

**AFTER THE RIFT:**

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**New Directions for  
Government Policy towards  
the Arab Population in Israel**

An emergency report by an inter-university research team

**Submitted to Mr. Ehud Barak,  
Prime Minister of Israel**

**November 2000**



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### **Editors:**

Dr. Dan Rabinowitz, Dr. As'ad Ghanem, Prof. Oren Yiftachel

### **Authors of position papers:**

#### **Position Paper 1 – Land and Planning**

Prof. Oren Yiftachel, Dr. Rassem Khamaisi, Dr. Sandy Kedar

#### **Position Paper 2 – Local Authorities, Welfare and Community**

Dr. As'ad Ghanem, Dr. Thabet Abu-Ras, Dr. Ze'ev Rosenhek

#### **Position Paper 3 – Identity and Civic/Cultural Inclusion**

Dr. Dan Rabinowitz, Dr. Khawla Abu Baker, Prof. Hanna Herzog, Dr. Adel Mana', Dr. Ramzi Suleiman, Dr. Yoav Peled, Prof. Yehouda Shenhav

#### **Position Paper 4 – Education and Community**

Prof. Majid Al-Haj, Dr. Isma'il Abu-Sa'ad, Dr. Yossi Yonah

#### **Position Paper 5 – Development and Employment**

Dr. Ahmad Sa'di, Dr. Michael Shalev, Prof. Yitzhak Schnell

#### **Position Paper 6 – Law, Society and the Arab Population in Israel**

Dr. Gad Barzilai, Dr. Ronen Shamir, Dr. Mussa Abu-Ramadan, Dr. Amal Jamal, Prof. Menny Mautner, Dr. Amalia Sa'ar, Dr. Nadera Shalhoub-Kavorkian.

**November 2000**



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## **Note on intellectual property and responsibility**

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This emergency report was written in November 2000 simultaneously by six teams of researchers, each working on one position paper.

Within each team an initial document was drafted by one or two members who served as position paper editor(s). All members of the team then commented, made corrections, additions and deletions until the final version was obtained.

Names of team members appear at the head of each position paper, indicating that they share the intellectual property and responsibility for its content. The name of the position paper editor(s) heads the list, followed by names of the other members in alphabetical order.

The affinity between participants and the content of position papers other than the one they co-authored is analogous to the affinity an author of a chapter in an edited volume to other works appearing in the same volume. An author whose work appears in such a volume sometimes reads contributions made by others, but is not bound to them by intellectual property or responsibility. In our case, draft versions of all position papers were freely circulated among members of all teams, some of whom did comment on more than one position paper. This notwithstanding, responsibility for each position paper remains solely with members of the specific team that co-authored it.

The statement of intent of this report, which describes the circumstances that led to its writing and the rationale behind it, represents all participants.

## Statement of Intent

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The tragic events of October 2000, in which 13 Arab citizens of Israel were killed by police while demonstrating in support of the Palestinian Intifada of Al-Aksa in the occupied territories, catapulted the question of the attitude and policies of the state and of the hegemonic Jewish majority towards the Arab population to the center of the public agenda. An issue hitherto perceived by the Jewish majority as marginal suddenly transpired as highly relevant for the very nature of the state as a legitimate, sovereign entity.

The grievous events laid bare the flawed perceptions of the political and executive establishment towards the Arab minority in Israel since 1948. These perceptions are reflected in policies that treat the Arabs in Israel first and foremost as a security and demographic threat, effectively excluding them from shared citizenship. Such policies tend to coalesce into a self-fulfilling prophecy, and may lead to an escalating series of destructive conflicts. This dangerous dynamic, we believe, could deteriorate the situation, jeopardizing any chances of fulfillment of the vision of a truly democratic, stable and inclusionary state that treats all its citizens - individuals as well as collectives - as equals.

Governmental discrimination and deprivation of the Arab citizens of Israel is by no means random, and will not disappear if Israeli governments do nothing more than increase the share of material resources allocated to the Arab communities. A more substantive change is called for that will redefine the main goals that guide state policies towards the Arab population, and will force thinking patterns, planning and execution at all levels to comply with those amended goals.

We are aware, of course, that a substantive change in the status of the Arabs in Israel goes beyond the sectoral sphere: it entails a redefinition of Israeliness itself. This is a supreme challenge which includes reformulation of a treaty of reciprocal rights and obligations. It is a task best approached responsibly, judicially and with restraint. We believe that this report can serve as the basis for an informed beginning of such a process.

A new generation of researchers has emerged in Israeli universities who specialize in ethnic and national minorities in general and in the Arabs in Israel in particular. Many of them have acquired a worldwide academic reputation, enjoying ample access to the scientific community and the popular media both inside Israel and overseas. At the same time, however, and for reasons beyond the scope of the present document, their voices and ideas are rarely heard or heeded in decision-making circles within Israel.

This emergency report was co-authored by senior representatives of this generation of researchers. Its objective is to propose alternative options that, though sweeping, can and must be implemented in governmental policies towards the Arab population.

The report identifies six principal spheres:

- Land and planning
- Local authorities and welfare
- Identity and civil/cultural inclusion
- Education and higher education
- Development and employment
- Law and internal security

A sub-team of researchers was allocated to each sphere, and was given the task of drawing up a position paper offering proposals for new policy. The report may have been prepared swiftly, but is by no means superficial. It contains operative recommendations based on research experience and conclusions amassed over years of comparative studies, and is informed by a broad range of perspectives and disciplines.

The rift that was so tragically revealed in October 2000 in the relations between the Israeli state and the Arab minority within it was most frustrating for many. However, we believe it can serve as a window of opportunity for revitalizing thinking and improving policy-setting on this issue among Israel's leaders. As researchers who have gained substantial experience in the sphere, we consider it a prime professional responsibility to do our utmost to assist this important process. In our opinion, the first step is to establish a community of evaluation and planning that is capable of pluralistic assessment, that views relations between the state and the Arab minority from a broad civil perspective, and that identifies the wider Palestinian context of which the Arabs in Israel are a part as a vital element in any healing and reconciliation process. The perception that has so far determined attitudes to the entire Arab community - deriving

as it does from political approaches that underscore control and restriction - has completely failed. It is our conviction that, by virtue of our expertise and sense of responsibility for the future of our society, we can offer an alternative based on genuine equality in rights that will in turn lead to a fair shouldering of obligations. This will enable the Arab population in Israel to make a real contribution to processes of mutual recognition and reconciliation between the State of Israel, the Palestinian people, and the Arab world at large.

## Foreword: Ethnic conflicts in divided states

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The events of October 2000 in Arab towns and villages in Israel rocked Israel's public agenda. Beyond the painful local aspects of violence, civil disorder and the killing of citizens, we wish to clarify at the start of this Emergency Report the connections which exist in deeply divided states between the legitimacy of governments and the nature of majority-minority relations. It is an issue that preoccupies several states, and the experience gained elsewhere through research and practice is both significant and applicable. The comparative perspective that we wish to highlight here concerns the conditions that lead to outbreaks of **ethnic violence**. We present the following insights as a summarized framework for the detailed position papers that follow.

In deeply divided states, which accommodate non-assimilating ethno-national communities, governments use a range of policies to maintain political and social stability, so necessary for growth, development and prosperity. Two main general approaches on the parts of governments can be discerned: **control and compromise**<sup>1</sup>.

The control option attempts to use the demographic, political and economic dominance of the majority group to implement policies that restrict minority groups and hinder their organization and mobilization. Such policies attempt to slow or prevent the development of minority power, perceived by the majority as a potential threat to its continuous dominance. In contrast, the compromise approach assumes that only full democratization of majority-minority relations, including the granting of full equality and autonomy, can create appropriate civil conditions for political stability, social coexistence and economic prosperity.

What can we learn from the experience of other deeply divided states about the efficacy of these respective policy approaches? The control approach, which was tried for example in Northern Ireland, Cyprus, Estonia, Spain (until the 1980s) and Sri Lanka, was characterized by the state's efforts to perpetuate the territorial control, demographic advantage, economic dominance and political rule of the majority. To do so, the state applied an array of active (though usually informal) policies that privilege the majority and deprive the minority. In most cases, such policies were implemented under the

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<sup>1</sup> Naturally, these definitions represent two poles along a continuum of options.

guise of a formal majoritarian democracy in which “the people decide”. In effect, however, substantially undemocratic practices were applied, with constant violation of key democratic principles including civil equality and collective minority rights.

Analysis of systems of control suggests that it is reasonably effective in the short-term, but is likely to **fail in the long run**. The state and the dominant ethnic majority often succeed in maintaining public order for some time, in some instances for as long as decades. In the longer term, however, there is a tendency for the regime of control to disintegrate. The main agents of instability in such circumstances are the growing resentment amongst members of the deprived minority, an increasing sense of alienation, and a growing willingness to challenge discriminating policies and through them the regime’s very legitimacy. In the cases of Spain, Malaysia and Northern Ireland, this process led to eruptions of ethnic violence. In the cases of Sri Lanka and Cyprus it bred civil war. The lesson for policy-makers is clear: the power of ethnic minorities harboring a sense of deprivation and alienation to undermine the regime must not be underestimated. History shows that their capacity to erode the political order in ethnocentric states is considerable.

A different picture emerges in states that apply the compromise approach. States that opted for a gradual transfer of material, political and symbolic resources and capabilities to the minority, be it in response to assertive claims by the minority or under international pressure, experienced difficulties in the short-term but enjoy reduced ethnic violence and greater political stability in the longer term. Such was the case in Belgium, Slovakia and, more recently, Croatia. Difficulties in the **short-term** tend to stem from the fact that minorities who had been deprived for years tend to aspire to more than economic equality. Thus, once the state recognizes their rights, they tend to endeavor to extend the struggle to the realms of identity and separateness. By “loosening the grip” governments generate a wave of demands which destabilizes the system for a while.

However, in the **long-term**, the effects of ethnic compromise appear to be beneficial, with minorities gradually finding ways for coexistence with the majority within the state. Thus, even a separatist minority like the Hungarians in Slovakia has recently moderated its struggle, in response to the Slovakian government’s inclusionary policies which make integration a better option for most citizens of Hungarian origin. The lesson to policy-makers here is that the compromise and equality approach appears to

be effective in shifting ethnic conflicts to non-violent forms and in generating better forms of social and political co-existence as well as of economic prosperity. This is so even if the tensions arising from issues of identity, separatist aspirations and economic disparities do not disappear entirely.

