

# J a d a l

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## The Director's Column

This is the first issue of *Jadal*, Mada's new bimonthly online publication in Arabic, Hebrew, and English.

*Jadal* will give voice to the major political and social concerns of the Palestinians in Israel, provide context for developments of importance to this community, contribute to narrating their history and articulating their hopes for the future, and open a broader window between us and the world. Even though neglected by regional players, we believe that Palestinians in Israel will play an increasingly important role in determining the shape of the future between Israelis and Palestinians in the land of historic Palestine. As the paradigm of the two-state solution seems to be falling, their unique status as indigenous Palestinians and as Israeli citizens gives them the potential to lead the way, or at least play an active role, in shaping a future relationship in the whole country based on justice, equality, and democracy to all Palestinians and Israelis.

This is a most important task when these citizens are denied the very relationship with their homeland, which, as readers know, has been claimed to be the exclusive homeland of another nation. Thus *Jadal* will not only present the issues but will also provide a most-needed alternative analysis that is grounded in a long-term view of a Palestinian-Israeli relationship that is based on justice, historical responsibility, truth, and a political system characterized by all the above.

*Jadal*, as its name implies – dialectical discussions -- will present multiple views capturing a broad range of perspectives within this community and cover major issues by placing them within their historical and political contexts. It will invite Arab, Jewish, and other scholars to present new insights and contextualize issues in the broader space of historical and future relations between Israelis and Palestinians in general and Israel and the Palestinian citizens in particular.

*Jadal* will be flexible in its format. For the first few issues, we will focus on five sections.



The first section, derived from MADA's ongoing Political Monitoring Project, assesses the current state of the government's relationship with its Palestinian citizens by surveying significant developments and trends from the previous two months in legislation, government policy, Jewish public opinion, and public statements. This is of utmost importance to our effort to enlarge the window to the world and to analyze the status of the relationship between Israel and its Palestinian citizens as an important case in thinking about history and the possibilities for the future. The second section presents a more in-depth analysis of a timely focus topic. In this issue, the focus topic is the status of Arab local authorities, which we present in light of the municipal elections that were held last November. The third section presents several viewpoints on an issue of importance to the community – this time, we present two views on the role of local Arab NGOs, which seem to be playing an important but controversial role in light of the limited effectiveness Arab political parties in Israel have had. The fourth section presents a background information pieces on issues of relevance – this time The Higher Follow-Up Committee for the Arab Citizens in Israel, and The Military Government. Finally, we briefly cover some of MADA's ongoing activities to shed light on our community's intellectual life.

We welcome and appreciate feedback and suggestions, which should be sent to [Jadal@mada-research.org](mailto:Jadal@mada-research.org).

Nadim N. Rouhana  
General Director



## Political Monitoring Project

### Israel and the Palestinian Minority

#### *Bi-Monthly Monitoring Report of Mada al-Carmel*

Mtanes Shihadeh

This brief report continues our initiative since 2002, of monitoring the attitude of the state and its majority group toward the Palestinian population, and documenting the policies and statutes that impair the civil, political, and legal status of this community. The findings regularly raise fundamental questions regarding “democracy” in Israel – questions that must be directed to the government institutions, to the Jewish population, and to the Jewish political parties. These questions are not new to the Arab population – they have existed since the founding of the State of Israel – but their urgency has grown since the outbreak of the al-Aqsa intifada, in 2000.

That same year, an additional dimension was added to the inferior political, civil, and legal status of Arabs in Israel – the real threat to their citizenship. For example, the amendment to the Nationality and Entry into Israel Law, of 2002, almost completely prohibits unification of Arab families in which one of the spouses is a resident of the Occupied Territories, and indirectly prohibits Arab citizens to marry a resident of the Occupied Territories. Further examples are the failure to implement the recommendations of the Or Commission of Inquiry into the events of October 2000, in which thirteen Arab youths were murdered by members of the Israeli Police Force, and the decision of *Mahash* (Ministry of Justice’s Police Investigation Unit) to close the investigation files, a decision that the Attorney General ratified.

The policy and statutes that have been established since 2000 have been documented in detail for almost seven years in Mada al-Carmel’s political monitoring reports. The present report differs from the previous reports, in that it is, for the first time, being published bi-monthly and not annually. The report has two principal parts: 1) monitoring of Knesset legislation, government policy, and the Jewish treatment of Arabs, and 2) positions of the Jewish population toward the Palestinian population as



reflected in the statements of leaders and decision-makers. Subsequent reports are likely to focus on various matters, as dictated by events.

### **The Legislative Branch**

The process for enacting laws or amending laws that impair the civil and political status of Palestinians in Israel depends to a large extent on the temperament of the Jewish population, as previous monitoring reports have shown. Sometimes, one gains the impression that certain laws are intended to “take revenge” against the Palestinians because of a Palestinian position or political behavior that conflicts with the Zionist consensus. For example, following the outbreak of the al-Aqsa intifada, the state began to initiate legislation intended to weaken, overtly or covertly, the civil status of Palestinians and further restrict their already narrow sphere of political action. Blatant examples in this context are amendments to the Nationality and Entry into Israel Law, and to the Basic Law; which established verbal or actual support of armed conflict against Israel as grounds for disqualifying party lists wanting to run in elections to the Knesset.

Also following the Second Lebanese War, and in light of the position of the Palestinian population in Israel toward it, which was not to the taste of the government and the Jewish majority, we witnessed another example. Among other legislative enactments, the Knesset passed statutes prohibiting an Israeli citizen visiting a country defined as an enemy state from running for the Knesset. Most of the countries defined as an enemy state (see the list below) are Arab and/or Muslim countries, and many Arab citizens have relatives living in those countries, especially in the Gaza Strip and Lebanon.

### **The Nationality (Amendment No. 9) Law, 5768 – 2008**

On 28 July 2008, the Knesset approved, on second and third reading, the Proposed Nationality (Amendment No. 9) Law.<sup>1</sup> By means of this amendment, the state is permitted to revoke the citizenship of any citizen who is accused of disloyalty to the State of Israel. According to the amendment, “a Court for Administrative Matters

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<sup>1</sup> The Proposed Bill and Explanatory Notes, which were placed on the table of the Knesset on 10 October 2007 by Knesset Member Gilad Erdan (Likud), is available, at The Knesset website:

<http://www.knesset.gov.il/privatelaw/data/17/1708.rtf>



may, at the request of the Minister of the Interior, revoke the Israeli citizenship of a person who commits an act that is a breach of loyalty to the State of Israel, provided that following revocation of Israeli citizenship, the person is not left stateless.”<sup>2</sup>

Under the amendment, “breach of loyalty to the State of Israel” is any one of these: an act of terrorism as the term is defined in the Prohibition on Financing of Terrorism Law, 5765 – 2005, assisting in or soliciting for an act of terrorism or taking an active part in a terrorist organization as the term is defined in the aforesaid law;

an act that constitutes treason or aggravated espionage under the Penal Law;

acquiring citizenship or right to permanent residence in a state or area specified in the Schedule.

The amendment enables revocation of citizenship for an act of disloyalty, which is defined extremely broadly, including, inter alia, “living permanently in a state or territory” specified in a schedule to the law, in which nine Muslim and Arab countries (Iran, Afghanistan, Lebanon, Libya, Sudan, Syria, Iraq, Pakistan, and Yemen) and the Gaza Strip are listed. Furthermore, the amendment also enables revocation of citizenship if the person is not convicted for the said act, and allows a hearing on an application to revoke citizenship in the person’s absence in deviation from the rules of evidence, while allowing the admissibility of privileged evidence.<sup>3</sup> The amendment grossly violates the right to due process, a breach aggravated by the fact that denial of a fundamental right is involved. Under the amendment, “the Court may, for reasons that it shall record, deviate from the rules of evidence, admit evidence when the citizen whose matter is being heard is not present. . . . If, following consideration of the evidence or hearing of arguments, it is convinced that disclosure of the evidence is liable to harm state security or its foreign relations and that lack of disclosure is preferable to disclosure in order to do justice. . . . hearing under this section shall be held *in camera*, unless the Court orders otherwise in the matter.”<sup>4</sup>

The Explanatory Notes to the Proposed Bill clearly indicate that the law is aimed primarily at the Arab population, which strongly objected to the Lebanon war in 2006, a position that did not conform with the Zionist-Jewish consensus regarding the reasons and results of the war.<sup>5</sup> The Explanatory Notes state, inter alia: “Both in

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<sup>2</sup> Ibid.

