

Towards Inclusive Israeli Citizenship

**A New Conceptual Framework for Jewish-Arab Relations
in Israel**

Points for Public Discussion

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The Hay Elyachar House

20 Radak St. 92186, Jerusalem

www.fnst-jerusalem.org

www.jiis.org.il

The statements made and the views expressed are solely the responsibility
of the team members.

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Expert team:

Professor Yitzhak Reiter, Head of the project

Professor Yaacov Bar-Siman-Tov

Dr. Hillel Cohen

Dr. Abigail Jacobson

Dr. Ephraim Lavie

Dr. Kobi Michael (until 2009)

Dr. Sarah Ozacky-Lazar

Dan Pattir

Professor Frances Radai

Dr. Alexander Yakobson

Research assistant and project coordinator, Galit Hazan

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Yitzhak Reiter, Project leader

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Towards Inclusive Israeli Citizenship

A New Conceptual Framework for Jewish-Arab Relations in Israel

Introduction

The founders of the State of Israel had a vision of a state that would fulfill the right of the Jewish people to self-determination and grant full equality to the Arab minority who remained after the conclusion of the 1948 war, their contact with the rest of the Arab nation severed. In the language of the Declaration of Independence:

THE STATE OF ISRAEL ... will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.

WE APPEAL - in the very midst of the onslaught launched against us now for months - to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.

Overshadowed by the regional confrontation facing Israel, the state has deviated from its founders' vision on the matter of equality for Arab citizens as a minority group with individual and collective rights. The circumstances of Israel's establishment, which forced it to confront existential challenges from the start, galvanized its national Jewish character at the expense of a collective sense of citizenship and social cohesiveness throughout the population. The ongoing Arab-Israeli conflict reinforced societal polarization and rising tensions between Jews and Arabs, tensions that in recent years have been straining the social fabric of the country. The Orr Commission, which investigated the root causes of the clashes that erupted in October 2000, found that Israel's various governments

have consistently failed in their policies towards the Arab citizens of Israel. At the same time the Commission also underscored the responsibility of the political leadership and elite of the Arab minority for the state of relations between Jews and Arabs. The Commission's recommendations, however, remain largely unheeded. The leadership and governing institutions still lack clear goals and a strategy – and the consultation and interaction between them and Arab representatives is likewise insufficient – to address this issue.

Between December 2006 and May 2007, leading members of Arab civil society and academia produced a set of “Vision Documents” representing their perspective. The documents were intended as a starting point for self-examination within the Arab public with a view towards shaping its future in the state and holding a dialogue with the Jewish public on this matter. These documents did not fulfill their objective, however, as the discussion that followed proved to be unfruitful. In fact, they contributed somewhat to worsening of Jewish-Arab relations because most of the Jewish public saw them as an expression of extreme positions aimed at erasing the Jewish character of Israel.

The discussion that has taken place over recent years – following the publication of the “Vision Documents” and worsening of Jewish-Arab relations as a result of the second Lebanon war and Operation “Cast Lead,” among other reasons – led us – a group of Jewish Israeli experts from a variety of disciplines – to propose a new conceptual framework for Jewish-Arab relations within Israel. The group's members are of the opinion that internal majority-minority relations cannot be postponed until a resolution of the Israeli-Palestinian conflict – based on the concept of *two states for two peoples* – is found. Ethno-national intergroup tensions in the context of a protracted violent conflict tend to hurt all citizens, members of the national majority and national minority as one.

Our recommendations are primarily relevant to matters for which the Israeli government and the Jewish-Israeli public are responsible. At the same time we believe that the political leadership of the Arab minority also bears responsibility for the difficult state of relations between the two peoples and for enforcement of the law. Moreover, within Israeli public discourse we see an increase in words of enmity and de-legitimization on national grounds between Jews and Arabs, including incitement to break the law. We firmly believe that this destructive trend must be stopped, thoroughly uprooted, and addressed using the force of law.

The group was guided by a Zionist perspective that recognizes the right of the Jewish people to self-determination in the State of Israel, with equality of civil and human rights for all the state's citizens. The group's members chose a perspective of inclusive citizenship because without an all-embracing sense of citizenry, the state's ability to handle external and internal challenges is significantly weakened. The group adopted the view that equality of rights and obligations reinforces the moral strength of society without detracting from the national character of the state because society is internally strong enough to withstand the tension between the national and civil dimensions of statehood. In adopting this view, the members of the group drew on the experience of democratic nation-states whose social and economic success resulted, among other factors, from their cultivation of equal citizenship as a supreme value and uniting force among the various sectors of society, including minorities.