Most research and analysis suggests that the policy so far applied by Israel is close to the control pole. This is clearly reflected in the spheres of economics, land, planning, education, law and identity, and is alluded to in the opening paragraphs of all position papers in this Report. In the past few years many Israeli state officials as well as in the lay Jewish public realized that the exclusion of Arabs from most centers of power and influence is detrimental to Arab-Jewish coexistence. Despite this, there has been no significant change in government policies towards the Arab citizens, save perhaps a short period during Yitzhak Rabin's and Shimon Peres's administration (1992 to 1996). Issues such as land, budgets and representation, which define relations between Israel's Jewish majority and its Palestinian-Arab minority, have hardly seen improvement.

The events of October 2000 thus send a **clear signal to policy-setters**. They indicate that dynamics of majority-minority relations researched and identified elsewhere are very relevant to Israel. A minority can be controlled for a certain period, but not for ever. If Israel fails to democratize its relations with its Palestinian-Arab minority it risks further erosion of its legitimacy in the eyes of its Arab citizens and could undermine the prospects of long term political stability and economic prosperity.

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## **Land and Planning**

**Prof. Oren Yiftachel**, Department of Geography and Environmental Development, Ben-Gurion University of the Negev, Beer-Sheva

**Dr. Rassem Khamaisi**, Department of Geography, Haifa University

**Dr. Sandy Kedar**, Faculty of Law, Haifa University

### **The present situation: processes and problems**

#### **1. General**

Israel's current land and planning policy, based as it is on patterns of deprivation and distress that contradict the principles of true democracy, threatens the fabric of relations between the Jewish majority and the Arab minority. Rectifying the present situation mandates a perceptual and structural change in the land/planning system, as well as adopting an equal and democratic policy on issues of land rights, development capabilities, policy implementation and law enforcement. Such a process could enhance the legitimacy of the regime among Arab citizens, boost the ability of local and regional communities to plan and develop in an orderly, advanced manner, and contribute to political and social stability. It accords with the recent ruling of the Supreme Court in *Ka'adan v. Katzir* (2000): "Equal rights among all citizens of Israel, of whatever religion or nationality, constitute a fundamental value of the State of Israel".

Therefore, moral, judicial, and pragmatic reasons require that the land and planning problems experienced by the Arab population be confronted by a sincere, bold, and egalitarian manner. Without such an approach, this issue is likely to cause unending ferment and tension.

## 2. Key Problems

Land and planning problems experienced by the Arabs in Israel are manifest in several areas which must be addressed without delay. These are:

**Growing needs and contracting space:** the Arab population is rapidly growing and has already increased six-fold since 1948, while its land reserves have been dwindling. For the most part, this is due to extensive land expropriation (including land of the Islamic Waqf), the annexation of substantial Arab-owned lands to Jewish local authorities, and containment of Arab municipal areas. As a consequence, there is hardly any land reserve to provide appropriate responses to the growing needs of the Arab population.

**Systemic and judicial discrimination:** Israel's land and planning policy, including governmental and judicial organs, has consistently discriminated against the Arabs. As determined by the Supreme Court in the appeal by Ka'adan v. Katzir: "the effect of the currently applied separation policy is discriminatory". Over the years, discrimination has been prominent in issues like the meager allocation of state land for Arab use, the prevention of new Arab settlements, discrimination in access to state lands, pervasive demolition of dwellings built without permits, and a demarcation of municipal boundaries which imposed Jewish control in most of the country's rural areas. While recent years have seen the intensity of this discrimination somewhat tempered, it is still conspicuous.

**Exclusion from centers of decision-making:** Notable inequality exists in the various public bodies that shape Israel's spatial policies, manifest in an almost complete exclusion of Arabs from most regional and state decision-making bodies and committees. To date, Arab citizens have had but scant influence on the very land policies which so profoundly determine the patterns of their lives, their rights and their future. These uneven institutional, administrative and political settings in fact remain firmly in place, continuously shaping and implementing discriminatory land, planning and development policies. A particularly problematic aspect is the role of the Jewish National Fund (JNF) and the Jewish Agency – both exclusively Jewish entities - in the state's official decision-making system.

**Jewish expansion vis-à-vis Arab containment:** Israeli space has been highly dynamic, but the changes have been mainly in one direction: Jews expand their territorial control by a variety of means including on-going settlement, while Arabs have been contained within an unchanged geography. More than 700 Jewish settlements have been established during the last 50 years, while in contrast, the Arab sector has remained at an almost total standstill. The only Arab settlements to be built during this period aimed at coercing Bedouin-Arabs to urbanize in the southern Negev and northern Galilee. Scores of Arab-Bedouin settlements are unrecognized by the state, and do not receive most basic services.

These factors reflect significant inequalities between the state's Jewish and Arab citizens regarding their accessibility to land resources, land rights, and their ability to use land resources for advancing their communities. This situation is illustrated by the following:

- The Arabs make up 18% of the country's population, but own only 3.5% of state land area.
- The jurisdiction of Arab local authorities extend over no more than 2.5% of the state land area.
- Over half the land owned by Arabs in 1948 has been expropriated by the state.
- In the vast majority of Arab localities, the allocation of land for public uses is below the national minimum standard.
- Arabs are effectively blocked from acquiring or leasing land in some 80% of Israel's land mass, that is in parts controlled by Jewish rural regional councils.
- The Arab population has grown six-fold since 1948, yet the land under its control has halved.
- Since its establishment, the state has not allowed the Arabs to establish new settlements.
- Dozens of long-established Arab settlements are unrecognized, and the state plans to evacuate them.

These problems have naturally generated deficiencies and immense stress regarding land and planning in the Arab community. The problem was exacerbated over recent

years, adversely affecting the basic quality of life of almost a million citizens. From the point of view of the Arab population, this continuing discrimination constantly undermines the legitimacy of Israel's governmental authorities, and contributes to the surfacing of norms supporting violation of state laws. The Israeli government must address this state of deprivation by virtue of its obligation to civil equality, responsibility for orderly planning, and necessity to halt the crisis in Arab-Jewish relations.

### **3. Land and planning needs**

The land and planning requirements of the Arab sector derive from the need to close the ongoing disparities between Arab and Jewish citizens, from the impact of social and demographic changes among the minority, and from the Arabs' burgeoning demand for housing, services, and development.

The economic gap between Arabs and Jews (see Position Papers 2 and 4 in this report) has remained wide throughout recent decades, and has lately increased. Land and planning deficiencies have compounded the gap: they prevent or impede agricultural and industrial development, and arrest the development of other income sources in Arab towns and villages.

These processes are all the more significant against the backdrop of social change the Arab community is going through, which generate further demand for land. These include demographic growth, rapid (if partial) modernization consisting of transition from agriculture to industry, trade and recently professional and financial services, a rapid rise in educational levels, new forms of social and political organization, a falling birthrate, and growth in the numbers of working women.

The need for further land allocation is also caused by physical changes in Arab towns and villages. A dominant process has been the urbanization and modernization of the traditional rural infrastructure, extending construction and development well beyond the old 'kasbah' (ancient village core) and its immediate surroundings. New as well as older development zones are characterized by complex patterns of land rights, by incessant disputes over ownership and control, and by high building densities. All of these obstruct development, have an adverse influence on the standard of infrastructure,

and present obstacles to the allocation of land for public purposes and future development.

The importance of improving infrastructure is highlighted by the fact that most Arabs still reside in what can be described as rural localities, despite the classification by the state of communities as 'urban localities' once their population exceeds 2,000. In reality, no new Arab urban center worthy of the name was ever established in Israel. Such centers would have attracted young families, and functioned as economic and cultural foci which can positively influence community development by encouraging leadership, creativity, development, and innovation.

This lack of genuine urbanisation is not accidental. It mostly stems from governmental policy and the general relationships prevailing between the Arab minority and the Jewish majority. Lack of community services and limited accessibility to public housing for Arabs block their options for relocating to major urban centers. This situation, in tandem with the government's systematic refusal to build new Arab towns or even Arab neighborhoods in mixed towns, has led to spontaneous expansion in the long-established villages. Over time, many of them have attained a size justifying their classification as "towns". Their basic social and spatial structure, however, which remains largely unchanged, continues to set upper limits to development and prosperity.

We identify four areas in which there exist hazardous gaps between Arab needs and their fulfillment.

**Housing.** The scarcity of private land, rigid and relatively expensive land prices, the lack of public housing and the containment of the Arab rural settlement system in the villages, have combined to create an acute and persistent housing shortage. In turn, these problems have led to a widespread phenomenon of unauthorized building, and to high residential densities in Arab towns and villages. Large populations of young people and birth rates, which are still relatively high rapidly escalate the demand for housing. The social tensions associated with the denial of supplying such a basic commodity are obvious.

**Local services and infrastructure.** In Arab towns and villages, the supply of services is usually limited, especially in prominent areas such as commerce, business, regular and special education, health, sport and culture. An aspect that is directly involved in

land policy is the scarce availability and location of public buildings, institutions and open space. In most Arab towns and villages, it is difficult to find land for public institutions, a fact which severely limits the supply and quality of such services. This is exacerbated by the unwillingness of Arabs to avail their land for public use (see also Position Paper no. 2 in this report).

**Employment and economic development.** Most Arab localities offer very little in the way of employment and investment opportunities. There are only a few Arab localities where local employment (beyond work for the municipality) is found for more than 10% of the workforce. Most of the Arab workforce thus seeks employment in the Jewish sector. This stems from a low level of commercial and industrial development, partly as a consequence of scant local economic enterprise and difficulties in attracting external capital. It also stems from the low position of Arab localities in the state's investment priority scale, and from the concomitant lack of incentives for development. The lack of regional cooperation (see also Position Paper no. 5 in this report) compounds the problem further.

**Arab municipal space.** The jurisdiction of Arab municipalities extends over no more than 2.5% of the country's land area. The Arab authorities require land in order to plan the development of settlements and their surrounding areas in a rational way, to construct new neighborhoods, to develop industrial zones, commerce and leisure areas, and to increase the (currently low) local taxation base. In certain areas, we recommend examining the transfer of regional municipal responsibility to local Arab authorities, so they can plan and develop at an inter-locality level.

## **Recommendations for corrective policy**

Tackling the substantial inequality faced by the Arab population within Israel's land policy and breaking out of the attendant discriminatory cycle that is formed by the sense of alienation among Arabs in Israel requires structural and substantive changes. Below are some preliminary proposals for future policies. For the sake of clarity, we structure our recommendations in two main spheres - administrative processes and material solutions.

### **1. Administrative processes**

First, Israeli society must transform its basic perception of soil from Jewish land to Israeli land. Only this will ensure a civil and egalitarian approach to this pivotal sphere of life. Defining state land as Israeli land will open the way for Arab citizens to participate in land policy decisions, and will enable long overdue modifications in the structural discrimination that prevails in the land planning system. To this end, the ILA (Israel Land Authority) must be reorganized. In its present condition, the ILA does not function democratically. Decisions that shape the future of Israelis in general, and that of the Arab population in particular, are made by a sectoral, unrepresentative appointed body.