<sup>3</sup> Haneen Na’amnih, “New Anti-Arab Legislation,” Adalah Newsletter, Volume No. 50, July 2008.

<sup>4</sup> See footnote No' 2.

<sup>5</sup> A survey conducted after the war clarified the position of the Palestinian population in Israel regarding the reasons and results of the war, a position that was opposite to the consensus in Israel during the war.



the conflict with the Palestinians and in the last war in Lebanon that was forced on the State of Israel, we encountered time and again open identification of Israeli citizens with the enemies of the state and with the terrorist organizations attacking it, and the legislator must give the enforcement authorities effective tools to combat this phenomenon.”<sup>6</sup>

Even prior to enactment of the amendment, the organization Adalah sent a letter to all Knesset members, describing the amendment’s blatant violation of the right to citizenship and to other fundamental rights protected by Israeli constitutional law and international human rights law.<sup>7</sup> Especially grievous is the provision that living permanently in Gaza is grounds for revocation of Israeli citizenship, this at a time that Israel has prohibited for more than six years family unification of Palestinians in Israel with their relatives in the Gaza Strip, forcing many citizens to choose between family separation and moving to the place where the spouse is living (for further discussion on this provision, see below). The amendment enables revocation of citizenship of persons, who are denied the possibility of exercising their constitutional right to family life in Israel (by the Nationality and Entry into Israel Law, 5763 – 2003), and compels them to live with their spouse in Gaza.<sup>8</sup>

### **Extension of the validity of the Nationality and Entry into Israel (Temporary Provision) Law, 5763 – 2003.**

On 1 July 2008, the Knesset adopted, by a vote of 21-8, the extension of validity of the Nationality and Entry into Israel (Temporary Provision) Law for an additional year, until July 2009. The amendment to the statute, which was enacted in 2003, states: “A permit to reside in Israel shall not be given to a resident of Judea and Samaria and the Gaza Strip if the Minister of the Interior or the commander of the region, as the case may be, in accordance with the opinion of the competent security

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The results of the survey are available at: [http://www.mada-research.org/arabic/sru/press\\_release/lebwar2.shtml](http://www.mada-research.org/arabic/sru/press_release/lebwar2.shtml)

<sup>6</sup> See footnote 1.

<sup>7</sup> The letter is available at [www.adalah.org/eng/features/citizenship/letter\\_doc](http://www.adalah.org/eng/features/citizenship/letter_doc). [Arabic]

<sup>8</sup> Ibid.





officials, that the resident of the region or a member of his family is liable to constitute a security threat to the State of Israel.”<sup>9</sup>

Although the statute is defined as a temporary provision, that is, as a provisional law, it has been extended eight times since it was enacted, as noted, in 2003. In July 2008, the Knesset extended its validity, despite a decision of the High Court of Justice indicating that the statute is unconstitutional. The Court had issued an order to show cause, in May 2008, following a petition from 2007 filed by Adalah and other human rights organizations against extension of the law and expansion of its application. In the order to show cause, the Court demanded the state to explain why the Nationality Law should not be nullified, given it was unconstitutional.<sup>10</sup>

According to the amendment to the Nationality Law, Palestinians from the Occupied Territories who are married to Israeli citizens are not entitled to receive any legal status in Israel, i.e., they are not allowed to become a citizen or resident, even if they are married to an Israeli citizen. The law prevents Israel's citizens, who, practically speaking, are almost all Palestinian citizens, to exercise their right to family life in their country. In March 2007, the Knesset amended the law, expanding its application to prevent family unification also to citizens married to nationals of “enemy states” – Syria, Lebanon, Iran, and Iraq – or to any person who lives in an area from which, according to Israeli security services, actions “threatening the security of Israel” are carried out.<sup>11</sup>

Adalah described the recent extension of validity of the law the last link in the chain of measures taken by Israel to bring about racial separation on the basis of nationality. The law violates fundamental rights, among them to the right to family life. International law prohibits violation of the rights of minorities to establish and

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<sup>9</sup> For the text of the law, see Mtanes Shihadeh, *Israel and the Palestinian Minority* (Haifa: Mada al-Carmel, 2006), 24 (Available in Arabic).

<sup>10</sup> “Adalah: Extension to Citizenship Law’s Validity is Latest in a Series of Israeli Policies of Racial Separation,” *Adalah Newsletter*, Volume No. 50, July 2008. For further discussion on this matter and a survey of the history of the amendment to the Nationality and Entry into Israel Law, see Nimmer Sultany: *Citizens Without Citizenship* (Haifa: Mada al-Carmel, 2003); Nimmer Sultany, *Israel and the Palestinian Minority*, 2003 (Haifa: Mada al-Carmel, 2004), 21-25; Nimmer Sultany, *Israel and the Palestinian Minority*, 2004 (Haifa: Mada al-Carmel, 2005), 17-22; Mtanes Shihadeh, *Israel and the Palestinian Minority*, 2005 (Haifa: Mada al-Carmel, 2006), 21-29 (Available in Arabic and Hebrew).

<sup>11</sup> “Adalah: Extension to Citizenship Law’s Validity is Latest in a Series of Israeli Policies of Racial Separation,” *Adalah Newsletter*, Volume No. 50, July 2008 “Adalah: Extension to Citizenship Law’s Validity is Latest in a Series of Israeli Policies of Racial Separation,” *Adalah Newsletter*, Volume No. 50, July 2008



maintain, without discrimination, relations with nationals of other countries with whom they do not have national, ethnic, religious, or language ties. It should be emphasized that no other country in the world denies the right to maintain family life on grounds on national or ethnic grounds.<sup>12</sup>

Despite the security-reasons cited to excuse the statute, its real purpose is to treat the “demographic demon” that worries the Israeli establishment. These fears were clearly reflected in the comments of then-prime minister Ariel Sharon and other decision makers, who stated openly that the objective of the law is to prevent an increase in the number of Arabs in Israel.<sup>13</sup>

### **Amendment 39 to the Basic Law: The Knesset**

On 30 June 2008, the Knesset plenum approved on second and third reading the Basic Law: The Knesset (Candidate who Unlawfully Stayed in an Enemy State), Amendment 39 to the Basic Law.<sup>14</sup> The amendment was submitted on 16 June 2007 by Knesset members Esterina Tartman (Israel Beitenu), Zevulun Orlev (National Union – National Religious Party), Elchanan Glazer (Pensioners), and others.<sup>15</sup>

The amendment, which passed by a vote of 52-24, revokes the right of Israeli citizens to compete in elections to the Knesset if they visited, without the approval of the Minister of the Interior, in the seven years preceding the candidacy, a state defined in Israeli law as an enemy state. Under the relevant statute, enemy states are only Arab and Muslim states, such as Syria, Lebanon, Iraq, and Iran. Consequently, the law is aimed at preventing visits of Arab citizens – at least those who wish to run for the Knesset or who are members of the Knesset – to states that the Arab population does not deem enemy states. It should be noted that, in many instances, Arab citizens have a first-degree family relationship with residents of Arab countries defined as enemy states.

The text of the amendment states:

In the Basic Law, The Knesset, in section 7A, following subsection (a) shall come:

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<sup>12</sup> See the references in footnote 10.

<sup>13</sup> Mtanes Shihadeh, *Israel and the Palestinian Minority*, 2005 (Haifa: Mada al-Carmel, 2006), 21-27 (Available in Arabic and Hebrew).

