האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في إسرائيل
The Association for Civil Rights in Israel

The Project for Democracy – Fighting for the Ground Rules

Chapter Two: The Arab Minority

Introduction: A decade after the events of October 2000: Time to erase the blemish

One of the most important principles in a democracy is to protect the minority against the tyranny of the majority. A democratic state is by nature pluralistic and respectful of diversity among its citizens, and enables each group within its population that so wishes to maintain all the components of its own identity, including its heritage, culture, and national identity. In a democracy, every minority group has the right to express its own narrative concerning the past and its own vision of the future, even if these differ from or challenge the narratives of the majority. A democracy does not condition citizens' rights on declarations of agreement or "loyalty" to certain ideas and opinions. All the above are basic principles of substantive democracy.

The attitude of the State of Israel toward Arab citizens contradicts these democratic principles. Many Jewish citizens and many of their elected representatives believe that Arab citizens of Israel are entitled to equality and to protection of their rights only on condition that they abandon their national identity, culture, language, and historical heritage, and declare their "loyalty" to values they do not share.

The events of October 2000, exactly one decade ago, were a particularly sharp and painful manifestation of the complex relationship between the State of Israel and the Arab minority that lives in this country. During these events, 13 Arabs were killed, including 12 Israeli citizens and one resident of the Occupied Territories. None of the policemen involved in these events has been prosecuted. This reality created a grave sense among Arab citizens that they could be injured with impunity, seriously damaging the already fragile trust between the Arab minority and the state. These events are a chilling illustration of the possible outcomes of ongoing discrimination and injury to a minority group. October 2000 added a new layer of pain, offense, and mistrust to the relations between the state and the Arab minority, leaving an open wound that has yet to heal. From the standpoint of the Arab public, the lesson of October 2000 was that the state will not hesitate to employ lethal violence against its Arab citizens if they fail to act in accordance with its policies.

The investigation of the events of October 2000 by the Ministry of Justice's Police Investigation Department (PID) was marred by grave defects. Justice was not done,

and no-one was called to account for their actions. The failure to prosecute those responsible for the killing of the Arab citizens exacerbates the mistrust that dominates the relationship between the Arab minority and the state; impairs the status of the Arab minority and leads to a negligent attitude to Arab lives; weakens the rule of law in the State of Israel; delegitimizes protests; and constitutes a blemish that will continue to mar Israeli democracy.

The Or Commission, a state commission of inquiry, was established to investigate the events of October 2000. The commission's recommendations offered the state a historic opportunity to redefine its attitude to the Arab minority that lives in Israel; to acknowledge the needs and rights of this minority; to repair injured trust; and to correct the course of the relationship with the Arab minority. Ten years after these events, however, the State of Israel does not seem to have internalized the commission's conclusions, since its attitude toward the Arab minority has only worsened.

Over the past two years, in particular, we have seen an unprecedented deterioration in the attitude of the state toward the Arab citizens. This has been manifested in discriminatory proposed laws; attacks on freedom of expression and political activity; racist statements by public figures; a hostile approach by the police and the law enforcement bodies; policy based mainly on force; and ongoing discrimination against the Arab public in the allocation of budgets and resources. Alongside these attacks, as growing attempt is being made to force Arab citizens to meet inherently antidemocratic tests of "loyalty." Since October 2000, dozens of Arab citizens have been killed by the security forces. In most cases, those responsible have not been prosecuted; in a minority of cases, offenders have received relatively light penalties that do not reflect the gravity of their actions or proper respect for the sanctity of human life. These developments further jeopardize the chance of building trust between the state and the Arab minority, leading instead to deterioration, extremism, and pessimism.

Minorities and democracy

A distinction is conventionally made between two perceptions or dimensions of democracy – formal democracy and substantive democracy. Formal democracy relates to the decision-making process by the state. According to the formal perception, a democracy is a regime in which all citizens above a certain age can freely elect their representatives to the government once every few years. During the periods between elections, the elected representatives manage the affairs of state in accordance with the choice of the majority. Majority rule is a central value in formal, minimalist democracy, while human rights – and particularly the human rights of minorities – depend largely on the good will of the majority.

However, maintaining these formal principles does not, in itself, guarantee the presence of **substantive** democracy. The approach of substantive democracy developed on the basis of the perception that the state exists to serve those who live in it, and not vice versa. From this perspective, the essence of the democratic regime depends on the realization of values of human and civil rights, on the basis of a recognition of human worth, dignity, and liberty; the equality of all humans; and the fact that all humans enjoy fundamental rights. According to this approach, conflicts between protecting human rights and the determination of the majority are a natural and substantive expression of two vital democratic elements.

A fundamental principle of substantive democracy is the protection of minority rights in the face of the tyranny of the majority. Moreover, in a substantive democracy, the state and the ruling majority understand the need and right of minorities to maintain their unique identity – national, religious, ethnic, or other, their heritage, and their culture, and protect this right. This is an essential condition for trust between the minority and the majority and for creating a foundation for discussion of the relationship between the different groups that live in the state.

The relationship between a majority and a minority is complex, and the relationship between the Jewish majority and the Arab minority in Israel, with its own unique history, is particularly complex (see the Report of the Or Commission, Part One, Chapter A, in Hebrew). Since the establishment of the State of Israel, approximately 20 percent of the state's citizens have faced systematic and institutionalized

discrimination. The long-standing policy of strengthening the Jewish majority, enacting legislation that distinguishes between Jews and Arabs, allocating resources on a discriminatory basis, and implementing a power-based approach to the Arab minority (an approach that reached its peak in the events of October 2000) has heightened the sense of alienation and mistrust among the Arab minority.

It is important to note that the Arabs in Israel constitute not only a minority, but an indigenous people – that is, a minority that was present before the establishment of the current political entity. This status was recognized, inter alia, in the Report of the Or Commission (Part One, Chapter A, Section 5, in Hebrew). An indigenous minority, as distinct from an immigrant minority, bears a stronger affinity to the local land and history, and views the country (though not necessarily the state) as its historical homeland. International law has enshrined the rights of minorities in general, and of indigenous minorities in particular, notably the right to equality, the right to property, and the right to maintain cultural identity, in a series of conventions and declarations to which the State of Israel is committed.

A democratic state does not demand that a minority – and certainly an indigenous minority with the history and circumstances of that which is present in Israel – forego its identity in order to receive rights. An understanding on the part of the Jewish majority, and on the part of the institutions of state, of the indigenous affinity between the Arabs in Israel and this country is critical in order to build relations of trust between the state and the Arab minority. It is also critical to understand the manner in which the Arab minority perceives its identity, as well as natural affinity – in historical, national, social, and familial terms – with the Palestinian residents of the Territories and with the Arab inhabitants of neighboring countries.