Secondly, Arab citizens must be fairly represented throughout all the systems that make decisions about land, planning, and development. The presence of Arab citizens in those systems must be increased to obtain proportional representation that correlates to their share in the population. Major bodies requiring this reform are the Israel Land Council, the National Council for Planning and Construction, the local and district committees for planning and construction, as well as the decision-making forums of entities such as the Nature and Parks Authority, the Committee for Preservation of Agricultural Land, the Development Authorities for the Negev and the Galilee, and the special bodies established to plan and implement Bedouin settlement.

**Self-management.** A number of powers for the management and development of land should be transferred to the Arab population, including matters pertaining to assets owned by the Islamic Waqf. Self-management will entail drawing up new plans for Arab towns and villages by locally-appointed planners. This would replace the prevailing approach of “planning from above”, which denies avenues for appropriate community participation. The new approach would reinforce the legitimacy of planning and local governance, increase development options, and enable the enhancement of orderly planning and law enforcement.

**Arab professionals.** Very few Arab professionals now hold positions in the Israeli planning administration, in the ILA, in the Housing Ministry, and other entities influencing land planning and development. The introduction of Arab professionals to these positions will give a voice to Arab grievances, and help to gradually amend the bias in Israeli policies. This has the potential to strengthen belief in the legitimacy of land and development policies among Arab citizens, and assist in improving their living environments.

**A reexamination of state laws and regulations.** There is an urgent need to revise laws and practices which discriminate against Arab citizens. Examples of these are the laws and regulations that permit the exclusion of Arabs from leasing land in the Jewish agricultural settlements, and procedures anchoring the status of exclusively Jewish bodies, such as the JNF and the Jewish Agency within governmental institutions. Doubts are now being cast on the legal standing of these discriminatory arrangements. As the Supreme Court determined in *Ka'adan v. Katzir*, "Discrimination does not lose its discriminatory nature even when it is applied by the Jewish Agency. Hence it should not be permitted to the state".

**Strengthening regional cooperation.** At present, regional cooperation between Arabs and Jews, as well as between Arabs and Arabs, is scarce. Such cooperation will, without doubt, contribute to greater flexibility and effectiveness in meeting Arab needs in housing, provision of services, recreational opportunities and opportunities for economic development. Regional cooperation can originate "from below" - at the initiative of the towns and villages themselves - but can equally stem "from above", in the form of proactive, affirmative governmental policies or state legislation.

## **2. Material**

**Civil equality in accessibility to land.** There is a pressing need to adopt an egalitarian approach into the realm of Arab accessibility to state land, and to extend Arab municipal jurisdiction over all Arab communities and lands. Such steps are vital to uphold the fundamental dignity and equality of Arab citizens as members of a developed state. Here, the basis is the land resource itself: currently, Arab society is fundamentally and structurally disadvantaged in the allocation of state land, in the size of its municipal areas, and in the provision of public housing and subsidized residential, industrial and commercial lands. This discrimination must cease immediately, and the allocation of land in all spheres must be grounded on civil equality; that is, in accordance with a proportional and equitable scale that takes into account the population size and its needs. Civil equality will also bolster the responsibility of Arab authorities to lead, implement and enforce urban planning in their communities that abide by the general criteria prevailing in the state.

Below are procedures that will reduce or alleviate such discrimination:

- Ending the expropriation of Arab land for Jewish or military use.
- Returning certain land appropriated by the state to Arabs (e.g. unused land, or land belonging to the Muslim Waqf).
- Increasing the allocation and development of public land to Arab communities.
- Broadening the options of the Arab local authorities to provide an appropriate infrastructure for residence, services, and employment.
- Implementing a system of incentives for developing Arab towns and villages, similar to that found in Jewish ‘development towns’ and in “development areas A” in the Jewish periphery.
- Introducing a wide-scale plan for building public houses for those in need, especially in Arab towns.

**Affirmative attitude towards historical injustice in the spheres of land and planning.**

The history of land expropriation and planning restrictions enforced on the Arabs in Israel is still felt in a clear and immediate way, complete with the dire consequences it had for much of the Arab population. Hence a revised land and planning policy must include a component of compensation and remuneration as well as several affirmative planning initiatives towards the Arab population. The issue is obviously linked to the general question of the Palestinian refugees and their lost properties, which will be handled at the level of international politics. Still, regarding the Arab citizens of Israel, it is enormously important that steps are taken towards recognition and rectification of historical injustice in land and planning matters (see also Position Papers nos. 2, 3, and 5 in this report).

**The unrecognized villages.** Although it is appropriate and necessary to improve the condition of the Arab sector in general, it is most urgent regarding the condition of the unrecognized villages, mainly in the Negev, where Israeli (Bedouin) citizens are denied the most basic services like water, electricity, sewage, and health services. The situation of those settlements is a moral blemish on Israeli society. An enlightened land and planning policy that recognizes the majority of the settlements in accordance with equal civil criteria to those used in the Jewish sector, would do much to amend the situation.

Building new Arab neighborhoods and settlements. A further substantive aspect which should be seriously considered is strengthening the mobility and urban character of Arab society. Thus, it is vital to consider the allocation of land and services for creating new Arab towns, as well as new, modern Arab neighborhoods in existing mixed towns (like Upper Nazareth, Carmiel, Haifa, Beersheba, and even Tel-Aviv and Jerusalem). This will offer a range of services and institutions badly needed by the modern Arab population. Urbanization is a vital process in any society, without which leading cadres in the economy, education and culture cannot develop. It is fitting and feasible to make this possible for the Arabs in Israel as well.

**Summary of directions for change:**

- Democratizing and decentralization of land and planning systems.
- Applying the principle of civil equality in all aspects of land and planning policy.
- Revising the special governmental powers given to the JNF and the Jewish Agency.
- Increasing Arab representation and involvement in decision-making processes and at professional echelons.
- Implementing a policy that owns up to the inequities of the past and enables rectification and compensation.
- Recognizing Bedouin-Arab villages (mainly in the south), according to the same standards applied in the Jewish sector.
- Enlarging the jurisdiction of the Arab authorities in accord with their local and regional needs.
- Ending the expropriation or seizure of Arab lands for Jewish purposes.
- Offering incentives for development in Arab localities.
- Assisting the urbanization process in Arab society.
- Introducing a perceptual turnaround: from Jewish land to Israeli land.

To sum up, we view policy changes in the spheres of ownership, management, planning and development of land in Israel, grounded on the principle of civil equality, as a fundamental and urgent need. Such changes can herald the start of a new era, in which Arab citizens of Israel will be granted equality in land and planning systems - a vital

need for Jewish and Arab citizens alike. In this new era, Israeli society in general and the Arab minority in particular can finally shake off the negative influence of the long years of profound discrimination.

## **Local Authorities and Welfare Services**

**Dr. As'ad Ghanem**, Department of Political Science, Haifa University

**Dr. Tha'abet Abu-Rass**, Department of Geography & Environmental  
Development, Ben-Gurion University of the Negev, Beer-Sheva

**Dr. Ze'ev Rosenhek**, Department of Sociology & Anthropology, the Hebrew  
University, Jerusalem

### **The present situation: processes and problems**

#### **1. Socio-economic subordination**

The Arab population in Israel numbers around one million citizens, concentrated within 120 local authorities. Eighty of these are located in the Northern District, where approximately 481,000 citizens make almost 50% of the Galilee's entire population. 164,800 Arabs live in the Haifa district. Some 100,000 Bedouin live in the Southern District, of whom almost a half live in seven officially constructed towns, the remainder scattered throughout the periphery of Beersheba.

The socioeconomic characteristics of the Arab population in Israel attest to a significant disadvantage in comparison with the overall population of Israel. The accumulative socioeconomic deprivation is manifest in the following figures:

**The size of the Arab household**, while recently showing a downwards trend, was 5.04 on average in 1996, in comparison with 3.31 in the average Jewish household.

**The ratio of those entitled to a matriculation certificate** among Arab students in 1997, was 38% of all 12<sup>th</sup> grade graduates, as compared with 51% of the Jewish population in the same year.

**The current national unemployment level** is 9.1% of the civil workforce. Of the 23 major foci of unemployment, 19 are Arab local authorities. In some of them, the unemployment rate reaches 15%.

The ranking of local authorities (urban as well as rural settlements) in Israel, calculated according to a comprehensive socioeconomic index, ranges from Cluster 10 (places with the highest socioeconomic status) to Cluster 1 (places with the lowest socioeconomic status). Of the 14 local authorities in the lowest cluster (Cluster 1), 11 are Arab, accounting for 66% of the entire population of this cluster. Cluster 2 comprises 17 local authorities, 12 of which are Arab. Out of the 31 settlements belonging to the two lowest clusters, 23 are Arab (approximately 75%). No Arab settlements are to be found in the 3 highest clusters.

Apart from the Arab local authorities that are recognized, there are close to 70 unrecognized Arab settlements in the Triangle, the Galilee and the Negev. These towns and villages lack any basic infrastructure or appropriate administration - this despite the fact that most of them existed prior to the establishment of the state of Israel, or were put in place by the state.

The socioeconomic characteristics attest that in the Israeli reality of 2000, Arab towns and villages are situated in the lowest sections of the socioeconomic ranking. Seventy-five percent of the local authorities that belong to the lowest clusters in the official ranking are Arab. These data emphasize even more the importance of municipal services provided by the local authorities to their citizens, and render the question of the authorities' functioning a matter of existential importance to a large section of the population.

## **2. Economic weakness of the Arab local authorities**

Ever since the Arab local authorities were first established, they have been suffering from fundamental problems, including economic weakness, severe financial and budgetary distress, and lack of suitable land for their needs. This situation derives from two principal factors:

The first factor is **continuous discrimination and deprivation** in the allocation of governmental resources. Compared with Jewish settlements with similar socioeconomic ranking, Arab settlements are habitually allocated a smaller share of land and budgetary resources. Development budgets of various government ministries designated for Arab settlements are constantly decreasing, while regular budgets for Arab local authorities are still lower than regular budgets of Jewish local authorities. In 1999, the total regular budget for all Arab local authorities was NIS 2.2 Billion, only 8% of the regular budget for local authorities in Israel, which totaled NIS 26 billion. Notably, Arab local authorities supply services to around 12% of the entire population. The per capita

expense earmarked for residents of Arab authorities in the regular budget thus comprises only two-thirds of the per capita expense for residents of Jewish local authorities. In addition, the area of jurisdiction of Arab local authorities totals no more than 2.5% of the entire area of the State.