<sup>14</sup> [http://www.knesset.gov.il/privatelaw/data/17/3/231\\_3.rtf](http://www.knesset.gov.il/privatelaw/data/17/3/231_3.rtf) (in Hebrew).

<sup>15</sup> <http://www.knesset.gov.il/privatelaw/data/17/2813.rtf> (in Hebrew).



a)(1) For the purposes of this section, a candidate who unlawfully stayed in an enemy state in the seven years preceding the date of official submission of the candidacy will be deemed a person whose acts support armed conflict against the State of Israel, unless otherwise proven.<sup>16</sup>

Commencement

2. The provisions of the Basic Law: The Knesset in the text of this Basic Law shall come into force regarding staying in an enemy state that took place on the day of the entry into force of this Basic Law and thereafter.

Attorney Haneen Na'amnih, of Adalah, contends that,

The new amendment to the Basic Law constitutes a flagrant violation of the constitutional right to be elected. It also circumvents prior judicial rulings, including the Supreme Court's decision that overturned the decision of the Central Election Committee to disqualify the candidacy of MK Azmi Bishara because of his visits in Syria, his political speeches, and other claims. The Supreme Court's decision emphasized the importance of the constitutional right to run and be elected.<sup>17</sup>

Following passage of the law, Knesset member Zevulun Orlev (National Union-National Religious Party), one of the initiators of the law, said: "From today, Arab Knesset members will have to decide: either the Syrian parliament or the Israeli parliament. The statute will stop the infiltration of Trojan horses into the Knesset. The Arab leadership must be required to give unreserved loyalty to the State of Israel as a Jewish and democratic state, in the same way that every enlightened state demands of its elected officials."<sup>18</sup> Knesset member Esterina Tartman (Israel Beitenu) said that, "From now on, citizens of Israel, relax – enemies will no longer sit in the legislature. . . This law will return somewhat our dignity, which has been trampled on as a people, and will give us good reason to stand up straight."<sup>19</sup>

Arab Knesset members sharply criticized the amendment. Knesset member Muhammad Barakeh (Hadash) said: "This is a law of terrorism for all intents and purposes. It comes to terrorize thought processes and political opinions. This statute is illegal, and it is impossible to categorize family visits and visits to promote peace

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<sup>16</sup> [http://www.knesset.gov.il/privatelaw/data/17/3/231\\_3.rtf](http://www.knesset.gov.il/privatelaw/data/17/3/231_3.rtf) (in Hebrew).

<sup>17</sup> Haneen Na'amnih, "New Anti-Arab Legislation," *supra*.

<sup>18</sup> Amnon Marnadeh, Ynet, 30 June 2008.

<sup>19</sup> *Ibid*.



as visits that support terrorism."<sup>20</sup> Knesset member Sa'id Nafa' (Balad) filed a petition with the High Court of Justice. The petition states, inter alia:

Serious and essential defects are found in the provisions of the Law. . . In recent years, members of the Arab minority in Israel have visited Syria, the purpose of the visit being in most cases to meet with family members relatives. . . In the reality of the Middle East, families are divided among various countries, and their right to get together and meet is a fundamental human right that is protected in every democratic regime in the world.<sup>21</sup>

### **Amendment No. 98 to the Penal Law, 5768 – 2008**

Shai Dromi owns an isolated farm near Meitar, in the Negev. On 13 January 2007, at three in the morning, he noticed two of the four burglars trespassing on his land. He fired at them with a rifle for which he did not have a license (the rifle belonged to his father). One of the trespassers was killed, one was wounded, and the others fled.<sup>22</sup> After the incident, it was found that the burglars were Arab citizens. Dromi was arrested and charged with manslaughter.

About a week later, Knesset member Israel Katz (Likud) and other Knesset members submitted a bill to amend the Penal Law. The bill proposed that a person who attacks a burglar found in his home be deemed to have done so in self-defense as the term is defined in the Penal Law. According to the initiators of the amendment, "In recent years, there has been an increase in the number of unlawful entry into the homes of citizens and farms in Israel, an example being the tragic case that led a farmer to fire at a band of burglars, and even kill one of them, this because of the lack of a suitable policy of deterrence and the inability of the Police to cope with the phenomena due to the lack of appropriate tools. The law should be changed to provide deterrence and sharply reduce these offenses."<sup>23</sup> In other words, the Knesset members who proposed the bill want to give citizens the authority to sentence the burglar, leaving the citizens with discretion in the matter, without due process, because of the failure of the law-enforcement authorities to cope with acts of theft.

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<sup>20</sup> Ibid.

<sup>21</sup> Amnon Marnadeh, Ynet, 1 July 2008.

<sup>22</sup> Anat Broshkovsky: "Farm Owner in Negev Shoots to Death Burglar and Wounds Another," Ynet, 13 January 2007.

<sup>23</sup> <http://www.knesset.gov.il/privatelaw/data/17/1997.rtf>. (in Hebrew)



On 24 July 2008, the Knesset plenum approved the bill on third reading, by a vote of 44-7, making it law. The amendment provides that, "a person shall not bear criminal responsibility for an act that was immediately necessary to repel a person who broke into or entered a residential dwelling, business, or farmstead that is fenced, his or of another, with the intention of committing an offense, or a person who attempted to break into or enter as aforesaid."<sup>24</sup>

Ostensibly, this is an innocent, non-discriminatory law. However, it is hard to avoid the impression that the amendment comes to provide lenient treatment in the case of murder of burglars, and gives legal sanction to opening fire when burglars are Arabs, especially in light of the high percentage of crime in some Arab communities, and even more so in the Negev.<sup>25</sup> For example, on 27 October 2008, a member of the security forces (as the police define them), a resident of Ben Shemen shot an Arab burglar who tried to enter the yard of the resident's house. The burglar was shot when he was twenty meters from the entrance to the house.<sup>26</sup> One of the neighbors told the media: "This whole story comes as no surprise. All the time, we suffer from burglaries. . . persons staying illegally [meaning Arabs] mull around here freely."<sup>27</sup> In response to the incident, and before all its details were known, Knesset member Israel Katz, one of the initiators of the Dromi Law, said that, "Assuming that the shooter acted in the framework of the law, he deserves a citation for what he did. There is no need to arrest him and harm him."<sup>28</sup>

### Political persecution

The security apparatuses, under the direction of the political echelon, do not settle for political persecution of some leaders of the Arab public. In recent months, the

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<sup>24</sup> The text of the amendment is available at <http://www.knesset.gov.il/privatelaw/data/17/1997.rtf> ( In Hebrew)

<sup>25</sup> See, for example, Mtanes Shihadeh, *Israel and the Palestinian Minority 2005* (Haifa: Mad al-Carmel, 2006), 63-71; Shlomo Svirsky and Yael Hasson, "Transparent Citizens: Government Policy toward Beduins in the Negev," *Information on Equality*, Volume 14, September 2005.

<sup>26</sup> Eli Senyor, "Ben Shemen: Resident Shot and Killed Burglar Who Entered the Yard of his House," *Ynet*, 28 October 2008.