This document proposes **a new conceptual framework for Jewish-Arab relations in Israel**, based on the following principles:

- A. Israel is the state in which the Jewish people exercises its right of self-determination, within the territory of its historical homeland.**
- B. Israel is a democratic state in which the sovereignty belongs to all of its citizens, Jews and Arab alike.**
- C. Arabs in the State of Israel are a national Arab-Palestinian minority entitled to collective rights.**
- D. State policy must be based on equality; that is, all citizens – Jews and Arabs – have equal rights and obligations.**

In formulating the new conceptual framework, we relied on the following postulates:

- A. A decisive majority of Jews and Arabs living in Israel deny the possibility of assimilating the Arab minority within the Jewish majority, object to the minority's departure from the state, and reject the notion of a future Palestinian state annexing the territories in which this minority resides today.

- B. Most of the Arabs living in Israel recognize the right of Jews to self-determination within their homeland.

Based on our aspirations for a more just and egalitarian society, where Jews and Arabs live together on the basis of mutual respect and cooperation, most of the group's recommendations address areas of responsibility within the purview of the Israeli government and Jewish-Israeli public. Naturally the political leadership and elite within the Arab minority has its own areas of responsibility as well.

The new framework for Jewish-Arab relations in Israel presented in this document is based on the concept of *transition from alienated membership in the state to shared and inclusive citizenship for the Arab minority*. This concept reflects the aspiration of group members to reinforce democracy, social civics, stability, and unity within society and to improve the welfare and quality of life of all of Israel's citizens. This conceptual framework reflects our belief in the possibility of realizing these important goals within Israel, a nation-state with full, inclusive citizenship for all its citizens. It is the view of this document's authors that achieving this vision will lead enable both communities – the Jewish majority and the Arab minority – to flourish.¹

1. The Civilian Essence of the State of Israel – A Shared Democratic Framework for All Its Citizens

Implication

Shared citizenship is based on reinforcement of the democratic essence of the state and acceptance of the principle of majority rule, without detracting from the basic rights and freedoms of the minority. Towards this end the state guarantees, constitutionally (or – until the adoption of a constitution – with the

¹ This document is the product of an intellectual exercise by Jewish-Israeli academics over the course of two years. Group members do not share an ideology. The document they composed reflects a collectively acceptable agreement rather than personal opinion; thus not all members of the group necessarily agree with every element of this document.

status of supreme basic rights) the following principles: equality of citizenship and protection of human and civil rights for all; cultural and religious pluralism; enforcement of the law, including laws that prohibit violence, racial incitement, and discrimination; and appropriate inclusion of the minority in public culture.

The Current Situation

The Knesset, elected by and on behalf of all citizens of the state, is the ruling authority by law. In this sense, Israel is a state of all its citizens, who exercise their sovereignty through elections and parliamentary representation. For Arabs in Israel, however, citizenship remains primarily symbolic because of the discrimination they have suffered over the years in various areas and the absence of equal citizenship in practice.

The Proposed Innovation

The model of shared citizenship is expressed through a series of applications, as detailed in this document, in the following areas: formal and public education and the Nationality Law, true equality of rights and obligations aimed at equality in practice – not only symbolic equality – and appropriate representation of the Arab minority in the public sphere and in political and public fora, social and economic rights, civil service, and the media.

✓ Application 1:

The Knesset will develop a constitutional framework that ensures substantive citizenship in accordance with the principles and spirit of this document, including the following:

- Equal citizenship rights in the economic, social, and political domains;
- Appropriate representation for the Arab minority and the opportunity for active participation in political institutions;
- Appropriate inclusion of the Arab minority in public culture;
- Alongside the Law of Return, the State of Israel will develop an immigration policy that views all citizens inclusively and abides by the principles of international law and the cultural, social, and economic needs of the state.

✓ **Application 2:**

The government and civil society organizations will use all means available to them to cultivate public awareness of Israeli citizenship as a collective democratic framework inclusive of all its citizens unconditionally, as detailed in this document.

✓ **Application 3:**

The Israeli education system in all its sectors will teach pluralism using an inclusive core curriculum covering citizenship, democracy, human rights, and multiculturalism and reflecting mutual recognition of Jewish and Arab cultures and of both peoples' ties with the land, as well as respect for the "other" culture, acknowledging that it can be a source of learning and mutual enrichment. The Arabic language will be taught as a second official language from an early level of education within Hebrew-language Jewish schools, and the Hebrew language will be taught within Arab schools.