Identity and loyalty

During the campaign ahead of the Knesset elections in February 2009, the main slogan of the Israel Beiteinu party was "No citizenship without loyalty." Most of the Jewish public in Israel were apathetic to this slogan, while certain sections responded to it with great enthusiasm. After the elections, this slogan was manifested in practical terms in the form of offensive legislative proposals seeking to condition the rights of Arab citizens on acceptance of the "Zionist narrative" and on their proving "loyalty" to the Jewish state and the Zionist vision. These demands are contrary to the basic tenet of democracy that human rights are not conditioned in any manner.

The following are some of these proposals:

- The "Nakba Law:"[1] In May 2009, the government supported a proposed law prohibiting the marking of the Nakba, and establishing a penalty of imprisonment for those doing so. In March 2010, a mitigated version of the proposed law was passed in its First Reading. The new version states that the government may deny state funding to bodies that mark the Nakba. In similar spirit, Finance Minister Yuval Steinitz announced in May that "we must find a way to revoke the citizenship of those who mourn the establishment of the state."

- The "Loyalty to Israel Law:"[2] According to this proposed law, tabled at the beginning of April 2009 by MK David Rotem (Israel Beiteinu) and others, receipt of Israeli citizenship will be conditioned on the signing of a declaration of loyalty "to the State of Israel as a Jewish, Zionist, and democratic state, to its emblems and values." The proposed law imposed the obligation of military service, or service in alternative frameworks, on all citizens, and empowered the interior minister to revoke the citizenship of any person who fails to sign the declaration or to perform national service. At the end of May 2009, the Ministerial Committee for Legislative Affairs decided to reject the proposed

[1] Proposed Independence Day Law (Amendment – Prohibition of Marking Independence Day or the Establishment of the State of Israel as a Day of Mourning), 5769-2009.

[2] Proposed Citizenship Law (Amendment – Declaration of Loyalty), 5769-2009.

law. In July 2010, a further attempt was made to promote this proposed law, which was brought before the government for approval during a discussion on the subject of conversion. Discussion of the proposed law was postponed due to the objection of Minister Dan Meridor.

- Declaration of loyalty by members of Knesset:[3] According to the proposed law tabled by MK David Rotem (Israel Beiteinu) and others, after the words "the State of Israel" in the present oath of loyalty for members of Knesset, the following will be added: "as a Jewish, Zionist, and democratic state, to its values and emblems." The proposed law is currently awaiting approval by the coalition factions before being forwarded to the Ministerial Committee for Legislative Affairs. To date, no progress has been made in advancing this proposal.

- The "Citizenship Law:" In July 2010, the validity of this law, which denies receipt of status in Israel for partners of Israeli citizens who [the partners] are Palestinians or citizens of Arab states, was extended for the sixth time. Despite the criticism of this law by the Supreme Court, due to the severe injury it causes to the constitutional right of Israeli citizens to family life and to equality, and despite the state's claim that this is a purely temporary provision, it has repeatedly been extended. In the meantime, MK David Rotem (Israel Beiteinu) and 44 other Members of Knesset recently tabled a proposed law seeking to restrict the ability of the Supreme Court to discuss the Citizenship Law.

These legislative initiatives are racist insofar as they are directed – overly or implicitly – at one section of the population alone. Moreover, they ignore the unique status of Arab citizens as an ethnic minority, and undermine the legitimacy of this minority. They violate not only the right of Arab citizens to equality, dignity, and freedom of expression, but also their right to maintain their unique historical, national, and cultural characteristics, including their affinity to the residents of the region. In a democratic state, everyone has the right to hold and express their own views and

[3] Proposed Basic Law: The Knesset (Amendment – Declaration of Loyalty by a Member of Knesset).

opinions. In a democratic state, any minority group has the right to express its collective identity, narrative, and vision, even if these differ from those of the majority group. A democracy does not condition the rights of its citizens – such as the right to citizenship, the right to equality, or the right to vote and to be elected – on declarations of agreement or "loyalty" to specific opinions and positions. It certainly does not present its citizens repeatedly with various tests that reflect no more than the manner in which a given public figure happens to perceive the essence of loyalty. Yet despite all this, Many Jewish citizens and many of their elected representatives believe that Arab citizens of Israel are entitled to equality and to protection of their rights only on condition that they abandon their national identity, culture, language, and historical heritage, and declare their "loyalty" to values they do not share.

Dr. Orit Kamir writes: "No democratic state demands loyalty of its citizens. Syria, Egypt, and Jordan are not democracies; Israel has never compared itself to these countries in any matter relating to democratic propriety. The same is true of Saudi Arabia, Libya, and Yemen. By contrast, in the United States, in France, and in any other democratic state, citizens are free to think and believe as they wish. Their state does not demand an oath of loyalty from them, and does not condition their continued citizenship on such an oath. Every state, including Israel, prohibits acts of treason, such as spying and contacts with the enemy. They prohibit acts of violence, incitement, and tax evasion. But these are **actions**, not thoughts or beliefs. Injury to freedom of thought, conscience, and belief is a fundamental and extremely grave injury to the foundations of the democratic system and, accordingly, all those who cherish democracy will oppose such injury and fight against it to their last breath."

Roi Konfino and Prof. Mordechai Kremnitzer of the Israel Democracy Institute offer a similar explanation: "Why, then, is it almost impossible to find democratic states that have introduced declarations of loyalty for their citizens? The reason presumably lies in freedom of conscience and belief. Democratic states prohibit actions that reflect a lack of loyalty to the state, such as treason or espionage, but the liberal democratic approach abhors restrictions relating to thoughts or beliefs. This is, perhaps, the primary and most central distinction between a liberal democracy, which enables the

individual to think freely and to believe whatever he or she wishes, and a totalitarian state, which uses the 'Big Brother' to attempt to control the thoughts of its citizens. In a liberal state, therefore, defined acts of espionage or aiding the enemy, which reflect a lack of loyalty to the state, should be prohibited, but the demand to identify with the state on the level of belief and thought is an improper one."

In this context, it is also worth quoting remarks made by MK Menachem Eliezer Moses, chairperson of United Torah Judaism faction, regarding the proposed law mentioned above seeking to amend the oath of members of Knesset. Arutz Sheva quoted MK Moses as explaining: "I don't see why 'Zionism' has come in here in the middle. I pray to Zion three times a day, but this seems to me like a law of the thought police. And what if someone takes the oath – does that mean that in their heart they [agree]? This is a law that seeks to deny Arabs and Haredim the right to serve as members of Knesset."