<sup>27</sup> *Ibid.*

<sup>28</sup> Amnon Marnadeh: "Initiators of Dromi Law: The Shooter from Ben Shemen Deserves Citation," *Ynet*, 28 October 2008.



police and the Israel Security Agency have taken action against a charitable organization belonging to the Islamic Movement (Northern Branch) in Umm el-Fahm. On 23 August, dozens of police officers and ISA agents raided the office of al-Aqsa Institute, which is located in the city center. The security forces, an order from the Minister in Defense in hand, closed the Institute's offices and confiscated documents, much equipment, and money that had been donated for orphans in the West Bank. The pretext for the Defense Minister's order was the claim of "illegal association," and was based on information that the institution maintains contact with Hamas officials in Jerusalem and transfers money to the organization.<sup>29</sup>

Simultaneously, orders were issued freezing bank accounts of the Islamic Movement. Members of the Islamic Movement explained that these were some of the attempts of the Israeli establishment to stop actions to preserve and renovate al-Aqsa Mosque that the Movement was engaged in, and strongly denied claims they had ties with Hamas or engaged in illegal monetary transfers.<sup>30</sup> The Arab community's leadership said that the actions of the police and the ISA were a "declaration of their intent to adopt a harsher policy vis-à-vis the Arab population, and a fatal blow to the right of the Palestinian minority to associate and establish organizations."<sup>31</sup>

### **Failing to prosecute policemen who murdered Arabs**

Eight years after the events of October 2000 and five years after publication of the conclusions of the Or Commission, which found that it was possible to identify the policemen who fired the lethal shots,<sup>32</sup> and that they should be indicted, the attorney general decided not to interfere with the decision of the Department for the Investigation of Police (DIP) to close the file. In October 2008, the Monitoring Committee on Matters relating to Arab Citizens in Israel delivered to Prime Minister Ehud Olmert a petition signed by 250,000 persons, most of them Arabs, requesting that the persons responsible for the murders of the 13 young Arabs in October 2000

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<sup>29</sup> Sharon Rofe-Ophir, "Police Close Institution of the Islamic Movement," Ynet, 24 August 2008; Ha'aretz Online, 24 August 2008.

<sup>30</sup> Ibid.

<sup>31</sup> Arabs48 Online, 24 August 2008.

<sup>32</sup> Quoted in Mtanes Shihadeh, *Israel and the Palestinian Minority*, supra, 50.



be prosecuted. In response to the petition, the prime minister said that he "cannot and does not intend to interfere in the attorney general's decision."<sup>33</sup>

It appears that the failure to enforce the law on the policemen accused of the murder of Arab citizens indirectly contributed to the trigger-happy attitude of the police toward this community. Since October 2000, another 17 Palestinian citizens have been killed by Israeli security forces.<sup>34</sup> In March 2008, two policemen brutally assaulted Sabri Jarjawi, from Shaqib Alsalam, in the Negev. Jarjawi died in July 2008 following a month-long coma.<sup>35</sup> Charges have not yet been brought against the policemen, and *Mahash* (the "Department for the Investigation of Police") is still investigating the case.

The continuing police assaults against Arab citizens are indirectly supported by the conduct and decisions of the attorney general, Meni Mazuz.<sup>36</sup> Mazuz accepted the State Attorney's Office's recommendation, and decided there were no grounds to challenge its conclusion that there was an insufficient evidentiary foundation to file indictments against the persons involved in the violent events, in the wording of the announcement. The decision was made despite the harsh criticism voiced by human rights organizations in 2005 against DIP's conclusions, and notwithstanding the call of the Or Commission to prosecute the policemen who fired the fatal shots.<sup>37</sup> In response to the attorney general's decisions, Adalah stated that, "Mazuz turned the failure of DIP in investigating the events in which 13 Arabs were killed in October 2000 into an excuse of 'lack of evidence'; rather than order a serious investigation and suspend those responsible for the failure, the attorney general ordered closing of the files."<sup>38</sup> The decision received stinging criticism also from the head of the Israel Bar Association, Yori Geiron: "The decision constitutes a grave threat to civil rights in Israel."<sup>39</sup>

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<sup>33</sup> Ha'aretz Online, 12 October 2008.

<sup>34</sup> For further discussion, see Mtanes Shihadeh, *Israel and the Palestinian Minority 2006*, supra, and the report of Mossawa Center, available at [www.mossawacenter.org/files/files/File/051001.pdf](http://www.mossawacenter.org/files/files/File/051001.pdf). (In Arabic)]

<sup>35</sup> nrg Ma'ariv Online, 20 March 2008.

<sup>36</sup> Aviram Zino, "Mazuz: No Alternative to Closing the File on October 2000," Ynet, 25 July 2008.

<sup>37</sup> For an extensive discussion, and criticism, of DIP's decision, see Mtanes Shihadeh, *Israel and the Palestinian Minority 2005*, supra, 28-52.

<sup>38</sup> Adalah Newsletter, Volume No. 45, February 2008.

<sup>39</sup> Ibid.



Our treatment of the attorney general's decision is not intended only to point out the severity of the act and the lenient attitude of the legal system to police officers who are accused of murdering Arabs. The decision also gives legitimacy to the murder of Arabs by security forces, and to aggressive and brutal treatment of Arabs. An example of this was found also in the police's aggressive handling of the procession marking Nakba Day in 2008, when police assaulted the participants in the procession (for which they had received a valid permit) to the abandoned village of Saffuriya.

### The offensive against Acre's Arabs

Until 1948, Acre was an important Palestinian city. Following establishment of the State of Israel, most Palestinians left and Acre turned into a city with a Jewish majority. Since then, the Arab population has suffered from poor socioeconomic conditions and from institutional neglect. In recent years – particularly since the events of October 2000 and as a result of the wave of young Arab couples that moved to Acre due to the severe housing shortage in neighboring communities – state officials have imposed on Jewish communities in the north the task of “judaizing Acre.”

In 2002, a *hesder* yeshiva was established near an Arab neighborhood.<sup>40</sup> Also, former settlers moved into the city.<sup>41</sup> The movement of settlers to “strengthen Jewish settlement” was not limited to Acre; it occurred also in the mixed-population cities of Jaffa, Lod, and Ramle.<sup>42</sup> Since then, the offensive against Arab residents has grown sharply: torching of vehicles and houses of Arab residents, hurling of Molotov cocktails at homes, and spraying of “death to Arabs” graffiti on walls in the city.<sup>43</sup> Rabbi Yossi Stern, head of the *hesder* yeshiva in Acre, declared in 2002 that, “Acre is a national test, Acre of today is the Land of Israel of ten years down the road. . . We are the front that gives dignity to the state. . . Coexistence is a slogan. Ultimately, Acre is a city like Ra’anana [a suburb of Tel Aviv], whose Jewish identity must be

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<sup>40</sup> In *hesder* yeshivas, the students carry out advanced Torah studies together with shortened army service. These yeshivas belong to the national religious stream, and the *hesder* program enables them to combine their religious studies with their commitment to service in the IDF and integration in Israeli society.

<sup>41</sup> Report of Activists on Behalf of Acre, Chronology of the Events, 2008.

<sup>42</sup> For extensive discussion on this subject, see *Ibid.*

<sup>43</sup> *Ibid.*





protected. We are here to protect the [city's] Jewish identity and raise the spirit and stand in dignity in the test facing the nation."<sup>44</sup> These events, together with the destruction caused by security forces and the leniency toward persons who attack or murder Arabs, laid fertile ground and provided legitimacy for the offensive against Arab residents on the eve of Yom Kippur 2008.

In a letter that Knesset members Abbas Zakur, a resident of Acre, sent to the Minister of the Interior the day before Yom Kippur (7 October 2008), he pointed out that, in previous years there had been incidents on Yom Kippur, and that he feared they would recur and bring about a tragedy. Thus, he demanded that police patrol cars be placed at Jewish-Arab friction points in the city.<sup>45</sup> As is common knowledge, under Jewish Halacha, it is forbidden to drive on Yom Kippur. However, Israeli law does not prohibit driving on that day; it only prohibits the opening of shops and recreation places. Arab residents in the mixed cities experience, therefore, a kind of general curfew on Yom Kippur.

On Yom Kippur Eve, 8 October, Tawfiq a-Jamel, an Arab resident of Acre, drove with his eighteen-year-old son and a family friend to pick up his daughter, who had visited relatives in one of the mixed neighborhoods in the city. At the entrance to the neighborhood, most of whose residents are Jewish, the car was pelted by stones thrown by young Jews. A-Jamel went into the apartment of his relatives and called the police. Meanwhile, a throng of young Jews besieged and threw stones at the house, which had some fifteen persons inside. The police, according to those in the house, did nothing. The rumor was that one of the besieged Arabs had been killed. On loudspeakers throughout the Old City, a call went out to rescue the Arabs under siege. Simultaneously, the police negotiated with the Jewish assailants in an attempt to rescue the Arab family, and after a few hours, they were rescued. Hundreds of young Arabs who had gathered to come to their aid returned to the Old City. On the way, some of them threw stones at Jewish-owned vehicles and shops on Ben Ami Street.<sup>46</sup>

With the end of Yom Kippur, on Thursday, 9 October, throngs of Jews gathered in the area of the railway station in the eastern section of the city and in the northern

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<sup>44</sup> Ibid., 13.