The second factor - **low self-funded income**. This is linked to (a) low civic awareness among Arab citizens, (b) the scale of the populations catered for by Arab authorities, and (c) the socio-economic characteristics of the Arab population (see above). These factors are compounded by a low level of activity in business and industry (see Position Paper 5), inefficiency in collecting taxes (an average collection rate of under 50% of the potential), and flawed and inefficient management in many of the authorities. The result is a chronic lag on the part of Arab local authorities compared with Jewish ones in terms of providing services and providing infrastructure for development.

These two factors create considerable burdens on the routine function of the Arab local authorities, leading to large monetary deficits, liquidity problems and poor standard of payment to employees and service suppliers. An assessment of the total accumulative financial deficits of the Arab authorities at the end of 1998 (regular and development budgets combined) was around NIS 800 million. Financing expenses and exceptional payments for withheld salaries and high credit deviations, exacerbate the local authorities' financial distress even more.<sup>2</sup>

Most Arab settlements in Israel lack any business infrastructure. At present there is hardly any allocation of land for industrial, commercial and tourism uses. The lack of land for business complexes forces businesses to open within residential zones, encourages commuting of the workforce to distant places, and drains workers, entrepreneurs and their human and financial capital away from Arab towns and villages. It is abundantly clear that this situation weakens the economic basis of Arab

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<sup>2</sup> An agreement signed by the government and representatives of the Arab sector at the end of 1999 includes several items. In terms of budget, starting in the year 2000 the Arab authorities were supposed to receive an additional annual sum of NIS 100 million as development budgets – a decision that was not executed in 2000. Regarding development programs, a decision was taken to crystallize a 4-year development program, to be drawn up by the relevant ministries, which would cover deficits and special development costs. An initial proposal was put together at the Prime Minister's Office, without consulting with the Arab municipal leadership and Arab Knesset Members, and without involving Arab professionals. The program is marred by basic problems, imprecise and poorly processed solutions, and does not provide a response to the basic needs of Arab settlements. August 2000 was scheduled as the target date for finalizing and presenting the plan to the government, with the intention of implementing it in 2001. The target date elapsed without the program's being completed. A hurried cabinet decision on the matter was made after the tragic events of October 2000, which awaits implementation in 2001-2004.

communities and local authorities, deepening the level of dependence of Arab communities on central government.

### **3. Difficulty in coping with social and community problems**

The difficulties of dealing with social and community problems in the Arab settlements derives from flawed physical infrastructures for welfare services, from a shortfall in professional personnel, and from a lack of operating resources and income for community advancement. All of these deficits are even more significant because of the poor socioeconomic situation of the Arab towns and villages. Several figures illustrate the problems:

**High rates of crime and violence** – 30.7% of those convicted in Israeli courts are Arabs. The ratio of convictions per 100 people for Arabs (16.9%) is much higher in comparison to Jews (7.7%).

**Endogamy and handicap** – the percentage of endogamic marriage in the Arab population is significantly higher than in the Jewish population, a fact which has implications for the size of the handicapped and retarded population. Indeed, the rate of handicapped people in the Arab sector is over 3%, in comparison with the overall national average of 2.1%.

**High rates of welfare-dependent cases** – the statistics for cases handled by the welfare departments of the Arab authorities are very high and growing constantly. This is primarily due to the multiplicity of social problems and the prevailing socioeconomic situation.

**Difficulties in social and community progress vis-a-vis employment of women** - Women and their particular standing in the community requires special attention in the fields of welfare, employment and education. Today, 24.7% of Arab employees are women, in comparison with 47% of Jewish employees.

## **Recommendations for corrective policy**

### **1. A framework for dealing with physical deficits**

**Land and planning** - the Arab settlements suffer from a chronic shortage of land and the lack of suitable urban planning (see Position Paper 1 – Land and Planning, in this Report). Both derive from intentional discrimination that favors neighboring Jewish settlements, and from the lack of Arab decision-makers in planning and implementing bodies. The discrimination should be rectified outright not least by appointing Arabs as Chairs of Planning Councils in Arab regions (ibid).

**Budgeting** – we propose commencing activities at two levels: the strategic level, where the aim is to crystallize a long-term plan intended to genuinely and completely equalize Arab and Jewish towns and villages in Israel. The plan will be based on a comprehensive survey of needs of the Arab population.

At the operative level, equality in allocating regular budgets should be achieved by raising the basic level of regular budgets for Arab local authorities to the levels typical of Jewish settlements, subject to the Sweri formula developed in the early 1990's.

The program already underway to eliminate accumulated deficits in the Arab authorities must be expanded, with special attention to the details and terms of official turnaround plans.

**Management** – the appointing of Jewish officials from the Interior Ministry as Chairs of the Arab authorities must cease. Decisive and immediate steps must be taken to improve levels of management at the Arab authorities, including a master-plan aimed to significantly raise the professional level of employees of Arab local authorities. A wide-ranging plan to improve management levels should be inaugurated immediately that will emphasize three levels: the internal level of the authority itself; skills associated with extending services to the public, and the liaison of the authority with government ministries and other state-wide institutions.

**Recognition and upgrading the status of Arab settlements** – the unrecognized settlements must receive recognition and their capacity to provide citizens with the appropriate services must be enhanced. Each Arab settlement with over 15,000 citizens must receive the status of a town and obtain the suitable concomitant budgeting.

**Increasing investments in infrastructures** – a needs-analysis should be carried out on questions of development, to provide data for an investment program. A policy of affirmative action for developing infrastructures in all Arab settlements (similar to the one applied in the 1990s in the Druze settlements) must be designed and implemented.

**Housing** – initiation of housing projects and public buildings must be enhanced in all Arab settlements. Discrimination between Arabs and Jews in the realm of mortgage entitlement for individuals must end forthright.

**Transport** – Accessibility to regions offering employment must be improved. The road network must be improved, and subsidized public transport must be offered as a basic and important service.

## **2. A framework for tackling social shortfalls and welfare requirements**

In order to bridge the gaps created over time among defined population groups in social issues, it is necessary to bolster the welfare services, enlarge the array of social workers, and develop a network of community workers for fostering community endeavors. Efforts to reinforce the welfare services should be implemented in two channels:

**One – improving the welfare system’s capacity to work with the disadvantaged population at the individual and family levels.** Here, a significant increase is required in the number of job-slots for social workers in Arab settlements. This must be coupled with boosting the resources at their disposal to provide real help in cases of distress.

**Two – creating joint frameworks for professionals and for voluntary groups in the community.** The objective is to improve the social conditions in the Arab settlements at the overall level. Activating the community to work for itself must be based on citizens’ active involvement in designing and implementing programs to improve their settlement’s physical and social conditions. This will entail encouraging the establishment of citizens’ councils, with special emphasis on women’s organizations. The following additional steps are recommended so as to bolster the community’s ability to fulfill its social potential to the maximum:

**Supporting third-sector organizations:** help must be extended by providing budgets for Arab voluntary organizations at the local, regional and national levels, and

involving them in structuring and implementing community development plans. Significantly, this should be done without compromising their status as autonomous organizations representative of their communities vis-à-vis local and state authorities.

**Encouraging women to productive activity:** an infrastructure of services should be set up to enable women's involvement in the workforce, as salaried workers and as entrepreneurs. These services will consist of daycare centers for children, professional training, inter-community cooperation and the like.

**Encouraging youth to community activity:** An informal education framework should be set up that will offer after-school social activities for children and youth, including those who have dropped out of the formal school system (a particularly large group amongst Arab adolescents). Such frameworks can help young people become active agents in community activities.

### **3. Developing an economic infrastructure for local initiatives**

**Developing business areas in the settlements:** Options should be studied for founding business areas within Arab communities. Various issues must be organized, such as private ownership of land, physical and business planning, infrastructure planning, marketing and ongoing management of these areas. Establishing business zones in the Arab sector is likely to be an important lever in reducing the dependence of the Arab population and Arab local authorities on central government.

The rate of entrepreneurial activity among Arabs is relatively high. At the same time, in order to allow Arab citizens to fulfill their potential in this realm, management skills and technology must be developed, together with physical and environmental infrastructures.

In developing assistance tracks for entrepreneurs and small businesses in the Arab towns and villages, it is essential to take into account women, who are still very far behind in terms of realizing their economic potential.

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## **Identity and Civic/Cultural Inclusion**

**Dr. Danny Rabinowitz**, Department of Sociology and Anthropology,  
Hebrew University, Jerusalem

**Dr. Khawlah Abu Baker**, Department of Behavioral Sciences, Emek  
Yezreel College

**Prof. Hanna Herzog**, Department of Sociology & Anthropology, Tel-Aviv  
University

**Dr. Adel Mana'**, Truman Institute, the Hebrew University, Jerusalem

**Dr. Ramzi Suleiman**, Department of Psychology, Haifa University

**Dr. Yoav Peled**, Department of Political Science, Tel-Aviv University

**Prof. Yehouda Shenhav**, Department of Sociology & Anthropology, Tel-  
Aviv University

### **The present situation: processes and problems**

The State of Israel, its institutions and its values, express the national interests and cultural spirit of the Jewish majority. Accordingly, the boundaries of Israeli citizenship fit the boundaries of Jewish nationalism, and the rights granted to the Jewish citizens of Israel are greater and more significant than those granted to the Arab citizens. The state is built around a core of Jewish historical memory which emphasizes the heritage of exile, the Holocaust and the subsequent national renewal. Its basic values and institutions sanctify the cosmology that derives from this particular memory and narrative.

Naturally, this civil and cultural exclusion has operative significance. It was particularly prominent in the first decades of statehood, when nation and institution building at countrywide and regional levels crystallized through a wide-ranging "Judaization" project. The Jewish majority identified with this process and saw it as fulfilling national aspirations. For the Arab population, however, those practices exacted heavy tolls at the collective, community, family and personal levels. These included life devoid of freedom under military rule until 1966; sweeping appropriation of land; the pain and fear produced by the traumatic Kafr Kassem massacre in 1956; disappointment with the

state's evasion of its responsibility for the murderous incident; and despair at the failed attempt to transform it from a case of definitive exclusion into an event that could reinforce inclusive citizenship.

The state and the Jewish public are willing to recognize cultural differences between the Arab and the Jewish communities, and sometimes to respect those differences. Significantly, however, such recognition does not stop the state and the Jewish majority from pushing the Arab minority across the boundaries of meaningful shared citizenship. This marginalization is carried out through an unwavering disregard of the material and cultural interest and of the historical narrative of the Arabs in Israel. This seeks to blur their national identity, to weaken their internal cohesion and to mitigate their belonging to the Palestine people.