In addition to the conditioning of rights on "loyalty," demands have also been made to condition the rights of Arab citizens to benefits provided by the National Insurance Institute, on the basis of the slogan "no rights without obligations." Recent examples include the decision to condition acceptance to the Foreign Ministry's cadet course on military or national service, and the granting of benefits to released soldiers in institutions of higher education. It should be recalled that Arab citizens – like Haredim and people with disabilities – are exempt from military service by law; neither are they obliged to perform alternative civilian service. More importantly, however, a democracy does not present its citizens with conditions for enjoying basic rights, and does not discriminate among citizens. In this context, it should be noted that, in 2006, the Haifa District Court ruled in a petition submitted by Adalah that the use of military service as a criterion in acceptance to student dormitories discriminates against Arab students and should be abolished. It is important to understand that the demand for citizens to declare allegiance to the State of Israel as a Jewish state (as if there were a single monolithic perception of the Jewish nature of the state); to the Zionist vision (as if there were a single monolithic definition of this vision); and to the narrative of the Jewish majority (as if there were a single monolithic narrative accepted by all the Jewish citizens) is tantamount to a demand

for Arab citizens to erase their own identity and deny their past. At the same time, these same demands are also (indirectly) imposed on Jewish citizens, reflecting an imaginary consensus within the majority group regarding these issues. In terms of their impact on the general public, the demands for Arab citizens to meet various tests also delegitimize the Arab population in general, depicting it as an enemy and as a group that may be injured at any time, with all the dangers this entails. These demands have been accompanied by additional steps intended to deny Arab identity, silence the Palestinian narrative in the education system, and remove the Arabic language and Arabic place names from urban and interurban signs.

Another dimension of this phenomenon is the restriction of the scope of democratic action open to the Arab public, particularly when this action is inconsistent with the ostensible consensus regarding the narratives, principles, and values of the Zionist-Jewish majority. This restriction is part of general trend to limit freedom of expression and to harass demonstrators and human rights activists, as discussed in detail in the last chapter of this report. However, this trend is manifested much more severely with regard to the Arab minority: refusal to grant permits for demonstrations, the violent dispersal of demonstrations, arrests, and the summons of activists to "warning conversations" with the police or the GSS are just a few of the more common examples. These phenomena are intensified during periods of crisis, such as during the war in the Gaza Strip at the beginning of 2009, and following the flotilla to Gaza in May 2010. Yet it is precisely during such periods that it is particularly vital to maintain freedom of expression and protest, and particularly the freedom of the minority. A substantive democracy is judged by its ability to contain the minority and its right to express opinions and positions that may be unpopular with the majority, and to act through legal means to realize these opinions and positions. Time after time, the Israeli authorities have failed in this test.

It is not impossible to improve the trust between the various arms of the state and the Arab citizens. This will be achieved if the Jewish majority, and its representatives in positions of power, understand that democracy entails an obligation to enable the Arab minority to maintain its identity, heritage, and culture, and if they abandon the desire to control the life of the Arab population and to impose on it alien values that

it does not share. In this context, it is also worth mentioning the comments by Minister Dan Meridor during a debate on one of the proposed laws mentioned above: "Why do we need to add the word 'Jewish' to every proposal and to show the Arab citizens that it does not belong to them? And then people wonder why they are adopting more extreme positions. Some people here… why do need to make things harsher and more severe all the time? The majority does not need to remind the minority all the time that it is a minority." Rather than raising improper and impractical demands for Arab citizens to identify with the Jewish identity of Israel and with the symbols of the Jewish nation as common national symbols, an effort should be made to promote solidarity and identity on a civil and egalitarian basis. The minority should enjoy all the legal and democratic courses of action and expression provided in any reasonable democracy.

Delegitimization of the elected representatives of the Arab public

"Some Members of Knesset direct their actions according to popular sentiments, thereby giving Israel the image of an Apartheid state on the international arena. [These Members of Knesset] create an improper discourse between Jews and Arabs in the Knesset, which also has ramifications in terms of the conflict that already exists within Israeli society."

Knesset Speaker Reuven Rivlin, quoted on the Ha'aretz website, August 3, 2010

A further dimension of the exclusion of Arab citizens in Israel is the worsening delegitimization of their participation in social and political life. An example of this can be found in the decision of the Central Election Committee at the beginning of 2009 to disqualify two Arab parties (the National Democratic Alliance, known as Balad, and the United Arab List – Arab Movement for Renewal or UAL-ARM) from standing for the Knesset elections. Although the decision was overturned by the Supreme Court, the attempt to exclude the representatives of a national minority from the Knesset, to silence voices, and to impair the right to vote and to be elected

constituted an attack not only on the Arab minority itself, but also on the democratic system.

The delegitimization of the elected representatives of the Arab public has also been manifested in comments by Members of Knesset and other public officials directed at the Arab public in general and at its representatives, who were elected lawfully in democratic elections. These comments included repeated accusations of treason, aiding and abetting the enemies of the state, and attempts to injure its security. In many cases, the comments included explicit or implicit threats to harm certain members of Knesset. Many of the comments also seek to create an affinity between the fact that the majority of the Arab citizens do not support the policy of the Israeli government, particularly with regard to the occupation of the Territories and the attitude toward the Palestinian people, and their right to enjoy the rights due to all citizens and to Members of Knesset. Such comments imply that acceptance of the majority position is a condition for enjoying rights in a democracy.

Many examples could be brought to illustrate this anti-democratic atmosphere. The following are no more than a representative sample:

In May 2009, following comments by MK Ahmad Tibi (UAL-ARM) to the effect that Jerusalem Day is a "fiction," MK Michael Ben-Ari (National Union) remarked that "Tibi is a Trojan horse and should be imprisoned." MK Zevulun Orlev (of the Jewish Home party) stated that "if Ahmad Tibi does not recognize the law, the question should be asked as to why the law should recognize him as a member of Knesset."

In July 2009, Infrastructures Minister Uzi Landau (Israel Beiteinu) refused to meet MK Talib a-Sana (URM-ARM), who wished to discuss the ministry's policies with regard to the Bedouin population in the Negev. Minister Landau explained that his refusal was due to the fact that MK A-Sana had declined to condemn the terror attacks committed by Hamas. He added that he does not consider A-Sana a representative of the Arab or Bedouin sector.

MK Yulia Shamalov-Berkovich (Kadima) also joined in the attacks. In an interview (NRG-local), for example, she commented on the Arab Members of Knesset, claiming

that “these members of Knesset have no place in the Knesset.” She also announced her intention “to do everything to ensure that they will not be in the Knesset.”