<sup>45</sup> Sharon Rofe-Ophir, "MK Zakur: Protect the Arabs from Stones on Yom Kippur," Ynet, 7 October 2008.

<sup>46</sup> Arabs48 Online, 10 October 2008; Jacky Khouri, "Tawfiq a-Jamel: The Whole Matter in Acre Began because We are Arabs," Ha'aretz, 10 October 2008; Ahiya Ravad and Yehonatan Weber, "The Night of Harsh Clashes between Jews and Arabs in Acre," Ynet, 9 October 2008.



section – areas with a larger number of Palestinian residents – and began to attack Arabs and Arab property – houses, vehicles, and shops. The offensive continued the next day as well, fading out on Saturday. The Jewish vandals torched twelve Arab-owned houses and a number of vehicles, and many Arabs were wounded.<sup>47</sup>

In the three days of rioting, the police arrested fifty-four residents, half of them Jews and half Arabs. According to the report of the Committee of Activists on Behalf of Acre, “Systematically, when the young people were brought to court, most of the Jews were released, while the Arabs’ detention was extended.”<sup>48</sup> This even though “Jews were the dominant factor in the breach of the peace in Acre,” according to the Northern District Police commander, who was present in the city throughout the events.<sup>49</sup> The Minister of Public Security, Avi Dichter, visited the city on the second day of the events and chose to blame, albeit implicitly, the Arab residents for the situation: “The Arabs used loudspeakers of the mosques to call the public to action.”<sup>50</sup> Dichter and the Northern District Police commander were careful to contend that the police had no intelligence information prior to the outbreak of the events in the city.<sup>51</sup>

On Sunday, 12 October, a-Jamel appeared before the Internal Affairs Committee of the Knesset and apologized for the fact that his trip in the car led to the disturbances. “If something I did caused it,” he said, “I am willing to sacrifice myself here on this table. Take me to the gallows as well, just that there be quiet and tranquility in Acre, and that the coexistence return.”<sup>52</sup> Despite his apology, the police arrested him on the charge of driving recklessly and endangering human life, and he was released a few days later to house arrest.<sup>53</sup> Many Arab leaders in the city and

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<sup>47</sup> See footnote 44.

<sup>48</sup> See the report of the Committee of Activists on Behalf of Acre, *Chronology of the Events*, 2008.

<sup>49</sup> The comments were made in an interview with Ynet, 10 October 2008.

<sup>50</sup> Ahiya Ravad, “Dichter in Acre: The Inciters and Attackers will be Prosecuted,” Ynet, 10 October 2008.

<sup>51</sup> Jacky Khouri and Yoav Stern, “Tzipi Livni: In Israel, We Don’t Take the Law into Our Hands,” Ha’aretz, 10 October 2008.

<sup>52</sup> Yoav Stern, Ha’aretz, 14 October 2008.

<sup>53</sup> Arabs48 Online, 15 October 2008; Yoav Stern, “MK Barakat: Arrest of Driver from Acre – At the Demand of the Extreme Right,” Ha’aretz, 14 October 2008.



many of its Arab residents interpreted the arrest as a police surrender to the Jewish public in the city and its representatives in the Knesset.<sup>54</sup>

Following the events, the Acre Municipality decided to cancel the Alternative Theater Festival that is held in the city every year during the intermediate days of the Sukkoth holiday. The mayor contended that the festival was cancelled out of concern for the safety of the anticipated visitors.<sup>55</sup> This measure was perceived as punishment of the Arab residents of the Old City, for whom the festival is an important source of income.

The events in Acre led many Jewish leaders in the city to express racist and provocative comments against the Arabs. What was once spoken in secret now came out in public. The mayor, Shimon Lancri, said that, "Acre was ours and will remain ours forever. We won't let anybody touch this city. There are people who want to ruin it, but we won't let them."<sup>56</sup> In a similar spirit, racist expressions against Acre's began to appear, along with requests that Acre's Jewish residents boycott the city's Arabs. One Website that was established following the events wrote, "We won't buy from Arabs any more, won't respect any holiday, occasion, or place of the Arabs. Acre's Arabs, go and live in the villages. . . . Whoever buys from Arabs – as far as we're concerned – is an Arab."<sup>57</sup>

It is difficult to describe and understand the events that took place in Acre without considering the context in which they occurred and the increasing hostility to the Arab population that has surrounded Israeli Jewish society since the events of October 2000 and the outbreak of the al-Aqsa intifada. Some researchers argue that these events contributed to shape an Israeli consensus that seeks to enshrine in law the inferior civil and legal status of Arabs.<sup>58</sup> This is occurring in an atmosphere of

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<sup>54</sup> Arabs48 Online, 19 October 2008.

<sup>55</sup> Yoav Stern, "Acre after the Disturbances: More than Anything, The Fear in the Eyes is Conspicuous," Ha'aretz, 16 October 2008; Meron Benvenisti, "'Festival of Hate,'" Ha'aretz, 15 October 2008.

<sup>56</sup> Fadi 'Iadat and Yoav Stern, "Acre's Mayor: Acre was Ours and will Remain Ours Forever," Ha'aretz, 21 October 2008.

<sup>57</sup> Eli Levy, "Racist Website: Boycott Acre's Arabs," nrg Ma'ariv, 23 October 2008.

<sup>58</sup> See, for example, G. Ben-Dor, A. Pedahzur, and B. Hasisi, "Anti-Liberalism and The Use of Force in Israeli Democracy," *Journal of Political and Military Sociology*, 31(1): 119-142 (2003); N. Rouhana and N. Sultany, "Redrawing The Boundaries of Citizenship: Israel's New Hegemony," *Journal of Palestine Studies*, 129(1): 5-22 (2003).



ongoing threats to their citizenship and laxity of the law regarding racist comments and violence against Arabs.

On this point, Adalah states:

The attack by Jewish citizens on Arab citizens in Acre on Yom Kippur cannot be separated from the authorities' law-enforcement policies regarding nationalist violence when committed against Arab citizens. In October 2000, on the eve of Yom Kippur, Wissam Yakbak from Nazareth was killed after the police opened fire on him; that same month a total of thirteen Arab citizens were killed by the police. . . . Despite the existence of decisive evidence and the conclusions reached by the official Or Commission of Inquiry, Attorney General Mazuz decided in January 2008 not to file indictments against any of the police officers or commanders responsible for these killings.<sup>59</sup>

The poet and writer Yitzhak Lior well described the collective Jewish response against the Arab population following the offensive against Acre's Arab residents. In light of the importance of his comments, we quote his article at length.

Picture a Jewish driver entering a religious neighborhood on Yom Kippur, his auto is stoned, he is wounded, his family gets into a clash with the stone throwers, a rabbi comes from some yeshiva, and with some sweet talk ("love for the Jewish people") things quiet down. . . . Order, when Jews are involved, rapidly brings about stability.

. . . The discrimination in budget allocations, the gap in life expectancy, the gap in infant mortality, the gap in paved roads, all these are important, but they are insufficient to describe the manner in which the state neglects the security of its Arab citizens, who are ostensibly equal under the law, enabling them to vote and maybe also be elected, if they swear allegiance to the four sacred words, "Jewish and democratic state."

The time has come to speak seriously about this four-word refrain, and not to sweep again the blood and the broken rights under the verbiage of the "extremist minority on both sides." The time has come to recognize the fact that Israel permits the blood of its Arab citizens every time that the Jewish collective stands opposite the Arabs. It makes no difference if they are Arabs from outside (the Occupied Territories), or from inside. The right of the Jewish collective to protect its identity is obvious, and a sociologist on behalf of this ideology has been found and there are jurists on its behalf, who manage to provide a foundation for these excess rights of the Jews on the cognitive level, in addition to the excess rights in every sphere of life. Always, it is a matter of "protection of identity."