The basic values that are enshrined in any group's historical memory are by definition exclusive. The Arab citizens of Israel, who are unable to identify with Jewish memory and with the basic values it enshrines, are permanently marginal: every reminder and manifestation of the core values of the Israeli state renders them excluded strangers. Their subjective feelings in fact stem from their affiliation with the Palestinian ethno-national collective, against which Zionism and later the State of Israel defined themselves. At best, they occupy the margins of the Israeli civil space as tolerated subjects, to be addressed only in contexts of conflict and crisis. This predicament, known from other ethnically divided states, is particularly problematic here, where Arabs live in the territory that was theirs exclusively before the advent of Zionism and the establishment of Israel.

The exclusion by the state of its Arab citizens hinges on a dangerous disregard of a central tenet of Arab identity: their experience of their fate in 1948 and since. Their situation in this regard is complex and confusing. Despite the clear commitment to civil equality included in the Declaration of Independence, Israel has never formally recognized the suffering that befell Arab individuals, families and communities in 1948. The state is yet to display empathy with the fact that at the end of the war Arabs who remained on their ancestral land found themselves citizens of a state that was imposed on them, that does not represent their political vision and that is, in fact, built on their destruction.

Naturally, the state's disregard of Arab suffering intensifies the Arabs' sense of exclusion and marginality. At the same time, this disregard is also responsible for the illusion of normalcy so prevalent within the Jewish majority, and for the erroneous belief that the events of 1948 are long-forgotten episodes, detached from current reality and irrelevant for future restitution.

Recognition of the collective memory of the Arab minority must be accompanied with legitimate acceptance of its historic affinity with Palestinians in the West Bank and Gaza and in the Palestinian diaspora. The Israeli citizenship held by the Arabs inside Israel cannot and hence must not be expected to erase their affiliation with the Palestinian people, or mitigate the importance of the Palestinian fold as the wider collective that defines their ethno-national identity. Adequately resolving this key element will be a pivotal factor in any true attempt to bring the Arab and the Jewish communities together in joint and equal citizenship.

The practices adopted by the state, whether by legislation, judicial interpretation or executive governmental decrees and policies, are often imbued with discrimination against the Arab citizens. The economic, social and political significance of this situation is discussed in the other position papers in this report. Significantly for this position paper is the assertion that in the symbolic domain, such practices serve as additional routine reminders of the exclusion and marginality of Arabs in Israel.

The events of October 2000 have proved beyond any shadow of doubt that the current policy and its operational derivatives failed miserably. An approach the chief purpose of which is to marginalize the Arabs, coupled with a policy of control embodied in the practice of rewarding Arab passivity and labeling genuine political leaders and activists as "extremists" who must be "dealt with", is more than a moral failure. It is a certain recipe for generating and perpetuating crises of the kind experienced recently.

The prolonged conflict between the State of Israel and the Palestinian people forces extended conflictual elements on relations between the Jewish majority and central government on the one hand, and the Palestinian minority on the other. We are fully aware of this complex reality. This notwithstanding, we argue that an intelligent attempt to confront it must entail granting full legitimacy to expressions of identity by both communities, and conducting these expressions within the framework of an inclusionary social, cultural and political fabric of equal shared citizenship. The futile

attempt to oppress the collective-national component in the identity of the minority group and to treat its members as marginal citizens is doomed to failure. Instead, a bold approach should be applied that identifies the foci of tension of this complex reality and produces complex solutions to manage and resolve them. Only solutions based on a just and realistic approach can succeed in laying a sustainable foundation for social and political stability. Proper civil inclusion, and the structuring of equal shared citizenship hinges on recognition of the Palestinian minority as a legitimate national collective possessing its own historical narrative and the right to preserve and nurture a comprehensive socio-cultural experience.

## **Recommendations for corrective policy**

The proposals in this position paper grant special emphasis to symbolic elements. They complement some of the operative proposals raised in the other papers. For example, physically marking the sites of Palestinian villages wiped out in 1948 is not exclusive of the operative procedures on the issue of appropriated land, discussed in Position Paper 1, and so on.

### **1. Formal state recognition of *al-Naqbeh* - the Arab disaster in 1948**

A procedure must be developed to attain formal state recognition of *al-Naqbeh* - the Arab disaster of 1948. The central tenet here is to legitimize the sense of loss which is a part of life for almost one fifth of Israel's citizens for the sixth decade now – people who have lost their loved ones, were deprived of real-estate assets, seen their villages demolished and their relatives battling humiliation and poverty in exile. We see the recognition of the Arab memory of 1948 as a cardinal condition for the establishment of a healthy basis for joint participation on the basis of a shared civil identity. The other option - reinforcing denial of a calamity that haunts its victims ceaselessly – is unacceptable: its implication is to continue living on borrowed time.

As part of this procedure, we propose the following steps:

- Commemorating the sites of the 400 Arab villages and many urban communities destroyed in 1948, including sites now occupied by Jewish communities built over Palestinian ruins.

- Proper handling of the physical remnants in such locations, including of mosques and churches, and putting a decisive end to the sickening norm of spontaneously transforming Muslim holy sites into Jewish holy sites.
- Legislation that will set a state Memorial Day for the Palestinian Naqba, along the lines of the process that led to the legislation in early 2000 of the Veterans Law commemorating the 9th of May as a memorial day for the victory of the allied forces against Germany in 1945.
- Changing or adding elements to chief state symbols such as the national anthem so as to enable Arab citizens identification with those symbols.
- A historical apology by the state, in the name of previous governments, for the injustice and exclusion.

These are the first steps in the areas of identity and civic/cultural inclusion. They do not require large budgets and can be implemented forthright. Moreover, the symbolic significance of the debate likely to develop around them will, in itself, make an important contribution to the notion of genuine inclusion.

## **2. Operative measures deriving from the recognition of 1948**

The symbolic recognition of al-Naqbeh must be accompanied with other steps of a more operative nature, the symbolic and emotional significance of which for authentic civic inclusion is considerable.

- Legislating a detailed law determining financial compensation for seized and expropriated real-estate.
- Legislating new emigration laws on a more just and equal civil basis, including family reunification.
- Assuming the principle of state responsibility for individual, health and welfare rehabilitation of the victims of 1948.

## **3. Initiating inclusionary measures to foster collective identity of the minority in a joint civil framework.**

In this sphere, we recommend the following:

- Introducing Palestinian history to the official history curriculum in Jewish schools, and incorporating the study of religious and cultural practices of all Arab denominations as an integral part of the general education system and its objectives

(including reading, civics, history, special projects for homeroom classes, etc.). See also Position Paper 4 in this report – Education and Community).

- Changing the goals, structure, and contents of education in the Arab population, with emphasis on boosting students’ affinity with their collective Palestinian identity.
- Allowing the Arab population to conduct its education system by itself, as is the case in other cultural sectors since the inception of the state (for example, the Jewish National Religious schools); Developing a program that will encourage the full inclusion of Arab students in institutions of higher education, and the establishment of higher education institutions that will operate according to a bi-cultural, bilingual model (see details in Position Paper 4 in this report - Education and Community).
- A serious and wide-ranging initiative to raise the status of the Arabic language in Israel. In this context, Jewish schools will have to teach Arabic to a good level of command. The use of Arabic, alongside Hebrew, must be instituted in all official facilities, and Arab speakers must be employed in all government offices and facilities that have direct or indirect contact with Arabs. Road-signs throughout the country must be in three languages – Hebrew, Arabic, and English.
- Declaring Muslim and Christian holidays as official holidays for the whole country, and avoiding the scheduling of mandatory events (university exams, interviews for tenders in the civil service and so on) on those days. Here, the role-model should be that practiced in a number of states in US, where, on Jewish holidays - despite the relatively small numbers of Jews - the education system, including universities, shuts down on the main Jewish holidays.
- Changing the current format of state TV and radio channels and adopting a new approach that aims to:  
  
Allocate an entire TV channel to Arabic transmissions, transferring control of Arabic programs content in the state media to Arabs, and changing the basic goals and content of those broadcasts so as to match the distinctive culture and ethno-national nature of the Arab minority.  
  
Introducing a fundamental change to Hebrew broadcasts that will promote acceptance of the Arab minority as a legitimate group in Israeli society. This instead of the current situation, in which the Arab minority tends to receive mainly

negative attention and is associated primarily with conflictual contexts while its historical and cultural aspects are relegated to the Arabic-broadcast channels. In practice, this change will include the introduction of Palestinian culture, including Arab music, films, plays, and documentaries on Islam and Christianity during the holidays, as an integral part of state broadcasts. A quota should be set by which original Arabic productions make one-fifth of all original productions, as is the practice with Hebrew productions for Channel 2 franchise holders and future franchise holders of the third channel.

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## **Schooling and Further Education**

**Prof. Majid Al-Haj**, Department of Sociology, Haifa University

**Dr. Isma`il Abu-Sa`ad**, Department of Education, Ben-Gurion University,  
Beer-sheva.

**Dr. Yossi Yonah**, Department of Education, Ben-Gurion University, Beer-  
sheva.

### **The present situation: processes and problems**

The residential areas of Arabs and Jews in Israel are almost totally segregated: 90% of the Arabs live in separate towns and villages, and the majority of those residing in mixed cities live in separate neighborhoods. This notwithstanding, and despite the cultural and national distinctiveness, the Arabs in Israel have not won autonomy in the spheres of education and culture. This is particularly significant once compared to the policy of extended autonomy applied by the state since 1948 regarding preexisting educational streams in the Jewish community. Jewish educational streams that had existed in the pre state period such as the National Religious stream, the Haredi educational networks, Kibbutz education and others all enjoy curricular, administrative and budgetary autonomy within the state educational system, with public representatives of the respective sector exerting educational policy control.

The establishment of the State of Israel in 1948 signaled the demise of the Arab education system which had existed during the British Mandate, which had around 150,000 enrolled students, two-thirds of them in state schools, the balance in private schools run by the various ethnic groups. On the ruins of that education system, the State set up a centralized, uniform system, in which the capacity of the community itself to influence content, structure, pedagogic staff and management, is almost non-existent.

The Israeli establishment uses the Arab education system as a tool for ideological control, manipulating it to divide the Arab population (Muslims, Christians, Druze and Bedouin) in a manner that clouds their Palestinian identity. An analysis of the declared

objectives of education and an examination of the curricula offered in Arab education reveal that there is no explicit recognition of the fact that the Arabs in Israel are a national minority, nor that they are an integral part of the Palestinian people. Instead, the education system is blatantly structured to create a submissive Arab who lacks a clear identity.

In spite of the internal diversification that the Arab population underwent as a result of modernization and social change, the educational choices that are available to parents for their children's education are restricted. Approximately 92% of Arab students attend state schools. Private schools that offer good quality education and better prospects for admission and success in higher education are few and far between. The great majority of Arab high-school students attend comprehensive, non technological schools. The technological track is very limited, while the vocational tracks are for the most part of a poor standard, offering no option for matriculation and university education.