In May 2010, a further worsening was seen in the delegitimization of Arab public representatives. The Knesset Committee discussed a request to remove the parliamentary immunity and privileges of six members of Knesset who traveled to Libya and met with President Muammar Gaddafi. The chairperson of the committee, MK Yariv Levin (Likud), commented during the discussion on the visit to Turkey by MK Zuabi ahead of the flotilla to the Gaza Strip. Levin stated that “someone who sails to Hamas should be flown out of the Knesset.” It should be noted that Knesset Speaker Reuven Rivlin (Likud) opposed the convening of the committee, noting that “the use of the Knesset Committee, which is a clearly political body, in order to perform justice constitutes a course that bypasses democracy, and sets a highly dangerous precedent.”

However, all these comments were merely the prelude to the aggressive attacks against MK Zuabi following her participation in the flotilla to the Gaza Strip at the end of May. In July, the Knesset Committee decided to revoke MK Zuabi’s privileges, by a majority of 34 members of Knesset to 16. Those opposing the proposal included MK Dan Meridor (Likud), while MKs Benny Begin and Reuven Rivlin, also both of the Likud, abstained. MK Ben Ari, who initiated the proposal, stated: “We have taken the privileges from Zuabi on the way to her expulsion from the Knesset. The next in line is MK Ahmad Tibi.” On another occasion, Ben Ari commented that “in any normal country, Ahmad Tibi would be breathing in the grass from the underneath side.”

It should be noted that at the end of August, MK Eitan Cabel (Labor), together with others including former MKs Ami Ayalon and Amram Mitzna, submitted a Supreme Court petition demanding the reinstatement of MK Zuabi’s privileges. “MK Zuabi and her irritating opinions cannot threaten Israeli democracy. By contrast, the removal of her privileges as a member of Knesset constitutes a tangible injury to democracy,” the petition noted. The petition is pending.

Those members of Knesset who voted in favor of revoking MK Zuabi's privileges have evidently forgotten that, in a proper democracy, members of parliament do not punish each other for performing their function as public representatives, even if they represent a public whose positions vary or are opposed to those of the majority. Freedom of expression in a democracy entitles people to debate issues vigorously – and the Knesset is the central arena where this takes place; but it does not entitle them to silence each other. MK Zuabi came to the Knesset as the public representative of citizens who enjoy equal rights, have their own opinions, and enjoy the right to vote. It is unthinkable that her status as a member of Knesset should be impaired purely on the basis of a decision by politicians who disagree with her opinions. Unless a violation of the law is involved (and this is a matter for the law enforcement agencies to determine), Arab members of Knesset, just like any other members, enjoy the right to continue to express and manifest their opinions. It is of no consequence whether their comments and actions enjoy widespread support or are considered outrageous by many citizens.

The events surrounding the Gaza flotilla created a tidal wave of attacks and challenges to the Arab Members of Knesset. A week after the incident, MK Danny Danon (Likud) initiated a discussion by the Knesset Legislation Committee of a new proposed law that came to be known as the "Zuabi Law." The proposal stated that members of Knesset would be able to decide, by a special majority of 80 members, to expel one of their members who was found to have committed incitement and negated the existence of the State of Israel as a Jewish and democratic state. The Ministerial Committee for Legislative Affairs eventually decided to postpone the processing of the proposed law, which has since not been advanced.

Apart from the inherently problematic nature of the decision to revoke parliamentary privileges and of MK Danon's proposed law, however, a particularly alarming feature is the gross and violent conduct of members of Knesset during the course of this affair. In a Knesset debate on the Gaza flotilla, for example, numerous members of Knesset attempted to prevent MK Zuabi (Balad) from speaking. MK Miri Regev (Likud) shouted at her "Go to Gaza, traitor." MK Shamalov-Berkovich (Kadima) made a vulgar play on words based on MK Zuabi's name, while MK Anastasia

Michaeli (Israel Beiteinu) tried to remove MK Zuabi from the podium by force, and the debate almost descended into physical violence. Later, in an interview for the regional station Radio Darom, MK Michaeli stated that she would be "very glad to consult with Vladimir Putin. That guy knows how to deal with traitors and we need to learn those methods right away." Interior Minister Eli Yishai (Shas) announced that he had contacted the attorney general and requested that, if MK Zuabi's parliamentary immunity were revoked, her citizenship could also be nullified, in view of what he described as "a deliberate act of treason."

The regrettable behavior described above is just part of the unprecedented deterioration in the current Knesset in all aspects relating to respect for the democratic process. Comments and actions such as those described above convey the message that the Arab public in general is considered an enemy that should be marked, excluded, and discriminated against; restrict the freedom of expression and freedom of social and political action of Arab citizens; and thwart their chance to secure full civil equality in the State of Israel. Moreover, these trends exacerbate the existing alienation between the Arab public and the state, diminishing the chances of understanding, dialogue, and peace taking hold between Jews and Arabs.

Finally, all the examples presented here reflect a misunderstanding of the basic principles of democracy and of the need to protect freedom of political expression, particularly that of elected representatives; to protect the right of a minority to representation and to express its own voice; and the importance of proper parliamentary behavior. Some of the positions and comments made by Arab members of Knesset undoubtedly touch raw nerves among many Jewish citizens. However, this cannot justify the restriction of their right to vote or to be elected. Nor, once they have been elected, can it deny them the right to speak and act on behalf of the public that elected them, within the framework of the law. Rather than confronting their arguments through public discourse, some members of Knesset have sought to silence them, engaging in personal campaigns of delegitimization and, worse still, threatening to deny rights through legislation.

Hostile attitudes and the imposition of solutions by force

"Just a few hundred meters from here, you can see that the Jewish National Fund has planted trees on our land, which we were expelled from after we were accepted as citizens of the State of Israel."

Nuri al-Uqbi, chairperson of the Association for the Support and Defense of Bedouin Rights in Israel, from a video clip produced by Social Television documenting a visit on July 31, 2010 to the unrecognized village of Al-Araqib following its demolition

"More than once, decisions have been taken in this context [house demolitions and expropriations] whose reasonableness is doubtful, and which reflect insensitivity and, on occasions, a lack of wisdom."

Report of the Or Commission

In many cases of disputes between the state and the Arab minority, the state tends to regard the problems through the prism of a national struggle, rather than examining them from a civil and egalitarian standpoint. Instead of defining the disagreements in neutral terms, negative and evocative language is used, such as "seizure," "danger," and "extremism." Deliberately or otherwise, such language positions Arab citizens as a threat to the majority, or as a "problem" to be solved. Accordingly, the solutions proposed tend to be based on the use of force, rather than developing policies based on dialogue and recognition of the enshrined rights of citizens in general, and an indigenous minority in particular.

A clear example of this approach is the attitude of the state toward the Bedouin citizens in the Negev. The dispute between the state and the Bedouins relates to two aspects: recognition of the historical villages of this community, and recognition of property rights to land.