This is the key question that must again be asked: Why does the state act the way it does? . . . This is the logic of the violence against Arabs. . . . Always, the incident becomes acts on behalf of the collective versus persons outside it, which endanger it... This is the logic that Israel absorbs daily: this place belongs to Jews. The Arabs are strangers. Some people think that

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<sup>59</sup> Adalah Newsletter, Volume No. 53, October 2008.



strangers must act nicely. Some people think that strangers need to be removed. Here is the pus.<sup>60</sup>

The Acre events and the Jewish collective response provided the opening for a mass offensive against the presence of Arabs residents in other mixed cities and in Jewish communities in which Arabs live. In Jaffa, "death to Arabs" was sprayed on walls in the Arab neighborhoods.<sup>61</sup> In Nazareth Illit, which was established in the 1960s on land expropriated from Arabs), Ze'ev Hirtman, who was a candidate for mayor, said that the presence of Arabs in the city was a serious problem that needed to be handled, and even proposed that Arab residents be allowed to exercise the "right of return to Arab Nazareth," that, is, to leave their homes and move to the Arab city of Nazareth.<sup>62</sup> On 23 October, a proclamation was distributed in Ma'alot, which was established on land expropriated from Arabs, in which the Ma'alot Religious Front declared that it would not be deterred from handling Arab residents in the city, and made a commitment to strengthen Jewish identity by reducing the sale and rental of houses to Arabs.<sup>63</sup>

In addition to the mixed-population cities, activists from the Right seek to taunt Arab residents also in the heart of Arab towns and villages. On 29 October 2008, the Supreme Court permitted activists from the extreme Right, Itamar Ben-Gvir and Baruch Marzel, to hold a demonstration on the streets of Umm el-Fahm. The court ruling came in a petition the two filed in the High Court of Justice after the police rejected their request to march in the middle of the city while waving Israeli flags. The Arab population viewed this decision as approval of racism and granting of a prize to activists from the far-Right, whose declared purpose is to taunt the Arab residents.<sup>64</sup> ■■■

### *Mtanes Shihadeh - Mada al-Carmel*

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<sup>60</sup> Yitzhak Lior, "The Collective Response," Ha'aretz, 17 October 2008.

<sup>61</sup> Arabs48 Online, 16 October 2008.

<sup>62</sup> Arabs48 Online, 11 October 2008.

<sup>63</sup> Arabs48 Online, 23 October 2008.

<sup>64</sup> Tomer Zarhin and Yoav Stern, "High Court Permits Marzel and Ben-Gvir to March in Umm el-Fahm," Ha'aretz, 29 December 2008.



**Analytical Paper**

On the 11<sup>th</sup> of November, local council and municipal elections were conducted in Israel. The voting rate amongst Arabs was very high, surpassing eighty percent and in some places even ninety percent. This indicates a large interest in local elections within the Arab community in comparison with the Jewish community and Western countries in general. It is natural that the Arab citizen here believes that the local authorities influence his/her daily life much more than the central government, especially with regards to education, planning and building. There is also the interest that springs from the nature of the social structure of the various Arab villages, where family considerations are an important factor in nominations and votes for presidents and members. Because of these family and local considerations, only a very limited space remains for political discussion in local elections and the political parties have adapted to this situation instead of transforming it. The parties do not take advantage of the electoral battle to pose the basic problems that the Arab community suffers from, such as the dangerous rise in unemployment and poverty rates, the weakness of the educational system and the lack of land.

Local elections in certain Arab villages and cities are accompanied by waves of violence between groups of activists from competing political factions, in spite of the plethora of appeals from the candidates to have brotherly relations and maintain the social fabric. The result is often the opposite because these appeals are not more than lip service, or are a part of the election propaganda itself. The slogans, which frequently talk about social change, such as "raising the status of women" and "building the coming generations", are also not exempt from the rule of lip service.

From another angle, one finds that the Arab councils and municipalities are the largest source of employment for the Arab workforce in the absence of industrial projects in the Arab villages and cities. Estimates show that the Arab authorities have approximately ten thousand workers and employees. This is without counting those working in the educational sector. This in turn increases the interest in voting in the local elections.



When the elections were conducted, there were seventeen local Arab authorities that were dissolved and replaced with committees appointed by the [central] government, which points towards the difficult situation that the local Arab authorities are suffering from. The following article will attempt to explain the principal difficulties that beset these authorities.

## The Palestinian Local Government in Israel

*Asa'd Ghanem*

When local governments were established in Israel during the 1950's and 1960's, the Palestinian municipal sector in Israel was extremely small as most Palestinians lived in villages that did not have municipal status. The internal regime in these villages was based on the political and social solidarity of extended families and traditional leadership, legitimized by the social standing of its members in the clan and locality, and its ties with the national authorities and military government.

Municipal status is granted at the discretion of the Minister of the Interior, generally in consultation with the District Officer and local figures. Between 1950 and 1954, the Palestinian local authorities that had existed before 1948 were re-established, including Shefaram, which had gained municipal status as early as 1910, Nazareth (1877, renewed in 1934), and Kafr Yassif (1925); along with eight new local authorities also established during this time. Fourteen more local councils were set up between 1956 and 1960—five in the Triangle and nine in Galilee; another 13 were established by 1965, and 13 more between 1966 and 1975 (Al-Haj and Rosenfeld, 1990). Today there are 82 Palestinian localities with independent municipal status (8 cities and 74 local councils) and 30 other localities fall under the jurisdiction of regional councils. Approximately 80% of all Palestinian citizens of Israel live within the jurisdiction of Palestinian local authorities (the others live in unrecognized villages or mixed cities, with Jewish majority).

The importance of local government for the Palestinians in Israel is mentioned in many studies on local government or on the historical development of the Palestinians in Israel (Al-Haj and Rosenfeld, 1990; Ghanem, 1995; Rekhess, 1985). According to these studies, the main reason for its importance is the fact that local



government has served as the main channel for the self-administration and development of its residents and as the main reservoir from which national leaders emerge.

The rise in the standard of living in Palestinian society, increased awareness of the rights of citizens vis-à-vis local government and friction with Jewish society, which is viewed as more developed and advanced, have increased Palestinian expectations that local governments will supply, improve, and expand services and infrastructure. Because of the scarcity of voluntary organizations and civil-society institutions that can help develop municipal services, the local authority has become almost the sole address for residents who need services and solutions to their increasing expectations.

Recently—during the last decade or so—the problems of Palestinian local government in Israel have increased, to the point of threatening its stability and operation. Palestinian local authorities have severe functional, administrative, and financial problems. The development and improvement of local government in the Palestinian sector are running into many problems and obstacles, some the result of many years of neglect by the Israeli government, and others caused by the structure of Palestinian society, with its worsening recurring crises.

### **Fundamental Problems of the Palestinian Local Authorities**

A number of factors impede the development and advancement of the Palestinian local authorities in Israel and prevent them from achieving a level of performance that can satisfy the demands and expectations of Palestinian society (namely, to function efficiently, effectively, transparently, and democratically). The main factors are:

1. The defective and weak management and organizational capabilities of the political and professional echelons, including:
  - a. The dominance of clan-based political considerations in the work of the authorities and in decision making. This leads to the frequent hiring of persons who are not suited for their job and to exceeding the number of authorized personnel without securing sources to fund the extra positions. The dominance of clan-based





political considerations has also spawned projects and services for residents that involve major financial outlays and budgetary waste. These processes have damaged the local authority in the eyes of citizens.