2. The National Character of the State of Israel

a) The Implication of the Definition of Israel as a Jewish and Democratic State

Implication

The law defines Israel as a "Jewish and democratic" state. The significance of the term "Jewish state" lies in Israel's actualization of the Jewish people's right of self-determination. The term "democratic state" signifies that sovereignty of the state belongs to all its citizens, including the Arab national minority and other groups.

The Current Situation

On 29 November 1947, the United Nations General Assembly adopted Resolution 181 calling for the establishment of two states in the land of Israel/Palestine of the

British Mandate: a Jewish state and an Arab state (this resolution has since been recognized by the PLO as well in its November 1988 summit in Algiers, where it unilaterally declared Palestinian independence).

Israel's Declaration of Independence of 14 May 1948 declared Israel a "Jewish state" and called on the "Jewish people" to contribute to construction of the state.

The state adopted the term "Jewish and democratic state" without defining its content and meaning or addressing its inherent contradictions. The term appears in the following laws:

The 1985 Amendment to Basic Law: The Knesset (Article 7.A(a)) was the first law to include the concept "Jewish and democratic state," holding that any list of candidates for Knesset that rejects this concept cannot participate in elections. The concept of a "Jewish and democratic state" was not defined in the law, though, and it remains open to interpretation. This concept has been repeated in the 1992 laws Basic Law: Human Dignity and Liberty and in Basic Law: Freedom of Occupation, again without defining the term.

The Jewish character of the state of Israel is expressed through its immigration and citizenship/naturalization laws, dominant standing in public culture, the status of the Hebrew language, the relationship between religion and state, and the ties with the Jewish people in the Diaspora. Although there is no basis in law for the interpretation, some see the term "Jewish state" as justifying all-encompassing preferential treatment of Jews, and indeed, over the years discrimination against Arabs has emerged in a range of areas. A reexamination of the meaning and substance of the term "Jewish state" in the context of the state, as recommended in Application 4 below, is therefore warranted.

The Proposed Innovation

Interpretation of the term "Jewish state" must not be used to support discrimination or exclusion of the Arab citizens of Israel. A clear and unequivocal policy is essential to prohibiting use of the Jewish character of the state as a rationale for discrimination on national or religious grounds.

✓ **Application 4:**

National laws that include the term “Jewish and democratic state” will define “Jewish state” as the state that actualizes the right of the Jewish people to national independence and self-determination in its own state of Israel, in accordance with the principles of the state’s Declaration of Independence and as a state that is committed to the principles of human dignity and sanctity of life and to liberty and equality for all its citizens.

b) Arabs in Israel as a National Minority

Implication

The Arab Palestinian citizens are a national minority within Israel. Their status will not change even following the establishment of a Palestinian state alongside Israel.

The Current Situation

The Arab citizens of Israel are a national minority group. Although not defined as such by law, they have collective rights in the following areas: the Arabic language, the Arab educational system, religious courts, representation within civil service and government agencies, and the right to equal governmental budgets in accordance with the ruling of the High Court.

The Proposed Innovation

We propose the constitutional recognition of Arabs as a national minority and an expansion of their collective rights.

✓ **Application 5:**

Arabs will have constitutional standing as a national minority in their state, Israel, and will have the following collective rights: democratic election of leadership; appropriate representation in public culture and events, allocation

of resources, and the setting of state educational goals; self-governance in matters of culture and cultural institutions, language, and religion; the option of autonomous management of the Arab educational system in compliance with the state educational curriculum and framework; the right to determine the use of language and to hold cultural events in municipal spaces managed by local Arab authorities; and participation in establishing the use of the Arab language and holding cultural events within mixed cities.

✓ **Application 6:**

The Arabic language is one of the two official languages of Israel, alongside Hebrew, which is the official language of the majority. The State of Israel will take measures to increase the visibility of the Arabic language in the linguistic and cultural panorama of the state.

3. Rights – True Equality of Rights for the Arab Minority in Civil Matters

Implication

True equality of rights (in practice) for Arab citizens will be implemented, and the government will work continuously to close the social and economic gaps between the two countries.

The Current Situation

Israeli law indeed forbids discrimination on the basis of sex, ethnic origin, race, nationality, religion, etc., but Arab citizens do not in fact enjoy full equality of rights. Discrimination primarily takes place in practical terms, in the unequal application of laws (for example, land tenure laws).