The question of recognition of the villages relates to some 80,000 people who live in over forty villages around the Negev. These villages have been in existence for decades; indeed, some of them predate the establishment of the State of Israel. Some are still situated on their historical land, while others lie within the "Pale" (*sayag*) area between Beersheva, Arad, and Yeruham, after they were relocated to this area by the Israeli authorities during the period of martial law in the 1950s and 1960s. The entire area settled by Bedouin is equivalent to no more than three percent of the total land area of the Negev. The state refuses to recognize most of these villages, and seeks instead to evict their residents and concentrate the Bedouin population in a small number of planned settlements, requiring them to abandon their land and their traditional rural way of life. For their part, the Bedouin refuse to be uprooted from their villages, and instead demand that these should be recognized and ordered just like any other rural community in the Negev. Over the past decade, the state has finally decided to recognize some of these villages.

The refusal of the state to recognize the Bedouin villages means that any construction takes place without a permit. As a result, the residents live under the constant threat that their homes will be demolished and that they may be subject to additional criminal sanctions. The state refuses to provide the residents of the unrecognized villages with the most basic services and infrastructure, such as water and sewage connections, roads, and connections to telephone and electricity grids. Services in the fields of education, welfare, and health are also very limited in these villages, as are employment opportunities. This reality entails the ongoing violation of the residents' basic rights to property, housing, health, education, dignity, and equality.

The second issue, that of property rights to land, currently relates to some 3,000 claims of ownership relating to a total area of approximately 600,000 dunams (some 150,000 acres). The area currently claimed by the Bedouin comprises less than five percent of the total area of the Negev, despite the fact that evidence suggests that during the years preceding the establishment of Israel, Bedouins farmed no less than

two million dunams of land in the region.[4] However, the property rights in this region were inherited by traditional means, which did not always include written documentation, and were not arranged in a manner that meets the norm in a state with a modern land regime. Israel exploits this fact to its advantage, thereby registering land in its own name in the courts.

With regard to both these issues – recognition and land – the approach of the state toward the Bedouin Arab citizens of the Negev is one based on the use of force, accompanied by the creating of a public atmosphere that delegitimizes the claims and rights of the Bedouin. The state habitually refers to the Bedouin as "squatters" and offenders, and such statements even appear in official documents submitted to the courts. Elected public officials and senior civil servants frequently issue alarmist warnings that the Bedouin are "taking over" the Negev, or that the Negev is "being lost," as if the Bedouin Arabs were not residents of the Negev and citizens of Israel, but a hostile element. As noted, these scare tactics have no foundation in reality:[5] while the Bedouin account for approximately one-fourth of the population of the Negev, they occupy just three percent of its area.

Over the years, countless committees have been established to examine the subject of the unrecognized villages. Many of these committees, on the principled and declarative level at least, have noted the need to find an agreed solution for the Bedouin communities in the Negev, and to recognize the rights of Bedouin Arab citizens. The recommendations of the Goldberg Committee, for example, which were published in December 2008, acknowledge that Israel's policy toward the Bedouin Arabs of the Negev over the years has been improper; it also recognizes that the Arab citizens who live on their historical land, or on land to which they were moved by the authorities, are residents of the Negev, and not "squatters." The Goldberg Committee saw fit to begin its report with the clear statement that its mandate was not to discuss the "Bedouin problem," but to discuss the "Negev problem." "We do

[4] See the Committee for the Arrangement of Arab Settlement in the Negev, headed by Supreme Court Justice (retired) Eliezer Goldberg (hereinafter – the Goldberg Committee), pp. 8-19. (Hebrew)

[5] Regarding the distorted depiction of the Bedouin citizens, see also the article by Attorney Auni Bana of ACRI. (Hebrew)

not accept the 'us' and 'them' approach," the members of the government committee noted. They continued: "The Bedouin are residents and citizens of the state and, as such, they are not 'transparent' and do not lack status and rights. Their claims must be listened to and their needs must be taken into account, and they must be involved in the processes that will shape their future." The committee recommends that the state should recognize the existing villages and approve building within their boundaries, despite the fact that this construction inevitably took place without permits. The committee further found that in cases when planning considerations mean that the current location of a village cannot be recognized, an alternative solution must be found through dialogue with the residents.

On the practical level, some of the specific solutions proposed in the report of the Goldberg Committee are problematic and are unacceptable to the representatives of the residents.[6] On the principled level, however, the committee recognized the rights of the Bedouin Arab minority in the Negev to live on its historical land and to maintain its culture and way of life; it recognized, too, the injustice this community has suffered over the years.

This recognition recently received professional backing with the publication of the recommendations of a researcher appointed by the National Planning and Building Committee to discuss the objections submitted to the Outline Plan for the Beersheva Metropolis.[7] Among other conclusions, the researcher recommends that Bedouin settlement should be arranged in the areas in which the Bedouin citizens actually live, or as close thereto as possible. In other words, solutions should be found that do not entail moving the population from its historical place of residence. If the only solution identified with regard to a specific village requires the movement of the population from its place of residence, the researcher recommends that the community be maintained, as far as possible. She also advocates offering a range of

6 See the response of the Council for the Unrecognized Villages in the Negev to the Report of the Goldberg Committee, on the website of the newspaper Akhbar al-Naqb. (Hebrew)

7 The updated recommendations of the researcher, Attorney Talma Duchan, were submitted to the Objections Subcommittee of the National Council in June 2010.

forms of settlement for the Bedouin, including the option of rural settlements suited to their traditional way of life, and recommends that the outline plan be amended in order to provide a planning response to the residents' desire to continue to make a livelihood from animal husbandry, farming, and grazing. The National Planning and Building Council recently adopted the researcher's recommendations regarding Bedouin settlement.

The Goldberg Committee also saw fit to criticize the actions of the state in the sphere of land ownership. The committee determined that the state has exploited its superior strength in order to establish legal rules that deny Bedouin plaintiffs any real chance of proving their ownership of land, while at the same time applying pressure on them to reach a compromise on inferior conditions. "In terms of the legal dispute over their ownership of land, even in the future the Bedouin will be in an inferior position. To illustrate this, the state has submitted counter-claims, presumably in order to convey a message to the Bedouin as to what they can expect if they fail to agree to a compromise." The committee recommends that the current process of legal clarification be abandoned, and a way found to acknowledge the affinity of the Bedouin to the land and to enable them to register part of the land in their name on the basis of feasible evidence.