- b. A lack of clarity and transparency concerning the visions, overarching goals, and management strategies employed by the council and functionaries. The council works by putting out fires and addresses current issues without planning and without studying and analyzing the issues.
- c. A dearth of planning processes and plans. The management approaches are generally implemented under duress and with no organized and systematic planning process. In addition, the expected annual outputs required of each department and functionary are usually unclear.
- d. Faulty communication among functionaries, tension, and disagreements between and within the political and professional echelons. This problem affects the work of the local authority at all levels and in all areas and undermines the performance of the council and the provision of services to citizens. It is manifested in the fact that employees and department heads avoid working and/or providing services against the background of a disagreement or argument with the side that requests the service.
- e. Poor work ethics and the lack of motivation of functionaries and employees. Because of the councils' poor financial situation, the dominance of clan-based political considerations, politically influenced hiring of unsuitable employees, and the serious problems facing the community, workers cannot deal with citizens' requests and needs, and this failure burns them out and erodes their motivation.
- f. The situation described above makes many local authority employees apathetic and indifferent. As a result, some of them



do not do their jobs as required. This detracts from the status of the local authority and gives it a negative image in the eyes of citizens.

- g. The Palestinian local authorities have relatively poor achievement in many areas with regard to providing services and implementing projects in an efficient and superior manner.

2. The profound financial crisis weighs down the local authorities and prevents them from providing the quantity and quality of services appropriate to the needs and expectations of their heads and of the community. As a result of the financial crisis that plagues the local authorities, most of them are currently committed to recovery plans that require cutting expenses and streamlining processes (discharging workers and reducing back activities) while increasing their independent sources of revenue.

The reasons for this crisis include:

- a. The official State discrimination against the Palestinian citizens in general and their local authorities in particular.
- b. The cumulative collection of local property taxes by Palestinian local authorities does not exceed 30 percent. The weak socioeconomic condition of the community and the severe shortage of land uses that produces significant revenue, along with the cutbacks in balancing grants and development budgets have severely affected the work of the councils and their ability to provide services to citizens.
- c. It should be noted that, over the last ten years, major resources and budgets have been invested in the physical infrastructure of localities (building schools, community centers, developing neighborhoods, hook-up to the sewer system, repairing roads, etc.), but the financial crisis that has plagued the local authorities during the last two years has diminished their ability to operate and maintain the infrastructure at a level appropriate to the needs of citizens.

3. The Palestinian community is weak and in major socioeconomic distress. Palestinian local authorities rank at the bottom of the socioeconomic scale in the country. At the same time urbanization processes are taking place that require improvement and development of infrastructure and of the services provided by local

authorities. Urbanization processes increase the demand and expectations for services and infrastructure. But most communities see the local authority as the body responsible for working to improve their condition and for providing them with services. The weak authorities find themselves under severe pressures and becomes even more difficult for them to act. The Palestinian local authorities are generally helpless and frustrated by the community's ever-increasing demands and expectations, at a time of reduction and shortage of the resources and budgets available to them and a widening of socioeconomic disparities between the Palestinian and Jewish sectors.

4. Many programs, including budgetary investments, have attempted to deal with the distinctive characteristics and problems of the Palestinian local authorities, but these have not been greatly successful for a number of reasons:

- a. Most of the programs were designed with ideas and concept that failed to take account of the distinctive characteristics of the Palestinian local authorities and the Palestinian community.
- b. Most of the programs and projects attempted to work on limited aspects of the problems confronting local authorities and lacked a comprehensive approach in the areas that are truly important to the Palestinian local authorities (budgets, management, planning and construction, society and community).

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## Viewpoints

Since the eighties, NGOs active within the Arab community of Israel have become a crucial fixture in the Arab scene, working to create both social and political momentum, as well as harnessing the energies of individuals in the local community to participate in confronting the challenges it faces.

The Arab NGOs play an important role in dealing with development issues, fortifying public participation, and fulfilling the daily needs that the state refrains from meeting, given its ethnic Jewish nature. Some of these organizations have strengthened the role they play in development, mainly in fighting poverty, filling the qualitative gap in education, empowering women, promoting gender equality, promoting cultural activity and improving healthcare, especially reproductive healthcare, as well as other basic goals. There are other NGOs that function as research centers to try and fill the gap resulting from an absence of [Arab] academic organizations, such as an Arab university.

The work of the organizations, given the importance of their role, is not questioned when it comes to their agendas and their relation to the political and developmental issues that concern society. Therefore, the following viewpoints on the Arab NGOS are an attempt to record and analyze some of the main cornerstones of their work and experience within the Arab community in Israel.





## The Self-Empowerment of the Emerging Arab NGO Sector in Israel

*Amal Jamal*

The Palestinian-Arab society in Israel has undergone major changes in the past two decades. One of the most dominant changes is the restructuring of Arab politics from one focusing mainly on formal tools, such as elections, whereby the political parties are the main political agents, to one that incorporates informal politics where professional NGOs become a new and important social and political player. This change is especially important since the NGO sector provides Arab society with tools and services that the political parties did not manage to extract from the state.

When looking at the Israeli public agenda one cannot but notice the dominant role played by NGOs in the last two decades in bringing Arab needs and interests to the fore. The number of conferences and gatherings that address the status of the Arab minority and the Israeli policies towards it has increased tremendously. State institutions and public officials are bombarded with professionally organized information, challenging state discourse on the Arab minority and its place in the Israeli prioritizing system. Moreover, Arab NGOs are providing essential services to various sectors of the Arab minority in many fields, such as education, health and welfare, where the state has failed. Many NGOs exert legal, public and political pressure on state institutions to change their policies in various fields. Some of them are engaged in introducing comprehensive, constitutional, political and social ideological frameworks that challenge the ideology and policy of the state. Furthermore, several NGOs have transferred the battle for achieving the basic human and citizenship rights of the Palestinian indigenous minority to the international agenda. Thereby, Arab NGOs have been playing a strong counter-hegemonic role vis-à-vis the Israeli state, assisting political parties to improve their role in the political arena. Also, the NGO sector has provided a sphere of autonomy from direct state power, on the one hand, and made some work places available for the growing number of Arab academics that face major difficulties in being integrated in the Jewish job market on the other. Despite the fact that the state has not been responsive to all Arab NGOs demands, one cannot but mark the contribution that NGOs have made to ensure some protection to the Arab minority and to counter at least some of the vicious policies of the Israeli state.



Notwithstanding the counter-hegemonic role played by Arab NGOs one must address some of the weaknesses that this sector is demonstrating. Arab NGOs in Israel are split between two differential agendas. One agenda is religious-Islamic. The other agenda is secular-civic. These two agendas do not communicate and rely on two different and even competing patrons for resources. Whereas the Islamic NGOs extract their resources from the local population and from the Islamic world, the secular NGOs rely totally on foreign, mainly western countries. These patrons have agendas that are sometimes clearly manifested in services and activities that different NGOs provide in Arab society. This split would not have been problematic had the NGO sector managed to establish open communication channels between the various NGOs. Contrary to this expectation the competition between these two streams of NGOs and within each one of them over resources and spaces of authority is fierce. The total dependence of the secular NGOs on external, mainly western countries make them vulnerable. They do not have an organic bond with Arab society and as a result could be extorted to meet the agenda of their donors in case these donors exert serious pressure. Their economic dependency on external donors impacts the authenticity of their relationship with their society. In effect, their power to challenge the Israeli hegemonic ethnic regime and set alternatives is not only partially captive in the hands of donors, but is also an elitist venture that the general public is not involved in generating. This same point can explain the personalized patterns of leadership in many, if not most secular NGOs. The contacts with the donors are in many cases based on personal trust that may be shaken with the change in leadership. On the other hand, the religious NGOs and despite their authenticity have a strict ideological agenda that may be a source of estrangement within Arab society. This strict ideological agenda limits the involvement of broad sectors of society in the activities of these NGOs, which reduces their ability to win the protection of society in case of confrontation with the state.

Another weakness of the NGO sector stems from the close affinity between the religious NGOs and service provision, aiming at social change on the one hand and the secular NGOs and lobbying and advocacy on the other. Although this division is not fully true, one notices an imbalance that secular NGOs face between their professional commitments and their efforts for social change. Other than feminist NGOs one cannot mention any large secular organization that is investing major



energies in social change from a grassroots level. This important venue is neglected by the secular NGOs, which could partially explain the strength of the Islamic movement to mobilize society for collective efforts that have to do with its ideological agenda, whereas secular NGOs have given up mass mobilization and are satisfied with what could be easily depicted as "elitist" ventures.