The Proposed Innovation

We propose the delineation of specific areas in which true equality of rights should exist for Arabs, as individual citizens and as a group, and the setting of guidelines for realization of this equality.

✓ Application 7:

The government will take measures to implement equality towards Arab citizens in all areas of public and civil life, including appropriate representation among appointments to public agencies; equitable distribution of public resources by the government and public bodies, gradually closing the gaps that have formed over many years of oppression until full equality is reached. Particular attention should be paid to the educational system, to economic development, including economic enterprises in the Arab sector, and to equal employment in the public sector, including key positions for upward mobility and senior positions (Trustees, CEOs, etc.), implementing affirmative action where Arabs are under-represented. The government will take measures to integrate Arabs in areas that were previously closed to them.

✓ Application 8:

We propose that representatives of the Arab public be included in the government and that Arab parties be encouraged to participate in government coalitions, while, in parallel, the Arab parties accommodate themselves for the process of political integration.

✓ Application 9:

The government will take measures aimed at proportionate representation of Arabs, in accordance with the size of the population, in all entities supported by the government or receiving government funds as a condition for receiving these funds. This will include directorates of public companies.

✓ **Application 10:**

A law will be enacted compelling proportionate representation of Arabs at all levels of media work subject to government regulation: newscasters, reporters, editors, etc., and representation of the Arab population and culture in current affairs and entertainment shows. The government and civil society organizations will take steps to persuade the commercial and private media networks to include and integrate Arab employees.

✓ **Application 11:**

Reform in the areas of land allocation and determination of municipal and planning authorities, including the completion of updated master plans for Arab towns and villages that would allow construction of buildings of varying heights, establishment of a new Arab town, and allocation of lands for industry or residential expansion, all in accordance with planning and environmental considerations, realistic and appropriate compensation – monetary or in kind – for the loss of lands, proportionate Arab representation in planning commissions at all levels, resolution of issues surrounding construction without a permit (including “unrecognized” settlements), and resolution of the conflict over lands claimed by Bedouin in the Negev by means of generous compromise. Alongside progress in resolving these issues, Arab public leadership will support enforcement of the law and work diligently to persuade the public that violation of the law undermines development within Arab communities.

4. Obligations – Equality of Obligations of the Arab Minority

Implication

Full equality among all of Israel’s citizens is also expressed through civic responsibility and civic duties that include commitment to Israel’s democracy based on the principle of majority rule (as long as this does not undermine basic rights and human dignity and liberty) and commitment to the laws of the state.

The Current Situation

One of the main areas of dispute between Jews and Arabs in Israel today is military service or alternative civil service, which grants those who serve various rights and benefits. Currently neither military service nor alternative civil service is required of Arabs in Israel. Consequently their rights are undermined because they do not enjoy the benefits that government bodies grant soldiers upon completion of their service. A system of voluntary civil service for Arab citizens does indeed exist, but Arab leadership opposes this system.

The Proposed Innovation

We propose a reformulation of the system of civil service for Arabs, in cooperation with representatives of the Arab public.

✓ Application 12:

The civil service administration will be restructured – on the basis of consultation between the government and representatives of the Arab minority – as a voluntary service with the same benefits that discharged soldiers receive upon completion of service, commensurate with the length of their service. Arab citizens interested in volunteering for military service will be able to do so in accordance with IDF policy and requirements. Substantive progress on the issue of civil service would greatly contribute to the achievement of true equality for Arab citizens. After coordinating between the civil service administration and Arab leadership and transferring management to Arab public entities, the leadership will take measures to encourage civil service with a view to making it mandatory in the future, in keeping with the principle of equality of obligations among all segments of Israeli society.

5. The Responsibility of Jewish and Arab Leadership to Change the Discourse and Create Mechanisms for Dialogue Between the Majority and Minority

Implication

Change of public discourse and atmosphere is a necessary condition for promoting collective citizenship. Jewish and Arab leaders have the responsibility and ability to affect change and to reframe the public discourse as inclusive and engaging rather than confrontational. As leaders they should take steps to create interaction mechanisms between the national majority and minority groups.

The Current Situation

Israel's Jewish and Arab leaders are engaged in an impassioned discourse in which some have adopted stances denying the legitimate existence of the other national group (e.g., support for the transfer of Arabs or denial of the right of the Jewish people to its own state). Some leaders even employ terminology meant to incite and make racist statements. The leaders' discourse polarizes the two populations they represent, although the decisive majority in both communities seeks proper, respectful relations. Similarly, regular channels of interaction between the leadership and Arab and Jewish civil society is lacking.