Absurdly, the state acts in a contradictory manner when it comes to the Bedouin citizens of the Negev. At the same time as authorities of state pursue processes designed to secure an agreed solution to land ownership issues and to the unrecognized villages, and in complete contradiction to the spirit of the Goldberg Report and the decision of the National Planning and Building Council, the authorities continue to use force in order to establish facts on the ground. The main example of the use of force is the ongoing and violent demolition of homes in the unrecognized villages. A particularly clear example of this from the recent period is the village of Al-Araqib, which was demolished in its entirety five times over a period of a few weeks. The fourth time was during the month of Ramadan, while the fifth time came on the day after Id al-Fitr (the land claims relating to the village are still being clarified and no decision has yet been made by the court). A statement issued by ACRI following the first demolition of the village urged "an end to these power-

based steps, and the adoption of policy based on dialogue and on a recognition of the rights of the Arab citizens to their historical land in the Negev." House demolitions are also undertaken on a continuous basis in other villages. Those who home has been demolished are left without alternative housing; in some cases, they are forced to cover the demolition costs, amounting to tens of thousands of shekels.

As if the house demolitions were not bad enough, the same policy is also manifested in the provision of basic services for the population of the unrecognized villages. The state continues to object in the courts to the establishment of kindergartens or clinics on the ground that these are unlawful settlements. The state planned to construct Road No. 6 on the area of the villages, without involving the Bedouin Arab residents in the planning processes and while completely ignoring the long-standing presence of the villages in the Negev.[8] Even in villages that have already been recognized as part of Abu Basma Regional Council, the planning procedures have not yet been completed, despite the fact that several years have passed. Moreover, the Interior Ministry refuses to hold democratic elections in the council – these have been postponed, despite the fact that over seven years have passed since the council was established. At present the council is headed by a Jewish representative of the Interior Ministry who does not live in the area of the council.

In the land disputes, the state, through the Southern District Attorney's Office, continues to pursue legal proceedings against Bedouin claimants, and continues to exploit its superior strength in order to transfer land into its own name, with total disregard for the comments by the Goldberg Committee. Since almost none of the Bedouin claimants have been able to prove their ownership of the land in accordance with the legal doctrines formulated by the state, further claims are tantamount to a process of usurping whose sole purpose is to force the Bedouin to abandon their claims, or to agree to compromises on the terms dictated by the state.

The behavior of the state suggests that the government has made a strategic decision to opt for the use of force, and has chosen to see the Bedouin citizens as an

[8] ACRI, the Association of the Unrecognized Villages in the Negev, and Bimkom – Planners for Planning Rights petitioned the Supreme Court (Hebrew) against the plan, in cooperation with representatives of the villages of Khashm Zana and Bir al-Hamam.

enemy rather than as citizens enjoying equal rights. This is in contradiction to the findings and recommendations of committees it has appointed itself. This power-oriented behavior gravely violates human rights and democracy; exacerbates the gulf of mistrust between the state and the Bedouin community; and hampers any chance of dialogue. It is possible to solve the land and planning problem in the Negev, but the continued use of force and unilateral approach of the state prevent such a solution, and may exacerbate the conflict between the state and the Bedouin Arab minority in the Negev.

Hostility and racism

"It is important to act in order to uproot phenomena of negative prejudice toward the Arab sector that have been identified, including among veteran and admired police officers. The police must inculcate an understanding among its personnel that the Arab public in general is not their enemy and is not to be treated as an enemy."

Report of the Or Commission

Since October 2000, dozens of Arab citizens have been killed by the security forces.[9] In most cases, those responsible have not been prosecuted; in a minority of cases, offenders have received relatively light penalties that do not reflect the gravity of their actions or proper respect for the sanctity of human life. In several incidents, policemen and Jewish civilians who used excessive force against Arab citizens have enjoyed support and backing from elected officials, senior police officers, and public opinion. Prominent cases in this context include the farmer Shai Dromi, who shot and killed Khaled Abu Tarash after the latter attempted to enter his home; Dromi wounded another intruder. The policeman Shahar Mizrachi was convicted of killing Mahmud Ghanayam while attempting to arrest individuals suspected of breaking into vehicles. More recently, the policeman Ratzon Bora shot and killed Hazem Abu al-Dabaat while arresting suspected car thieves; Bora claimed that the shot was fired by mistake. Although those killed were offenders, and the shootings took place in

[9] For example, see the Racism Report 2008 published by the Mossawa Center, pp. 24-25.

difficult and complex circumstances, it is difficult to imagine that those responsible for these killings would have enjoyed such strong public sympathy had the victims been Jewish. This behavior – a trigger-happy approach, relatively light penalties, and support from senior police officers for policemen who open fire – suggest that little has been done to implement the recommendations of the Or Commission, which urged the police to take a series of steps to combat hostility toward Arab citizens.

The attitude of the authorities toward Arab citizens serves as a role model for many members of the general public in Israel. The disrespect shown by members of Knesset; the hostile approach of the security forces; the state's denial of the rights of the Arab minority, its preference for the use of force over dialogue, and its treatment of Arab citizens as if they were the enemy – all these influence the Jewish public and are reflected in negative attitudes and in racist statements and behavior.

One way in which these attitudes are revealed are surveys conducted in recent years, which have yielded alarming findings. For example, a recent survey[10] of some 500 Israeli high-school students found that 59 percent of Jewish youth believe that Arab citizens should not enjoy equal rights, while 50 percent stated that they would not be willing to learn with an Arab student in the same class. It was also found that 27 percent supported the prosecution of those who do not support the character of the State of Israel as a Jewish and democratic state, and 41 percent support the revocation of their citizenship. A similar survey[11] conducted in February 2010 among hundreds of Jewish and Arab youth aged 15 to 18 found that 46 percent of the Jewish respondents did not believe that Arab citizens should be granted full rights, while 52 percent believed that Arabs should not be permitted to be elected to the Knesset. At the same time, the survey found a key level of declarative support for the democratic system – 79 percent among Jewish respondents, and 80 percent among the respondents as a whole. These figures suggest a misunderstanding of democracy in its substantive sense, in which the right to equality and protection of minority rights form basic principles.

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10 The survey was conducted by Prof. Camil Fox of the Department of Statistics at Tel Aviv University, in cooperation with Sample Project Ltd. See the report on the Ha'aretz website from September.

11 The survey was conducted by Maagar Mochot. See the report on the Ynet website.

The 2009 Democracy Index of the Israel Democracy Institute raised similar findings. According to the index, which examined the attitudes of the adult Jewish population in Israel, 53 percent of the Jewish public support policy to encourage Arabs to emigrate from Israel, and 38 percent believe that Jewish citizens are entitled to more rights than non-Jewish citizens.

A particular grave aspect of these findings is that the situation is not static: there has been a deterioration in recent years, and the public has adopted increasingly extreme attitudes. An index of Jewish-Arab relations[12] presented in May 2010 described the past ten years as a "lost decade" in terms of the relations between the two populations. The study showed that the proportion of Arabs who would not wish to have a Jewish friend has risen from 16 percent to 29 percent over the past six years, and that the proportion of Arab respondents favoring the use of violence in demonstrations rose sharply from 5.4 percent to 14 percent in the same period. At the same time, Arab citizens show less trust in the legal system and an increasing willingness to boycott the Knesset elections. Conversely, 58 percent of Jewish respondents stated that they would not be willing to work for an Arab employer.