Arab education in the State of Israel is at a crossroads. Formulating the objectives and goals for its future are of critical importance. The sporadic and incoherent development that characterized it in the past must stop. The social, cultural, economic and political reality confronting the Arabs in Israel requires training cadres of well educated and skilled people who can offer their communities implementation of innovative solutions for their distinctive needs.

The recommendations below are conceptual propositions for planning future policy. Their implementation is a prerequisite for improving the dismal state of the Arab education system in Israel.

## **Recommendations for corrective policy**

### **1. Meaningful cultural autonomy instead of unequal integration**

As stated, the existing structure of the Arab education system stands in opposition to the demographic and the social structural composition of the Arab population. It is unable to turn education into a lever for social development, and blocks the inclusion of Palestinian citizens as a national minority. The experience of multicultural nations worldwide suggests two additional options - full integration and cultural autonomy. In

the Israeli context, full integration implies mixed schools, teaching in two languages or the “Hebraization” of the Arab education system. The latter is not only undesirable, it is also impossible to implement. First, it would injure cultural distinctiveness and the sense of identity of each group. Second, comparative research from other countries indicates that integrating two groups with different starting-points is liable to intensify the minority group’s inferiority and thus perpetuate inequality. Third, this kind of integration cannot be implemented in the existing structure of segregated residence.

The most realistic and appropriate model for Arab education is to continue using existing infrastructures as a basis for a separate administration for Arab education, which will be part of a cultural autonomy for the Arab population in Israel. The administration will operate within the framework of the Ministry of Education, but will maintain an absolute autonomy in all matters of goal and content definition, appointment of teaching-staff, school masters and inspectors, in planning, development, budget and management. As part of the administration, a separate and independent pedagogic secretariat for Arab education should be set up, to work in liaison with the general pedagogic secretariat.

## **2. State schools, independent private schools and bolstering technological education**

The Arab education administration will include two main streams: state schools and independent private schools. The latter will include existing private schools and schools serving ethnic and religious communities. As well as reporting to the Director-General of Arab Education, this stream will enjoy a high degree of autonomy. A system of subsidies and budgetary incentives will be set up to encourage educational initiatives within it, including the establishment of new institutions and increased capacity of existing ones. A major private independent stream will encourage competition within the Arab education system, develop a broad spectrum of options for choice, and upgrade the general Arab education system. Strong emphasis will be placed on establishing, nurturing and developing schools of advanced technology, including the adaptation of existing vocational schools to offer advanced technology studies combined with an academic track leading to *Bagrut* and university admission.

### **3. Drawing up new goals and objectives**

Updated goals and objectives should be drawn up for Arab education in Israel, underscoring Arab history, culture and Palestinian identity. Curricula and textbooks at all education levels need to be redesigned accordingly, to offer heightened relevance to Arab culture, Palestinian identity, life in a multicultural society, and the demands posed by higher education in the 21<sup>st</sup> century. Fundamental, wide-ranging change must be implemented in teaching methods, shifting away from conservative-frontal education based on imparting knowledge and suppressing students and teachers alike, moving towards open education, creativity and critical thinking.

### **4. Developing infrastructure and personnel**

The Arab education system in Israel has to receive extra resources in terms of personnel, and must be nurtured with the same standards that apply in the Jewish education system. In this sphere, the following issues are noteworthy:

- Establishing a wide range of professional educational services (subject inspectors, pedagogic trainers, educational consultants, educational psychologists, special education teachers, nurses, and so on).
- Proactively encouraging the appointment of Arabs to the highest echelons of the Education Ministry – at the Arab Education Administration, as in all the other organs of the Ministry, in pedagogy as well as administration.
- Strict avoidance of political appointments to professional positions, at the national as well as the local levels.

### **5. Appropriate handling of special populations**

- Implementing enrichment programs and empowering weak groups at all educational levels.
- Identifying gifted students (special programs) and exceptional students (Special Education), and structuring curricula enabling them to fulfill their capacities to the utmost.
- Introducing pre-compulsory nursery schools for ages 3-4.
- Urgent and thorough handling of the dropout issue - a massive phenomenon in the Arab population compared with the Jewish population. Special educational

programs need to be drawn up to encourage youth to remain at school, and to enforce the Law of Compulsory Education.

- Urgent attention must be given to enhancing academic achievements at all educational levels. Success rates in bagrut (matriculation) exams in the Arab population, particularly in the Negev, are very low in comparison with those in the Jewish sector. Enrichment programs (matriculation booster programs and ‘second chance’) must be instated in most high-schools, with the aim of affirmative action to help Arab students advance and close the gap in scholastic achievements between them and their Jewish counterparts.

## **6. Massive investments in physical infrastructures**

- Adding schools according to the standards used for the Jewish community, as derived from population size and demographic characteristics in every settlement and region.
- Adding classrooms, to achieve the student/classroom ratio found in the Jewish community.
- Setting up auxiliary facilities such as libraries, laboratories, computer labs, music rooms, enrichment centers, sports halls etc.
- Large-scale computerization. The phrase ‘a computer for every child’ receives special significance in the Arab population, where the average socioeconomic level is markedly lower than in the Jewish population, and where most families’ options for buying a computer are limited.

## **7. Higher education**

- The recommendations of the Report on Promoting Higher Education in Israel’s Arab Population, submitted to the Council for Higher Education in July 1999, must be put into practice. The report contains detailed recommendations on admission terms and the psychometric exam, proposes a special program for the intake and advancement of Arab students at the universities and academic colleges, and recommends promoting a program for the inclusion of Arab researchers and faculty in those facilities.

- It is advisable to act without delay to set up a new Israeli university where Arabic will be the language of instruction. This procedure must be planned with utmost consideration, making every effort to ensure the proposed university does not become a cultural ghetto or a second-rate academic institution. To avoid this eventuality, its goals, contents and structure must be grounded in the national and cultural uniqueness of the Arab population in Israel and its economic and cultural needs. The university must aspire for excellence, offer prestigious subjects that are already in high demand and be open to students and faculty from all sectors in Israel, the Middle East and the world at large.

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## **Employment and Economic Development**

**Dr. Ahmed Sa'di**, Department of Politics and Government, Ben-Gurion  
University of the Negev, Beer-Sheva.

**Dr. Michael Shalev**, Department of Sociology & Anthropology, The Hebrew  
University, Jerusalem

**Prof. Izhak Schnell**, Department of Geography, Tel-Aviv University

### **The present situation: processes and problems**

#### **1. A policy of neglect and discrimination**

Poverty, under-development, unemployment and other symptoms of systematic economic deprivation are far more common among the Arab citizens of Israel than among the Jewish majority. There is a widely-held understanding that these gaps stem, to a great extent, from the policies of neglect and discrimination that have been implemented by different governments over the years. The main lines of these policies comprise:

- **Inferior budgets** for physical infrastructures, education, health and economic development for the Arab population.
- **The exclusion of Arab citizens and communities** from government subsidies to investors, employees and consumers, of the type awarded to Jews on the basis of their geographical location ('development areas', 'conflict areas') or on the basis of personal entitlement (military service).
- **Barriers to development** originating in policies governing the allocation of land, use of land, and the granting of rights to engage in specific economic activities (banking, import franchises, etc.).

## **2. Political marginality and its economic implications**

The discriminatory policies outlined above stem, first and foremost, from the political marginality of the Arabs in Israel which has been – and still is – expressed in several phenomena:

**Appropriation of land and restrictions on economic activity.** Particularly during the first two decades after statehood, usually in the name of state security, the state confiscated Arab land and property and imposed barriers to freedom of movement on Arab citizens. These harsh policies had severe consequences for local economic development, especially agricultural development, creating a lasting legacy of disadvantage.

**Exclusion from economic policymaking forums.** There is a tendency everywhere to neglect the interests of groups that enjoy limited "voice". The Arabs have had comparatively little political weight in parliamentary politics, partly because of their divided votes but mainly due to the fact that their elected representatives have been excluded from policymaking forums. In addition, there are virtually no Arabs in the expert, administrative and judicial elites.

**Inherently discriminatory assumptions of Jewish policymakers.** Most Jewish policymakers have operated under one or more of the following premises: that the Arabs in Israel are a security problem and need to be "kept on a tight leash"; that they are "unwelcome guests"; that their needs and claims are less relevant to Israel's collective goals and its future than those of Jewish citizens. Each one of these assumptions justifies limiting the flow of collective resources to the Arab sector. They also underpin the longstanding system whereby policy towards the Arab sector is made by Jewish "advisors" and is deliberately isolated from normal politics—an undemocratic system which is manipulative at worst, and paternalistic at best.

**Indirect and invisible mechanisms of discrimination and deprivation.** Political marginality and its economic implications do not accord with a democracy that values the principles of equality before the law, and the uniformity of citizenship (that is, where there is no place for second-class citizens). Over the years the Arab population and its representatives have become more skilled at exercising their democratic rights.

Yet discrimination persists because most of the state's discriminatory policies are implemented by indirect or "invisible" means.

Many Arab disadvantages are the indirect result of advantages available only to the Jewish sector. The right to buy or live on state lands only applies to Jews or the members of Jewish-only associations. The map of "development areas" is repeatedly redrawn but it almost always excludes Arab settlements. Substantial individual benefits (in housing, for example) are offered only to demobilized soldiers or to new immigrants.

Arab citizens cannot be part of the "security complex", which continues to play a hugely important role in the Israeli economy. The following benefits apply only to the Jewish sector: (a) a large share of the labor force works for the armed forces; (b) many others are employed in government-operated military industries, military and civilian firms working under contract to the army, or in other jobs that for justified or unjustified reasons require a security clearance; (c) the army and the military industries also make indispensable contributions to the development of high-tech industry, for example by training computer engineers and programmers at no cost to the individuals that get the training or the civilian firms that later benefit from it.

### **3. Deep economic crisis**

In recent years, the economy of the Arab population and Arab settlements in Israel has been in a state of severe crisis. This situation requires proactive and determined action in order to attain a more robust economic foundation. The majority of the Arab workforce has remained in blue-collar professions, and is forced to travel great distances every day to centers of employment in the large cities. Economic enterprises founded by Arabs remain few in number and limited in size. Only a handful of companies have become independent economic operations that raise capital outside *sharia* frameworks. More recently, the Arab sector has suffered from structural changes in the wider economy.

Arab settlements head the list of "centers of unemployment". The recession in the building sector has affected plants producing raw materials, and the dwindling textile industry currently employs less than half of the workforce that it employed at the start of the 90s. In the ranking of localities by the Central Bureau of Statistics based on its socioeconomic index, 52 of the 77 lowest-rated localities on the list are Arab

communities. In comparison, the 84 settlements that top the list contain not a single Arab town or village. In fact, the Arab economy lacks the economic infrastructure necessary for full participation in Israel's economy.