The Proposed Innovation

Civil society bodies will monitor leaders' statements in this context and make recommendations for avoiding confrontational dialogue and adopting an inclusive discourse that accommodates the principle of collective citizenship.

✓ Application 13:

In the context of interaction mechanisms as described above, a mechanism will be established for monitoring public discourse and the statements of Jewish and Arab leaders, as well as the media, on matters of Jewish-Arab relations.

✓ **Application 14:**

The legislation prohibiting racist statements will be made stricter and enforcement of this law will be improved. Similarly, a law will be enacted prohibiting words of enmity and de-legitimization on the basis of religion, ethnic origin, or nationality – regardless of the actualization of these words in practice – and sentencing will be designed so as to deter this crime.

6. Implementation and Operationalization Mechanisms

a) A Governmental Public Civil Mechanism with a Budget and Operational Authority

The government will appoint a 40-member civilian Jewish-Arab council comprised of 20 Arabs and 20 Jews. The composition of the council will be determined in consultation with Arab and Jewish political leadership and civil society representatives. The council will have the following responsibilities:

- Formulating proposed legislation for the creation of an authority responsible for equality for the Arab minority;
- Advising government institutions and the Arab minority leadership on matters of Jewish-Arab relations and the pursuit of equality of rights and obligations;
- Serving as a board of directors for the authority responsible for equality for the Arab minority;
- Convening a regular and ongoing discourse with the participation of representatives of the central government and the Arab minority.

b) Legislative and Oversight Mechanisms

- ❖ The Knesset will pass a law establishing an authority responsible for equality and integration of the Arab minority. The law will grant government funding and executive powers to the authority, which will be subject to the oversight

of the public Jewish-Arab council, whose members will form the authority's board of directors. The composition of the authority and its staff will also be determined by the public Jewish-Arab council. The authority will have the following responsibilities:

- Identifying barriers to equality and integration of the Arab population, and activating the bodies authorized to work towards elimination of these barriers;
 - Ensuring that public entities receiving government support integrate Arabs among their management and staff and that equality is maintained between Arabs and Jews in practice;
 - Conducting continuous oversight of leaders' and media statements regarding Arab-Jewish relations and encouraging leaders and the media to adopt an inclusive and engaging discourse rather than an alienating, segregated, and confrontational discourse;
 - Publishing periodic progress reports on its activities;
 - Providing the government and Arab and Jewish public leaders with regularly updated recommendations for promoting the principles contained in this document.
- ❖ The Knesset Internal Affairs and Environment Committee will appoint a subcommittee for the promotion of equality for Arab citizens, which will assist professionals operating in this field. The subcommittee will conduct parliamentary oversight of government activities, the Arab-Jewish public council, and the authority responsible for equality for the Arab minority.

c) The Government

The prime minister will be directly responsible for government handling of the matter of equal rights for Arab citizens and will convene the Jewish-Arab council on a quarterly basis to discuss the measures needed to promote equality.

d) Leadership of the Arab Minority

The Arab political leadership and civil society organizations will take measures to advance a discourse of legitimacy with respect to the Jewish population, ruling institutions, laws of the state, and other principles delineated in this document: encouraging Arab citizens to participate actively in matters of civic responsibility and civic duties; encouraging Arab citizens, local authorities, and civil society organizations to change those social norms that delay the advancement and equality of the Arab population (for example, working to advance the status of women and reduce nepotism within local councils; opposing the violation of construction laws and underpayment of municipal taxes). For the purpose of efficient administration of these activities, Arab organizations will establish a coordinating body to be funded jointly by local Arab authorities and the government.

Appendices:

Appendix A – The Implications of Citizenship

Appendix B – International Treaties on Minority Rights

Appendix C – Examples of Equality and Inequality for the Arab Minority
in Major Areas

Appendix A – The Implications of Citizenship

The term “citizenship” has received a variety of definitions and has been the subject of much discussion in the areas of political philosophy and law. The essence of citizenship as defined for the purposes of this document is as follows:

Citizenship is membership in a political community or super-political community (such as the European Union) and has the following three dimensions:

1. Legal: the guarantee of civil, social, and political rights;
2. Functional: the opportunity to participate actively in political institutions;
3. Psychological-cognitive: laying the foundation for a sense of identity and belonging that contributes to social integration.

Full citizenship in a democratic institution depends on formal and substantive equality of rights and obligations for all citizens.