This atmosphere of hostility, hatred, and racism is not confined to surveys and research projects. It has been manifested in diverse incidents that occur around Israel on a daily basis. The following are just a few of the countless examples that could be quoted:

In 2009, three communities in the Misgav district of northern Israel – Manof, Yuvalim, and Mitzpe – began to require candidates for membership to declare their loyalty to the "Zionist vision" and to the State of Israel as a Jewish and democratic state. Although this was not stated openly, the purpose of these demands is clearly to prevent the admission of Arab residents to the communities. This policy later received support from the Knesset: in July 2010, a proposed law was passed at its First Reading establishing the right of community settlements to reject candidates on the basis of "incompatibility with the sociocultural fabric of the community" – a

[12] The index was prepared by Prof. Sami Samuha of Haifa University and reviews the period 2003 through 2009.

familiar and recognized code term for the exclusion of "undesirable" populations (and specifically Arabs) from the community.

Discrimination and racism are particularly common in certain workplaces. In some cases, the phenomenon relates to the use of the Arabic language. For example, the Ministry of Industry, Trade, and Tourism received several complaints this year against the Big Electric chain of electrical stores. The complaints alleged that the management of the chain forbids employees to speak any language other than Hebrew (such as Arabic or Russian) on the premises. Similarly, an Arab woman was dismissed this year from her job at Home Center. She claimed that the dismissal was because she was accustomed to speaking Arabic during working hours. The chain denied that this was the reason for her dismissal, but admitted that they had commented on her use of Arabic.

Employees with academic degrees are not immune to discrimination in employment. For example, a survey conducted by the newspaper The Marker found that of 30 Arabs who completed third-year accounting studies at the Hebrew University, only three (10 percent) found an internship position, compared to 90 out of 120 (75 percent) of the Jewish students from the same class. The situation is no less grave in the hi-tech sector. According to a press release issued by the Knesset Science and Technology Committee in June, out of some 150,000 employees in the industry in Israel, only some 500 (0.33 percent) are Arabs.

The tendency to treat Arab citizens as if they were enemies is also illustrated in the following two examples. In 2009, inspectors from the Education Authority raided an Arab high school in Ramle, photographed pictures and texts on the walls, and rushed to complain to the police that the materials constituted incitement against the State of Israel. Ramle Mayor Yoel Lavi stated that the materials represented a challenge to the rule of the state, and even suggested a connection between the posters and an attack that had occurred during the same month. However, a study of the posters showed that most of them included slogans in favor of peace and against violence. The incident is the product of ignorance, at best, and of vindictive harassment, at worst. In another incident, Jewish residents of Ramle threw eggs and tomatoes at a

procession of children from an Arab elementary school who were carrying flags to mark the World Cup, and even summonsed the police to the scene.

Arab citizens face a similarly suspicious attitude on a daily basis at airports, where they are required to undergo particularly scrupulous and sometimes humiliating questioning that goes far beyond the ordinary security checks used for Jewish passengers. This policy is applied simply because the passenger is Arab, and without any concrete suspicion. The significance of this policy of ethnic profiling is that that a Jewish citizen of Israel will be suspected only if concrete information is received in his/her regard, whereas an Arab citizen is automatically a suspect by virtue of being Arab, unless specific circumstances apply that "exempt" him/her from suspicion (such as advanced age, a passenger accompanied by family members, and so forth). In other words, the inherent fact of a person's Arab birth renders them part of a group that is defined as suspect by the state. A review of international law shows that this policy is unprecedented in terms of the actions of democratic states toward their citizens.[13]

In conclusion, from members of Knesset to ordinary citizens, recent years have seen a rise in the frequency and severity of racist and exclusive statements and actions, leading to the adoption of increasingly extreme attitudes between different population groups. The only way to encourage common life for Arabs and Jews in the State of Israel is to wage a consistent and broad-based struggle against these phenomena. More than anyone else, elected representatives of the public must be at the vanguard of these efforts and must encourage a culture of discourse and debate that, while vigorous and impassioned, avoids the pitfalls of racism and xenophobia.

Discrimination and exclusion continue

"It is apparent from the above that the legislation on our matter is unequal and not based on clear criteria. Neither was there any disagreement before us that injury to

[13] A review of international law in this respect was submitted to the Supreme Court as part of the proceedings in a petition submitted by ACRI against the use of Arab nationality as a criterion in airport security checks.

the principle of equality raises difficulties in the constitutional aspect, particularly since the locales added in Amendment 146 did not include a single Arab locale […] Due to this similarity between the positions of the parties to the petitions, we believed that the government and the Knesset would take action to resolve the problem without the intervention of this court. Such was our belief, and indeed our hope; however, the government and the Knesset have refrained, systemically and over a period of years, from acting to resolve the matter…"

From the Supreme Court decision dated September 15, 2010 in petitions submitted by ACRI, Adalah, and ten communities concerning tax benefits provided for various communities without egalitarian, clear, and written criteria. Not a single Arab community was included in these benefits.

Discrimination against Arab citizens has been documented since the establishment of the State of Israel in a large number of surveys and studies. Its presence has been recognized in court rulings, government decisions, reports of the State Comptroller, and other official documents. The Or Commission found that "government attention to the Arab sector has largely been characterized by neglect and discrimination," adding that "the establishment has not shown sufficient sensitivity to the needs of the Arab sector, and has not taken adequate action to allocate state resources in an egalitarian manner, including to this sector." The committee recommended that the state take action to ensure genuine equality for the Arab citizens: "The state should initiate, develop, and operate programs to close gaps, with an emphasis on the fields of budgets, in all areas relating to education, housing, industrial development, employment, and services."

Despite the reports and studies, however, and despite ongoing awareness among policy makers of the discrimination facing the Arab population, the gaps between Arabs and Jews in the areas mentioned by the Or Commission – including education, planning, and land – are actually widening.[14] The following are a small selection of examples of figures and incidents reported in the media and in various publications.

[14] See, for example, the Index of Equality between Jewish and Arab Citizens in Israel for 2008, published by Sikkuy in August 2009.

In the field of education, which is the real key to a more equal and just future, the gaps between the Jewish and Arab populations are enormous. For example, there is a lack of some 9,000 classrooms in Arab communities. The differences are also seen within the classroom: while the average number of students per class in Jewish education is 28, in Arab education it is 32. The number of classes with more than 40 students is twice as high in the Arab sector as among the Jewish population (eight percent and four percent, respectively).[15] In addition, Arab education suffers from a severe shortage of professionals, including truancy officers, educational advisors, and educational psychologists.