**Marginal position in the employment hierarchy.** Jewish citizens have become accustomed to Arabs being employed in low-income and low-prestige jobs, jobs that the former do not wish for themselves or their children. The ethnic-class division thereby created exhibits very few exceptions, such as the Arab doctors employed by hospitals. The enormous gap between the position of employed Arabs and Jews in the labor force is confirmed by a special tabulation of data from the 1995 census for men in the labor annual force aged 25-65 (with kibbutzim and new immigrants excluded from the Jewish population). The occupational distribution reveals that almost two-thirds of Arab men are manual workers (65%, compared with 39% of Jews). On the other hand, whereas 24% of Jewish men are managers or professionals only 10% of Arab men are members of these elite occupational groups. The branch distribution shows the heavy concentration of Arab men in construction (22%, versus only 9% among Jews) alongside their conspicuous under-representation in "running the country" (8% of the Arabs compared to 17% of the Jews are employed in public administration, not including local authorities).

**Mid-life employment problems.** The concentration of the Arabs in Israel in the lower classes also has implications for their participation in the labor market. Entering low-status occupations at a young age they become exposed to a high risk of unemployment by their mid-40s. At this age, Arab men cannot cope with workplaces that demand physical labor. Consequently, while at younger ages the participation rate of Arab males is higher than that of male Jews, at later ages there is a significant decline in Arab participation. A study of the cohort aged 25-34 in 1975 and 45-54 in 1995 shows that while the participation rate of the Jewish men rose from 86% to 89%, Arab participation fell from 94% to 76%. The problem is even more acute later in life, so that by retirement age less than half of Arab men remain in the workforce.

**Lack of appropriate occupational training.** One of the principal reasons for the under-development suffered by Arabs in Israel is the higher education system, which fails to train Arab students with the appropriate skills. Position Paper 4 discusses the condition of the Arab education system, showing that this system produces comparatively few young people able to continue on to further studies. Since the mid-

80s there has been no increase in the numbers of Arab students attending institutions of higher education. Moreover, the number of those receiving sophisticated technological training is even fewer than those graduating with higher education. The problem is all the more acute in an era in which higher education has become a basic demand for employment in the more advanced economic sectors.

However, it must be noted that the situation of the education system does not constitute the sole or even the main explanation for the Arab's economic condition. Research into the labor market in Israel clearly reveals employment discrimination against Arabs, especially in managerial positions and highly-skilled work. Particularly disturbing is the finding that ministries and companies belonging to the government or the Histadrut (labor federation) are the most discriminatory, despite the lip-service that successive governments have paid to employing educated Arabs in public administration and public corporations.

**Inferior physical and economic infrastructures.** Position Paper 2 makes it clear that the majority of Arab settlements are far from being able to integrate into a modern economy. An expression of this, as well as one of the reasons for it, is the poor quality of infrastructures. Persistent neglect by the authorities has led to a situation where many Arab towns and villages still have no central sewage system, no high-voltage power lines for industry, and no proper roads. At the end of the 90s, around half of all Arab localities still had no industrial zones. Even in places where there are such zones, they lack basic infrastructural elements. Additionally, due to the exclusion of Arab settlements from high-priority areas, most industrial enterprises are small-scale family businesses operating in traditional sectors (clothing, food, building materials) and based on outdated technologies.

**Tourism** in the Arab sector, despite its great inherent potential, still lags far behind. There are even cases in which planning has adversely affected tourism, such as Jaffa and Acre. Agriculture, which until the mid-60s was a pivotal economic sector, has been almost totally wiped out. Arab farmers have been discriminated against in the allocation of water quotas and subsidies, and in access to markets in Israel and overseas. Land appropriation, in addition to its direct damage to agriculture, has also limited the options of using this resource for developing new sectors. These conditions explain the over-representation of Arab settlements in the list of high-unemployment areas and poverty (see Position Paper 2).

## **Recommendations for corrective policy**

### **1. Democratization and professionalization of the policy process**

Both the working assumptions and the modus operandi determining policy towards the Arab population must undergo a fundamental change. The "Arab advisor" system must be formally and finally dismantled. Instead of political decision-makers getting behind-the-scenes advice from trusted and exclusively Jewish experts, we propose establishing an Arab Development Authority. The Authority will be staffed by qualified professionals and guided by a Council comprising representatives of the Arab population (including, but not limited to, mayors and MK's) and both Arab and Jewish experts. The council will issue annual reports documenting and diagnosing problems of economic development and employment in the Arab sector, and proposing policy remedies. These reports will resemble the Bank of Israel's Annual Report in offering research findings and authoritative policy analysis, and the State Comptroller's Report in monitoring achievements and failures.

### **2. Equal individual and collective rights of citizenship**

Israel must strengthen its commitment to the principle of citizenship as a basis for universal individual entitlements (social benefits, tax concessions, housing subsidies). A commitment must also be made to parity of expenditure on community needs (education, health and infrastructure): the goal must be "equal budgets for equal needs". Targeted individual benefits must be made transparent and subject to frequent review. Where the criterion of army service has been "tacked onto" systems intended to be universal, it must be detached from them (as happened in 1992/3 in the reform of child allowances). Imitating the "immigrant absorption basket", assistance to soldiers should be converted to a lump-sum benefit or a defined "credit pool" that can be drawn on under specified circumstances. Similarly, legitimate compensation for the hardships of localities exposed to security risks and caught in warfare must be singled out from development subsidies. They too must be made transparent and controllable by conversion to a cash basket instead of diffuse direct and indirect benefits. In parallel, the present system of development incentives must be replaced by a system of aid to distressed areas that is based entirely on economic need and disadvantage irrespective of the nationality of the inhabitants, are financed from a single budget.

### **3. Establishment of a judicial body to prevent discrimination and safeguard equal opportunities**

The goal will be to provide legal assistance to people who believe that their employers or the authorities have discriminated against them. Every citizen will be entitled to obtain assistance from this body. It will carefully investigate the common requirement for a security clearance as a condition of employment, whether salaried or as a contractor. Those restrictions that will be approved will have to be explicitly and clearly defined and acceptable to the public at large. In parallel, a focused, consistent and structured effort must be made to appoint Arab citizens to managerial and professional positions in the civil service, as well as directors of public bodies and members of supervisory councils and advisory bodies, including the Israel Lands Administration and other public bodies responsible for the provision of infrastructure, and in publicly-owned companies with a business orientation. Even without requiring rigid numerical quotas, clear goals must be set such that the presence of Arab citizens in those bodies will reach the ratio of Arabs in the national population, that is, one-sixth.

### **4. Comprehensive reforms of education and occupational training**

The spheres of higher education and research require numerous reforms (see Position Paper 4). In terms of employment, it is most important to encourage young Arabs to pursue academic studies by giving them the same privileges enjoyed by Jewish students in respect to grants and accommodation, without discrimination or preference. In addition, community colleges and a local system of professional training must be established specifically for Arab localities, with the goal of raising the professional level of the young workforce and increasing the employment prospects of those who have dropped out of the job market. In addition, a fund should be set up with the express purpose of encouraging research and development in Arab localities. The R&D center will initially be affiliated with one or more of the existing institutions of higher education. At a later stage, it should be affiliated to one of the Arab community colleges or an Arab university if one is established.

### **5. Infrastructure Development and industrial parks**

A number of industrial parks should be created, to help provide an appropriate infrastructure for local entrepreneurs and to facilitate the relocation of some factories from central Israel. The question of whether they will be regional parks or local parks

must be examined. In the Jewish sector, the tendency has been to establish regional parks that serve the surrounding population in a 40-60 kilometer radius. The local authority should initiate and share in the funding of these parks. In the framework of encouraging small businesses, programs should be developed that will be sensitive to the distinctive needs and problems of Arab entrepreneurs. Furthermore, it is necessary to improve the flow of information about access to financing sources, grants and other incentives to entrepreneurs. An Arabic-language information network should be established to provide information about new business projects, market trends, and laws impacting economic activity. The Ministry of Industry and Commerce needs to enlarge its channels of communication with potential and actual Arab entrepreneurs by disseminating information, organizing conferences and financing research. Additionally there is a need to tighten the connections between Arab entrepreneurs and the wider financial and business community by integrating them into the national economic organizations. It is desirable to establish joint councils of these organizations and representatives of Arab entrepreneurs, that will be charged with investigating the absence of Arab entrepreneurs from the organizations and ways to include them.

## **6. Development of tourism**

Government ministries must assist settlements with tourism potential and be willing to join in outlays on developing and operating tourism infrastructure including sewage and roads. Additional issues are developing tourism attractions based on historical buildings and holy sites, conservation of neighborhoods epitomizing the traditional Arab lifestyle, adventure holidays in nearby nature reserves, and so on. An atmosphere of trust and security should be fostered by financing advertising campaigns, organizing festivals and other events, so as to encourage foreign and Israeli tourists to feel secure while spending time in Arab settlements.

## **7. Compensation for past discrimination**

Even if all of the reforms proposed here are fully and effectively implemented, the Arab sector will still suffer from severe disadvantages because of (a)the cumulative effects of past discrimination, and (b)advantages that the state feels compelled to offer selected Jewish beneficiaries because of security concerns or because of its commitment to Jewish immigration and absorption. The only practical solution is to channel compensatory resources to the Arab sector. The Government must also compensate

Arab individuals and communities for the discrimination that was their lot in the past. These funds should not be part of the normal budgetary system and should not be administered centrally by the usual bureaucracies. Instead, a decentralized model should be adopted that empowers local communities to address their own priority needs.

In conclusion, it is not possible to point to one single trajectory that can guarantee economic growth in the Arab sector. The inclusion of Arab employees and entrepreneurs in a wide range of economic endeavors is vital. Especially important is the development of economic initiatives inside Arab localities that will reduce the dependence of the economically active Arab population on daily commuting to outside employment opportunities. This will improve their economic welfare, cut down the load on road networks, and contribute to the economic vitality of the Arab local authorities. We recommend focusing development efforts on two targets: boosting those sectors where Arab entrepreneurs have established a comparative advantage, such as construction, transportation, and local cuisine; and stimulating Arab penetration into new activities like tourism and new professions in knowledge-intensive industry and communications.

In the final analysis, progress towards economic parity will depend most on the ability of Arab citizens to participate in the same political processes by which other citizens extract resources from democratic states. Control of government ministries and key Knesset committees, extracting budgetary concessions by coalition bargaining, appointing trusted associates to high positions in public corporations, government authorities and ministries are the standard means by which other distinctive Israeli “minorities” have obtained policy changes that favor their sectional interests. Obviously, this cannot happen so long as Arab politicians are excluded from these processes of normal politics.