One of the salient questions regarding the essence of citizenship in a nation-state relates to the tension between the principle of universality and the principle that recognizes the uniqueness of different groups within society. Recognition of the uniqueness of minority groups is evident in the granting of individual rights that enable them to express their unique culture within the context of the majority culture, or in the granting of collective rights to various groups at the expense of the general identity of the state (that is, the identity of the population as a whole or the “nation”). The generally accepted civil duties are payment of taxes, military service, adherence to the law, and demonstration of commitment and loyalty to the democratic political system and to the state.

For further information see:

- Carens, J. H. (2000). *Culture, Citizenship, and Community. A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press.
- Cohen, J. (1999). “Changing Paradigms of Citizenship and the Exclusiveness of the Demos”, *International Sociology*, 14 (3): 245–268.

- Habermas, J. (2001). *The Postnational Constellation. Political Essays*, Pensky M. (ed., trans., intr.), Cambridge (Mass.): MIT Press; Kymlicka, W. and W. Norman (1994). “Return of the Citizen: A Survey of Recent Work on Citizenship Theory”, *Ethics*, 104 (2): 352–381.
- Kymlicka, W. (1995). *Multicultural Citizenship*, Oxford: Oxford University Press.
- Kymlicka, W. (2000). “Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts”, in *Citizenship in Diverse Societies*, W. Kymlicka, W. Norman (eds.), Oxford: Oxford University Press, 1–41.
- Scolnicov, A. *The Right to Religious Freedom: Between group rights and individual rights*, Routledge Research in Human Rights Law 2011.

Appendix B – International Treaties on Minority Rights

For further information on minority rights as addressed in international treaties and other legal instruments, see the following:

International documents related to Minority Rights Protection:

The Council of Europe's Framework Convention for the Protection of National Minorities (1995); <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, last accessed November 22nd 2010.

The United Nation's Universal Declaration of Human Rights (1948); Office of the UN High Commission for Human Rights, <http://www.ohchr.org/en/udhr/pages/introduction.aspx>, last accessed November 22nd 2010.

The United Nation's International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966); Office of the UN High Commission for Human Rights, <http://www2.ohchr.org/english/law/cescr.htm>, last accessed November 22nd 2010.

The United Nation's International Covenant on Civil and Political Rights (ICCPR) (1966); Human Rights Web, <http://www.hrweb.org/legal/cpr.html>, last accessed November 22nd 2010.

The United Nation's Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (1992); UN General Assembly A/RES/47/135, <http://www.un.org/documents/ga/res/47/a47r135.htm>, last accessed November 22nd 2010.

The Organization of Security and Co-operation in Europe (OSCE) Copenhagen Document (1990); OSCE website, http://www.osce.org/documents/odihr/1990/06/13992_en.pdf, last accessed November 22nd 2010.

The Council of Europe's European Charter for Regional or Minority Languages (1998); Council of Europe's website, <http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>, last accessed November 22nd 2010.

The United Nation's Draft Declaration on the Rights of Indigenous Peoples (1994); UN website, <http://www.un.org/esa/socdev/unpfi/en/drip.html>, last accessed November 22nd 2010.

The European Charter of Human Rights (1950); European Parliament website, http://www.europarl.europa.eu/charter/pdf/text_en.pdf, last accessed November 22nd 2010.

Appendix C – Examples of Equality and Inequality for the Arab Minority in Major Areas

(Partial List)

1. Expressions of Self-Determination of the Jewish People in the Definition of the State and the Legal Implications for the Arab Minority in Israel

Number	Area	Laws
1	Symbolic space and public culture	Flag, Emblem, and Anthem Law – 1949
2	Immigration and naturalization/citizenship laws	Law of Return – 1950 Nationality Law – 1952 Nationality and Entry into Israel Law (Temporary Order) – 2003 [NOTE: not necessarily paradigmatic]

2. Equality and Inequality in Areas Not Related to Definition of the State

Number	Area	Issue	Practical Result
1	Military service	Defense Service Law	Most of the Arab population is exempt from military service on a personal basis (not including the Druze and some of the Bedouin); Limited voluntary civil service is available for those interested.
2	Cultural rights	Language	The Arabic language is the second official language and the language of the Arab educational system; The teaching of Arabic in Hebrew schools has not been implemented as required; Its use has been partially implemented in the Knesset, in official forms and signs, in the Book of Statutes, and in street signs in mixed cities.