Despite all these problems, when a representative of the Monitoring Committee for Arab Education came to the Knesset Education Committee to participate in a discussion on the gaps in matriculation eligibility rates between the two sectors, committee chairperson MK Zevulun Orlev (Jewish Home) refused to allow him to speak. According to Orlev, "the Monitoring Committee is a political, not a professional, organization. It was established with the goal of coordinating political activities that contradict the Educational Goals Law, which requires that all students in Israel should be educated to an understanding that the State of Israel is a Jewish and democratic state."

The Report of the Or Commission attached great importance to the subject of land, and recommended that the state act to allocate land to the Arab population in accordance with principles of equality and distributive justice. The commission determined that the state bears an obligation to allocate land to the Arab public "on the basis of egalitarian patterns and principles, as to other sectors." However, the sphere of land and planning is still one of those in which Arabs in Israel face the gravest discrimination. In many Arab locales, the outline plans for construction are outdated and cannot meet the needs of the population. In part, this is due to bureaucratic delays. The process of approving an outline plan for an Arab locale takes, on average, three times longer than the analogous proceeding in a Jewish locale. Only 18 percent of outline plans in Arab locales were approved over the past decade, and over 40 percent are between 30 and 50 years old. In the absence of

[15] See ACRI's Intervention to the Education Minister, July 2010 (not translated)

appropriate and updated outline plans, it is impossible to build new homes legally. The inevitable result is the construction of tens of thousands of homes in Arab locales without building permits, incurring the risk of demolition. There is also a shortage in the Arab sector of public buildings providing services to residents.

Discrimination is particularly evident in the staffing of public offices and in the acceptance of Arabs to various professions, particularly those enjoying high prestige, job security, and salaries. Thus, for example, only two percent of the employees of the Israel Electric Company are Arabs, and 70 percent of these are temporary workers. According to a report of the Civil Service Commission for 2009, just seven percent of government employees are Arab – less than half the proportion in the population at large. A report of the Negev Coexistence Forum for Civil Equality found that just 16 (!) of the thousands of civil servants in the Negev are Arabs. A side-product of employment discrimination in the civil service is discrimination in access to services, since citizens turning to various offices are forced to cope with the absence of Arabic-speaking employees, and sometimes with the absence of forms or signs in Arabic. Thus, for example, a report by the Sikkuy association published in August 2010 found that the Ministry of Justice's legal aid offices provide an application form in Hebrew only, thus creating difficulties for speakers of Arabic (an official language in the State of Israel) to realize their eligibility for legal aid. The office of the Central District, which serves tens of thousands of Arab citizens from the "Triangle" region, Kafr Qassam, Jaffa, and Lod, among other citizens, employs just a single Arab attorney out of a staff of 25. Similarly, not a single Arabic-speaking reception clerk is employed at the National Insurance Institute's office in Haifa, a mixed city that is home to some 30,000 Arabs (11 percent of the total population). The report also gives an example of discrimination against the Arab population in the field of welfare services: the proportion of Jewish children at risk who participate in frameworks such as family care centers or day care programs is twice as high as that of Arab children facing the same level of risk.

The exclusion of Arab citizens prevails despite government decisions concerning due representation, as well as decisions of the Supreme Court. Thus, for example, a government decision dated November 15, 2009 concerning the appointment of

members of the Israel Land Council did not include a single Arab representative, despite an explicit obligation established by the Supreme Court.[16]

As mentioned above, all these are just examples of a nationwide phenomenon that extends to all fields of life. The facts have been well-known for years. Recommendations have been made. Yet the gaps, and the frustration, alienation, and bitterness they engender, are only growing wider. Moreover, since the right to equality is a basic principle of substantive democracy, the institutionalized and ongoing discrimination against one-fifth of the population also undermines the foundations of democracy in Israel.

Conclusion

"The role of the state in this matter is not confined solely to material issues. The authorities of state must find ways that will enable Arab citizens to manifest their culture and identity in public life in a proper and dignified manner."

Report of the Or Commission

A democracy in which there are second-class citizens is a second-class democracy for **all** citizens. A reality in which, as the result of the long-term behavior of the state, one citizen in every five is de facto a second-class citizen is one that contradicts the basic tenets of democracy. This reality is morally intolerable and, ultimately, it threatens not "merely" this 20 percent of the population, but all of us.

Democracy must be capable of containing minorities and of respecting their culture, language, and unique historical memory. A state that restricts the basic rights of its citizens to freedom of expression and political liberty; that discriminates against citizens in the allocation of resources, infrastructures, and education; and that labels certain citizens as enemies, is a state the directly violates human rights and seriously threatens democratic values and its very ability to be called a democracy.

[16] High Court of Justice 6924/98, ACRI vs. the State of Israel.

The relationship between the state and the Arab minority is moving rapidly in a dangerous direction. In order for us to live together in the complex conditions that exist in the State of Israel, change is needed, and needed fast. It is not too late to act, and it not too late to change the situation. From time to time, civil and local initiatives give cause for optimism and hope. For example, the "Regional Fabric" group brings together residents of Yeruham who are working to establish a kindergarten in the neighboring Bedouin village of Rakhma. The Misgav Future group brought together residents of Misgav Regional Council to campaign against the Admissions Committees Law. The Democracy Project, in the framework of which this report is being published, also seeks to empower all those elements in Israel who wish to act for the sake of the country's democratic future.

Moreover, in some cases the authorities also take encouraging steps. One example of this is the recent decision that some Jewish school students in the Northern District will study the Arabic language as a compulsory subject. A government decision from March 2010 allocated NIS 800 million for the development of infrastructures, services, and employment in Arab locales. In February 2010, the Ynet website reported the establishment by the government and the private sector of a joint fund to invest in businesses in the Arab sector; the state will allocate NIS 80 million for the fund. In its report From Barriers to Opportunities, published in August 2010, the Sikkuy association also notes that "during the course of our work with some government ministries and sections of the public, we encounter decision makers and opinion formers who advocate equality and the narrowing of gaps between Jews and Arabs […] This trend gives cause for hope and proves the existence of many circles and bodies who view equality as the foundation for common life of Arabs and Jews in Israel." Ron Gerlitz and Attorney Ali Haider, the co-directors of Sikkuy, agree with this assessment:

"For the present, it is impossible to tell which of these contradictory trends will ultimately be dominant, and whether Arabs and Jews are moving now toward conflict or toward the construction of a joint society based on equality, the hallmark of any democracy. It is up to us. The challenge facing those who believe in equality,

democracy, and common life is to act vigorously and professionally to combat negative trends and to strengthen the hope that equality can become a reality."