religious imperative as inscribed in the Bible ("on the bases of liberty, justice, and peace, as envisaged by the prophets of Israel"), the regime in Israel is necessarily democratic. However, the terms "democracy" or "democratic" are totally absent from the declaration of independence. This is not an accident. The intention of Zionism was not to bring democracy, needless to say. It was solely motivated by the creation in Eretz Israel of a Jewish state belonging to all the Jewish people and to the Jewish people alone. That is why every Jew in exile has part ownership in it.

The apparent contradiction between the Return to Zion and the principles of democracy has long been known. In the eyes of the Arabs and their allies, it is obvious that it is not democratic to offer a country to millions of people against the wishes and without the consent of its inhabitants. Created by foreigners who entered the country by force and illegally, this state waged a war against the land's inhabitants and conquered their cities. It encouraged the natives to leave, when it did not quite simply deport them. . . .

Is there a more anti-democratic and discriminatory law than the Law of Return? . . . Let us recall that, in concrete terms, this law grants automatic citizenship to any Jew (up to the fourth generation) born abroad. At the same time, this right of return is refused to those who lived here before (as well as to their descendants) and who, due to a war

which from their point of view was a defensive war against an invader bent on expelling them, either fled or were forced to flee their homes and their lands.

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From the outset, Zionism had no choice but to act in opposition to democratic principles. At the beginning of the British Mandate, the Arabs, who then represented 90 percent of the population of Eretz Israel/Palestine, demanded the constitution of a representative assembly that would decide democratically, that is to say, by majority rule, on questions as vital for the indigenous population as Jewish immigration. The Zionist movement immediately mobilized its entire energy to combat this demand.

The British White Paper of 1940 [*sic*], which condemned to death the Zionist enterprise and whose implementation was avoided only because of the outbreak of the Second World War and the Holocaust, was eminently democratic. The British government claimed to be respecting the will and vital interests of the Arab community, given that this community constituted the absolute majority of the population. As is known, this fact did not prevent the Jewish community and the Zionist movement from declaring war on the White Paper, that is, from violently rejecting the rule of law.

As for the international community, it adopted the position that the fate of Eretz Israel and its Jewish future was to be determined without reference to democratic principles. Thus, the Balfour Declaration and the British Mandate created by the League of Nations and approved by the United States mentioned as an objective the creation of a Jewish political entity, a "national home," in Palestine. This was done without taking into account the will of 90 percent of the population. According to the norms of the day, these aspirations should have been respected. To those who tell me that in the 1920s "the natives" were despised, let me remind them that the 1947 UN decision to partition western Eretz Israel [i.e., Palestine between the Jordan and the Mediterranean, split from Transjordan—*Ed.*] was taken in flagrant contradiction to the will of the Palestinian Arabs who still represented the overwhelming majority of the population. To the Jews, who formed only a third of the population, the UN resolution allocated 55 percent of the territory.

It goes without saying that Zionism and the international community acted in violation of the rules of democracy, but they acted in the spirit of true democracy, because the rules of democracy are not the end, but only the means. For anyone concerned about the fate of the Jews in Eretz Israel, true democracy can only be that which permits and advances the principle of the Jewish people's historic right to the land of the patriarchs. . . . And that means allowing the immigration of millions of Jews into Israel, the settling of the entire country, and providing the means to defend them.

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From the beginning, the Arabs of Eretz Israel/Palestine have believed that they have a legitimate right to this country. The moderates among them are perhaps ready to recognize rights to the Jews, but only if these rights are subordinated to Arab rights. . . . As for the Zionist aliyah and the establishment of Jewish sovereignty, they have always seen it as a foreign invasion aimed at dispossessing them. In their eyes, the Zionist ideal is a

“murderous aggression,” which, while they were unable to thwart it, must be cut back, eradicated, totally changed, and finally liquidated so as to return sovereignty over the country to its “legitimate owners” and to tolerate only a minimal Jewish presence, if any.

The Palestinian Charter is a document that calls not only for the liquidation of the Jewish state, but for the liquidation of the Jewish people. It does not only express the opinion of the PLO leadership, but of the majority of the Palestinian Arabs, including many Arab citizens of Israel. Jewish authority was imposed on them by the force of events, after they had lost the war of extermination that they had waged against the Jewish community during the War of Independence. Let us be honest, at least with ourselves. If—God forbid—we were to disappear, I do not know who among Israel's Arab citizens would shed a tear.

The true and primary allegiance of the majority of the Arabs of Israel, of their politicians and their representatives in parliament, naturally goes not to Israel but to the Palestinian Arab interest. This is not the result solely of a hatred for Israel or an irrational determination to destroy it (of course, there is that, too), but of a bona fide national duty. . . . Does the Menorah of the Temple (today buried under the plaza of the Haram al-Sharif) represent a symbol for the Palestinians? Are they prepared to fight under the Star of David for Israel's survival as a “Jewish state in Eretz Israel”? . . . Is the Shoah for them what was perpetrated by Hitler, or rather the Arab inability to destroy Israel in 1948 and after? Was the Mufti al-Husayni an ignoble Nazi war criminal, according to our conviction, or rather a national hero, according to theirs? . . .

This is why allowing Israel's Arabs or their representatives to rule on the fate, for good or ill, of the Jewish state and the Jewish people is a heavy price to pay even for guaranteeing the existence of Rabin's government and Yizhak Rabin's place in history. Certainly, it is a grave danger to all of us. This is a delicate and complicated problem that requires a solution. There are several: to create a super [more than 80 percent] majority in parliament or to deny the Arabs participation in deciding issues relating to our very existence. We must not lose sight of the fact that questions such as keeping or giving up the Golan Heights and establishing “autonomy” in Judea-Samaria (in other words, having a second Palestinian Arab state next to Jordan, in Eretz Israel) are existential questions for us alone. They are not existential questions for Israel's Arabs. What would be a national tragedy for us could in their eyes be a desired development, the correction of an injustice.

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For all these reasons, an automatic and literal application of democratic principles with regard to deciding fundamental issues amounts to supporting Palestinian nationalism. It is a stupidity that is contrary to Zionist history and Jewish existence. It is national suicide, a knife placed in the hands of those who, if they respect the interests of their people, can only become our future executioners. Not only Zeev Jabotinsky, but also Berl Katznelson, Ben-Gurion, Golda Meir, [and] Yigal Allon, would never permit this.