Number	Area	Issue	Practical Result
		Education	Israel has an official Arabic educational system whose staff is Arab. <i>Arabs</i> have the right to education within the Arabic educational system. Since 2000 the Israeli educational system has included the following objective: “Recognition of the unique language, culture, history, heritage, and tradition of the Arab population and other population groups in the State of Israel and recognition of the equal rights of all of Israel’s citizens.”
		Culture	Arab culture is taught within the Arabic educational system and lived within Arab communities; It is not recognized as part of public culture; There are Arab theaters and museums and Arabic language books and newspapers owned by Arab citizens and organizations.
		Heritage and heritage sites	The Antiquities Law recognizes sites of 300 or more years; it exempts many Ottoman sites from the requirement of preservation. Muslim cemeteries and mosques are suffering from neglect and lack of oversight.
		Religion	A court system exists for minority groups. There is no officially sanctioned institution comparable to the Chief Rabbinate (The Chief Rabbinate of Israel Law – 1980). No <i>mufiti</i> has been recognized to interpret the law; there are no budgeted religious councils; the mosques are subject to the authority of the Ministry of Religious Affairs; and there is no authority to oversee development of non-Jewish holy sites. An Islamic college and a Christian college have been accredited. Two Islamic movements exist, one of which is represented in the Knesset by the Ra’am party.

Number	Area	Issue	Practical Result
		Media	There is a wide range of independent Arabic press, including radio. There is no Arab-controlled television station, but there is regular Arabic programming on the official state channel.
3	Political rights	Legal standing	<p>The state is defined as Jewish and democratic in two 1992 Basic Laws. The law holds that, “A list of candidates will not be included in Knesset elections, nor will any individual be regarded as a candidate, if the list or individual has an objective or has participated in an activity that includes, explicitly or implicitly, any of the following: denial of Israel’s existence as a Jewish and democratic state; racial incitement; support for armed struggle by an enemy state or terrorist organization against Israel.” [Unofficial translation] (To date, however, the Supreme Court has not approved the invalidation of any Arab political party.)</p> <p>Legal and constitutional documents do not recognize the Arab population as having national minority status; nor do they recognize any ruling entities within the Arab population. Legislation has called for affirmative action within government agencies and civil service; The High Court of Justice requires appropriate representation among public appointments and obligates the state to allocate the budget on a proportionately egalitarian basis; there are legislative proposals to require candidates for citizenship to take an oath of loyalty to the state as a Jewish and democratic state.</p>

Number	Area	Issue	Practical Result
		Parliamentary representation	Arab political parties have proportionate representation without quota or reinforcement. They are represented within Knesset committees and in the position of one of the deputy chairmen of the Knesset.
		Representation in centers of power	There has been no Arab representation in government, with the exception of one Arab minister in the Olmert government (2006-2009); since 2004 there has been one Arab judge in the Supreme Court; there is no Arab in the committee that selects judges; overall only 5% of judges are Arab (primarily in the lower courts); there is no proportionate representation of Arabs in the media.
		Parliamentary influence on policymaking	Minimal influence as a result of non-representation in governmental coalitions.
		Individual rights of equality	By law there is a right of equality in matters of employment, consumerism, services, and entry to places of entertainment and public places, without discrimination on the basis of race, religion or religious group, nationality, country of origin, belief, political affiliation, or military reserve service; the right to equality of political, civil, and social rights is recognized under the Basic Law: Human Dignity and Liberty, whose implementation is overseen by the High Court of Justice. Discrimination does take place in the implementation of the right to equality, but there is a right of appeal to the court system.

Number	Area	Issue	Practical Result
		Political liberties	The liberties exist, with limits as legislated on matters of immunity, expression, and travel to certain Arab countries (laws on incitement and emergency by-laws travel abroad).
4	Land	Confiscation and compensation	The Absentee Property Law deals with the property of refugees, some of whom reside in Israel, and confiscations through 1976, providing for relatively low levels of compensation.
		Land allocation and control	Unequal allocation, lack of territories subject to the jurisdiction of Arab residential and industrial zones.
		Representation in policymaking	World Zionist Organization – Jewish Agency (Status) Law, 5713-1952, grants legal rights in land issues to world Jewish organizations. The representation is minimal: two of 31 in the Israel Land Administration and one in the Jewish National Fund.
		Restitution of land	There is no recognition of demands for the restitution of land or repatriation of internally displaced persons to their homes (Ikrit & Biram).
		Planning and construction	Shortage of master-plans, lack of representation in the national council, and under-representation in the regional councils.
		Settlement	The state recognizes the establishment of Jewish settlements only. Not a single Arab settlement has been established (with the exception of Bedouin construction).
		Unique problems	Ownership disputes over Bedouin lands in the Negev; Dozens of unrecognized settlements; Problematic enforcement on matters of illegal construction