## **Law, Society and the Arab Population in Israel**

**Dr. Gad Barzilai**, Department of Political Science, Tel-Aviv University

**Dr. Ronen Shamir**, Department of Sociology & Anthropology, Tel-Aviv University

**Dr. Mussa Abu-Ramdan**, Faculty of Law, Haifa University

**Dr. Amal Jamal**, Department of Political Science, Tel-Aviv University

**Prof. Menachem Mautner**, Faculty of Law, Tel-Aviv University

**Dr. Amalia Sa'ar**, Department of Sociology & Anthropology, Haifa University

**Dr. Nadra Shalhoub-Kevorkian**, Institute of Criminology, Faculty of Law, and School of Social Work, the Hebrew University, Jerusalem

### **The current situation: processes and problems**

The still pervasive Jewish perception of the Arab minority in Israel as constituting a “fifth-column” (potential or actual) has shaped, and continues to shape, the legal system’s treatment of the Arab minority specifically in constitutional norms, statutory law and judicial opinions. Kretchmer (1987) provides extensive documentation of the inferior status of the Arab minority in Israeli law. Over the course of the past decade, that documentation has been further validated by other academic studies, and by local and international independent reports initiated by various NGO’s. This inferior status is mainly reflected in:

- Statutory legislation explicitly discriminating between Arabs and Jews, including laws determining the status of the Jewish Agency and the Zionist Federation.
- Laws and regulations discriminating between Arabs and Jews on the basis of concepts such as “new immigrant” and “veteran soldier” (see Position Paper 5 in this report).
- Laws allowing for land expropriation and handling ‘abandoned assets’ that are mostly applied to the Arab population.
- Budgetary legislation discriminating Arabs, including smaller resource allocations for welfare, religion, education, etc.

- Principled judicial decisions, clarifying the constitutional structure of Israel as a Jewish state that tolerates equal rights to Arabs only as long as these do not affect or jeopardize its fundamental constitutional structure.
- Discriminatory practices towards Arab citizens in the criminal justice system, from police interrogation to judicial decisions.
- Police brutality and excessive use of force in containing demonstrations and breaches of order by Palestinians.

Recent research shows that the Arab citizens of Israel see a significant reform in Israeli law, as a necessary prerequisite for their greater accommodation as full citizens of the state. It also seems clear that neglect or failure to address the Palestinians' basic grievances in law may lead to greater frustration and discontent which will in turn be directed against the state and the Jewish majority.

In recent years, jurists and legal scholars emphasized the importance of Israel's "constitutional revolution", anticipating the liberal impact of broadly formulated Basic Laws and ensuing judicial interpretations thereof. Especially following the Ka'adan decision, there is a growing expectation that the incremental allocation of individual rights (for example – in the sphere of land rights) to the Arab minority would bring about greater equality, lesser discriminatory practices, and lesser subjective sense of deprivation experienced by Arabs.

This expectation seems to rest on erroneous grounds. The greater emphasis on individual civil rights cannot bring about a comprehensive change in the social and political status of the Arab population. While granting and securing basic individual civil rights is a precondition to establishing a democratic system, recognition and securing of collective interests are equally essential in any multi-national society. A society with a significant national minority cannot assuage conflicts and heal feelings of deprivation and injustice by recognizing rights on an individual basis alone. A multicultural, advanced nation must also aspire to develop a constitutional and legislative agenda that recognizes and reinforces the legitimacy of the minority's rights needs, and expectations **as a collective**.

Accordingly, the current situation is characterized by a lack of attention to the following issues:

### **1. Equality as a supreme principle**

Despite the interpretation given to the Basic Laws, Israel sorely lacks a clear primary legislation that determines the principle of equality as a supreme basic norm, and explicitly clarifies the Arab minority's civil status as possessing equal rights.

### **2. Social rights**

Recently performed research has elicited that the Arab minority feels a sense of collective discrimination in the social-economic sphere, for example: land appropriation, demolition of buildings, and inequality in employment. Beyond trivial declarations about equal opportunities, the minority's social and economic rights are not anchored in a law, as revealed by the methodical discrimination that it has suffered ever since the state was established. Furthermore, there is no law that is anchored in an international treaty that can improve the lot of that minority.

### **3. Community rights**

Israel lags behind many democratic regimes in all matters pertaining to the recognition of the collective rights of weaker groups within it. Israel is not developing, through legislation and rulings, the rights awarded to an entire minority as a group (for example, in the spheres of education, language, property, cultural conservation, and political representation). Furthermore, that minority is under-represented in Israel's public life, inter alia, in the courts and the State Attorney's Office.

We find it advisable to specify several principles, and to indicate a number of areas for legal activity that urgently require a reexamination.

## **Recommendations for corrective policy**

1. The legal system is an important arena for instilling social norms and for establishing open, definitive, public discourse. Therefore, at the core of our perspective is a recommendation of principle: encouraging the legal system (including its various extensions) to develop – in different forms – “laws and jurisprudence of reconciliation”. This recommendation is grounded on a principle resembling the one adopted by the Australian court in the Mabo decision. There, the Australian Supreme Court had begun to develop a “jurisprudence of regret”, aimed at acknowledging the historical injustice suffered by the continent’s original inhabitants during the European colonizing period. The importance of this approach lies in the willingness to come to terms with the past as an integral part of the effort to establish a more just present and future. The Ka’adan decision, in which the right of the Arab appellant to purchase a house in the exclusively Jewish settlement of Katzir was affirmed, clearly illustrates a still pervasive and unequivocal refusal to discuss past injustices and historical roots for present exclusionary legal situations and structures. The almost principled refusal to address the historical sources of present discontent (first and foremost as a result of massive land appropriations since 1948) is a major obstacle in the way of a developing a reconciliatory, affirmative approach in law. Therefore, two central directions of action are recommended:

- Encouraging the courts to develop a jurisprudence that acknowledges past structural injustices.
- Governmental planning towards establishing quasi-judicial forums and commissions along models developed at other conflict-ridden or ethnically divided countries.

2(a) Position Paper No. 1 of this Report determines that Israel Land Administration, including its legal organs, consistently discriminates against the Arabs (by means of land appropriations, land allocations, preventing settlement, demolishing buildings, and in demarcating municipal space). The problem’s origin and core is the massive transfer of land owned or possessed by Arabs, to formal state ownership. This process took place, in various forms, throughout the two decades since 1948. During that time, the state assumed control over 40-60% of the lands possessed by Palestinians who remained in Israel after 1948. The process, through which Arab citizens of Israel lost

their land remains an unhealed wound, a key factor in the sense of alienation and deprivation experienced by the Arab minority in Israel. A body of law should be developed in order to sever the affinity between the term “state lands” and the term “land of the Jewish people”, turning state owned lands to a public property truly owned by all its citizens. Concurrently, concrete steps must be taken towards acknowledging the injustice and developing mechanisms to rectify it. In particular:

- Establishing mechanisms to compensate for past land appropriations.
- Establishing affirmative, preferential mechanisms in the allocation of land for public use and public development.
- Effecting wide-ranging reforms in the status of the Jewish Agency and the JNF.
- Effecting wide-scale reform in the status and role of the Administrator-General of Abandoned Assets.

2(b) Special attention must be urgently directed to the Bedouin population, especially those Bedouins residing in the Negev in so-called “unrecognized settlements” (see position papers 1,2,3,5 in this report). The Bedouin residents of such settlements are denied basic social services and public utilities and are treated under the provisions of the Law of Planning and Construction as individual law-breakers who built “illegal” houses. This without any regard to the historical roots of the problem, the collective nature of the Bedouin plight, and the Bedouin claims of ownership and possession of land. The result is that legal treatment of the issue of Bedouin land rights is not performed in the realm of theory, principles and values. Rather, it is effected through court deliberations of individual cases of planing and building violations. Our recommendation is to immediately suspend enforcement of the Law of Planning and Construction and to embark upon an alternative route of action aiming at solving the issue at the collective level.

3. To date, little attention has been paid to the issue of inequality between Arabs and Jews in the court system. Comprehensive research (see for example Ratner 1988) reveals the inferior legal status of Arab citizens who are suspected or accused of criminal actions, and indicates that the likelihood of an Arab being convicted is significantly and consistently higher than that of a Jew. Furthermore, there is a greater likelihood for convicted Arabs to be sentenced than there is for their Jewish

counterparts, and in some cases, their prospects are doubled. The findings also elicit that the difference between the two groups - to the detriment of the Arabs – tends to increase as the stages of criminal process proceed towards convictions and sentencing.

In view of the above, we recommend:

- To develop a structured series of training courses and seminars for judges and prosecutors, with the aim of dissolving the psychological, social, and legal boundaries between Jewish and Arab citizens and in order to enhance awareness to the prevalent discrimination.
- To develop a tracking system for assessing the performance of the criminal justice system in cases involving Arab suspects and defendants. Accumulated and processed data will be published periodically. The periodical publications will be sufficiently detailed to provide a picture of the performance of specific agencies, concrete judicial instances, and geographical districts.

4. The severe and violent conflicts of October 2000, between the Israeli police and Israeli citizens from the Arab minority, left thirteen people dead, hundreds injured, and yet hundreds more detained. These incidents, in themselves, left many Arabs and Jews feeling that the life of Arabs are of lesser value than the life of Jews.

Whatever the findings of the Commission of Inquiry appointed in November 2000 to investigate these tragic events, it is abundantly clear that a breakdown has occurred in the police's capability to control demonstrations and violations of public order within the Arab community without resorting to firearms and without risking civilian life. Realizing that mass demonstrations sometimes turn violent, many democratic states train special police units as riot-police, having them specialize in crowd control, dispersal and non-violent containment of violence. The expertise of those units is measured, beyond any other criterion, by their ability to control foci of violence without using firearms, and without incurring loss of life. It is hard to accept the fact that Israel – so experienced in demonstrations by various social groups - still deploy regular military and police units to disperse demonstrations.

We recommend, therefore, an urgent allocation of resources for training highly-skilled and properly-equipped riot police units that will be able to contain demonstrations and mass disorders without using deadly firearms. Intensive training courses must be organized for police officers, in which education for civil, multinational democracy is

combined with dynamic workshops. At the latter, emphasis must be given to confronting anxiety, internal racism, and prejudice, and to explaining the nature of a multinational, multicultural society. Furthermore, we recommend that the Ministry of Internal Security gives serious consideration to the development of community police: that is, units whose composition, at both the field and command levels, reflects the character and structure of the population within which they operate.

5. Finally, we recommend various frameworks of legislation including principles of affirmative action and collective rights in the different areas specified in Position Papers 1 to 5 of this Emergency Report.