Number	Area	Issue	Practical Result
5	Economic and social rights	Employment	Unspoken discrimination takes place in the private and public sectors. Unequal pay.
		Government budgeting	Only 4% of the development budget.
		Civil Service	Legislation from 2000 requires appropriate representation; Government Companies Law, 5735-1975; Civil Service Law (Appointments), 1959; 5.8% of civil servants (primarily in low-level positions); dozens of positions (only) appointed each year as part of affirmative action.
		Housing	Almost no public housing construction; discrimination in housing assistance.
		Welfare	The number of Arab citizens below the poverty line is double the number of non-Orthodox Jewish citizens.
		Higher education	9% of university students are Arab; under-representation among faculty and minimal representation among the administrative staff.
6	Link to the Arab world		There is a link with countries that are party to a peace agreement; pilgrimage to Mecca is permitted; Arab-Israeli entities have links with the Arab League.
7	Enforcement of the law	Inequality	Inequality surfaces at times in the form of non-enforcement of the law and at times in the form of violent over-enforcement, such as during control of demonstrations and destruction of illegally constructed housing.

Number	Area	Issue	Practical Result
8	Treatment by the Jewish society	Media and public discourse	Hostile treatment by Jewish government ministers, Knesset members, and public figures. A large number of non-governmental organizations struggle against discrimination. In addition, the Equal Employment Opportunity Commission, in cooperation with Arab members of the advisory council, works for the eradication of discrimination against Arabs in the workplace. At times Arab Knesset members have also used harsh rhetoric against state institutions.

3. The Closing of Gaps Since the 1990s

A slow (but steady) process of closing the gaps between Arabs and Jews has taken place over the past two decades, as indicated by the following examples:

Number	Area	Issue	Practical Result
1	Cultural rights	Language	An Academy for the Arabic Language has been established; The National Roads Authority signs include Arabic; Street signs in mixed cities.
		Education	Arab heritage and equality of rights were included as educational goals in 2000.
		Religion	An Islamic college and a Christian college received accreditation.
		Media	Arabic radio station (Al-Shams)

Number	Area	Issue	Practical Result
2	Political rights	Representation	Legislation making representation in directorates and civil service mandatory; High Court of Justice rulings on government budgeting and representation in the Israel Land Administration and the Jewish National Fund.
		Representation in centers of power	An Arab judge in the Supreme Court.
3	Land	Confiscation and compensation	During the 1990s lands that had been confiscated in 1976 and not used were returned to their owners.
		Allocation and control	The Israel Land Administration took a decision to allocate lands to Arabs for public needs without rental fees; Areas of jurisdiction of settlements in the Triangle (Al-Ruha) and Galilee (Yafia) were expanded.
		Political representation	Two Arab appointments to the Israel Land Administration and one appointment to the Jewish National Fund.
		Planning and construction	Gradual progress in the preparation of a master plan; establishment of regional planning commission in the Triangle and the Galilee.
		Settlement	The High Court of Justice rules that government lands cannot be allocated for Jewish settlement only.
		Unique problems	All unrecognized settlements in the north were recognized, and the regional council of Abu-Basma, which includes eight such settlements in the Negev, was established.

Number	Area	Issue	Practical Result
4	Economic and social rights	Economic development	Arab settlements were made partners in ownership of industrial zones in the north.
		Government budgeting	During 2001-2004, a four-billion NIS program increased development budgets by approximately 50%. The situation returned to its previous state in 2005; Nearly equal municipal budgets; significant closing of the gap in the educational budget; all settlements connected to a sewage system; greater investment in roads, clinics, and classrooms following the State Comptroller's 2002 report; discrimination eliminated in neighborhood renovation, national priority areas, and the educational Shahar program.
		Civil service	Moderate increase in the number of civil servants and appointments to senior positions; a minister in the Olmert government (2006-2009), director-general of the Interior Ministry in the Sharon government (2001-2005), an Arab ambassador, and integration of Arab diplomats; appropriate representation under legislation from 2000: the Government Companies Law, 5735-1975; Civil Service Law (Appointments), 1959.
		Welfare	The discrimination that had existed until 1994 against those who did not complete military service and those who did not study in a yeshiva was eliminated.
		Higher education	Increase in the number of Arab students and the number and promotion of Arab faculty; an Arab vice chancellor has been appointed (at Haifa University)