The chasm between these two patterns of NGO activism and the lack of serious efforts to overcome it, despite some coordination that began with the increasing pressure from the state and from donors, have weakened the emerging Arab NGO sector. This has enabled the state to overcome the challenges posed by the secular NGOs and ignore their demands for democratization, while simultaneously leaving major educational, social and welfare responsibilities to be answered by (mainly religious) Arab NGOs. Thereby the state manages to achieve two interrelated goals. The first is keeping the secular NGOs within the status quo determined by the state, which exploits the situation to glorify its "democratic" character. The second goal is co-opting the NGOs within a neo-liberal policy, where the state is not obliged to supply basic services to its citizens, knowing that a large number of people in Arab society are of great need for welfare services, while exerting pressure on religious NGOs in order to neutralize the political impact of their civic activism.

Therefore, both religious and secular Arab NGOs are obliged to resist playing into the economic and national hands of the state. A more coordinated dialogue, communication and cooperation between all players in the Arab NGO sector is needed for self empowerment. The strength of the NGOs is very important at an internal Arab level and is a precondition to the counter-hegemonic role of NGOs. Furthermore, NGOs should be more active in generating internal resources in order to establish a political culture of authentic representation while ensuring accountability and transparency. Extracting internal resources could also help in establishing new patterns of collective leadership that assist in overcoming internal rifts and external pressures. ■■■

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## Civil Society Organizations and Their Impact on Collective Palestinian Action inside the Green Line

*By Ameer Makhoul*

The 1980s witnessed the emergence of civil society organizations founded on the basis of providing “alternative services” to state services, in response to racial discrimination. The following period witnessed a shift towards advocacy strategies and mobilization locally and then internationally, which increased the role of civil society organizations within the public sphere.

I will limit my discussion of the impact of these organizations to the public, national political sphere, without broaching the issue of their social impact; nor will I touch in detail on the political differences between them.

Whereas more than 1,200 Arab associations are registered with the Registrar of Associations, the focus here will be on tens of independent Arab organizations, the majority of which work nationally. These NGOs form a sort of intervention in the public sphere and in the general Palestinian interest, and play a conscious role in this matter.

It is worth underlining the early attention paid by some of these organizations to the importance of future planning and to reliance on the cumulative capacities in the Palestinian society, and the need to form collective and human rights frameworks within the scope of civil society action.

### **NGOs as effective players in shaping collective identity and discourse**

The last two decades have been witness to some significant shifts, such as the emergence of a strategic approach to collective action among NGOs. In addition, they saw the creation of an organizational framework, for the first time in the history of civil society action inside the Green Line, namely the establishment of Ittijah – The Union of Arab Community Based Organizations in the mid-1990s. Given the nature of





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collective action and the characteristics of civil society, Ittijah adopted a collective political (not party affiliated) voice.

Ittijah as an organization raises the “common denominator” among its member associations, and transforms it into a voice that is qualitatively louder than that of each association in isolation, and whose consequences each would be unable to contend with alone. In comparison, the High Follow-Up Committee for the Arabs in Israel, a body which has a representative dimension, adopts the principle of the “arithmetical” or “minimum” common denominator, and has therefore also taken on the minimum level of aspirations among the majority of its members. In this equation, organized, collective civil action headed by Ittijah presents a challenge to the political consensus inside the Green Line and to the rules of the Arab political game. These challenges include turning the internationalization of the issues of Palestinians inside the Green Line into a basic course of action that lies at the heart of the national consensus.

The organized civil society sector has provided a structured model for interaction between Palestinians in the homeland and the diaspora, and with the Arab world. It has taken precursory steps towards developing strategies to overcome fragmentation and towards placing these relations within an organizational framework, as well as creating common Palestinian references for Palestinian civil action. This sector was also the forerunner in developing strategies for the boycott of Israel and its isolation as a racist colonial regime.

From the mid-1990s – and particularly in light of the Oslo Accords, which kept Palestinian rights hostage to power relations in their absolute form – action by civil society underwent a fundamental and important shift towards resisting assimilation, institution-building and the formation of an independent Palestinian institutional entity.

Civil society organizations have made a tangible contribution in the area of identity. This contribution coincided with the emergence of a national democratic movement, in the mid-1990s, which focused on the issue of identity (Palestinian identity in the face of “Israelization”), institution-building and self-administration. One example of a role played by these organizations in the context of identity is in formulating a



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reference point for, and later setting the parameters of, the public agenda in opposing the Israeli national service plan.

In relation to the subject of identity, rights and the Palestinian discourse of justice, a special role emerged for organizations in the issue of the internally displaced and the refugees, and in turning the issue of Return into a project backed by the people. This was reflected in the founding of the National Committee for the Defence of the Rights of the Internally Displaced in 1995 - which operates through the Association for the Defence for the Rights of the Internally Displaced (ADRID) - in the three conferences on the Right of Return held in recent years, the popular "Marches of Return", and the activities held to mark the 60<sup>th</sup> anniversary of the *Nakba*.

In the same context of identity, civil society action has had a great influence on the establishment of ethical norms. An example is the resolute stance taken by Ittijah against the interference of international Zionist organizations in the issues of the Palestinian people. These organizations have attempted to interfere in our society financially and politically with the aim of reinforcing the project of the Jewish state. The collective pro-boycott stance was taken within Ittijah. Its moral point of departure was that the international Zionist organizations are not party to our issues and that we oppose the concept and the project of the Jewish state and the state for the Jews, while dealing with these organizations implies accepting them. This stance set the operating standards for civil society, local, party-affiliated and representative organizations.

One of the issues that relate directly to the core of the Palestinian question is that of the prisoners and detainees, which has also been taken on by a number of organizations over the course of the years.

Earlier, in the late 1980s, the subject of the unrecognized villages was raised as part of the wider issue of collective rights. At the time this work was carried out by the Association of Forty, which played a pioneering role in bringing the battle for the recognition of these villages to the heart of the public political agenda. The Regional Council for the Unrecognized Villages in the Naqab was formed later and has led this battle in the Naqab in recent years.



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## **The Future Vision Documents**

The initiative of drafting a collective Palestinian visionary document came from organizations and their activists, whether as the representatives of these organizations or as individuals. This development was indicative of the knowledge and experience that had been accumulated within the NGO sector. True, this work was carried out by individuals who together formulated the document; however, research institutes (such as Mada al-Carmel, which was the first organization to embark on drafting a collective document in our times) began to play a role in shaping the amassed political and institutional experience into a future vision. This experience was mirrored in the powerful role of the right and justice discourse in dealing with the issue of the Palestinian people, including the issues of Palestinians inside the Green Line.

In continuation of that, the prominent role and excellent performance of human rights organizations, particularly adalah, in the field of law and rights discourse, have led to a kind of excessive reliance and dependency on professionalism and legal qualifications. This reliance has come at the expense of public action in tackling cases that have a legal aspect, but are in fact fundamentally political, given the racist and colonial essence of the state of Israel. In fact, the political movement and the popular representative bodies have proposed this standard more than the organizations in question. This situation has made it clear that the available tools of political action are insufficient for bringing the desired impact and need to be reformed in an appropriate way, and organizations are an essential partner in reform.

## **Protecting organizations and political freedoms**

Organizations have played a pivotal and concrete role in combating political persecution and in affirming solidarity, unity and collective responsibility, and in turning these into common conduct, as was reflected in the establishment of the Popular Committee for the Defense of Freedoms. This committee developed out of the High Follow-Up Committee for the Arabs in Israel and is currently headed by the Union of Arab Associations. The Popular Committee has provided a sophisticated



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model of creating a space for common action and interaction between organizations and political parties.

### Conclusion

A powerful political movement exists among the Palestinian community inside the Green Line, alongside a powerful NGO movement. Generally speaking, the influence of these organizations would not have been as great as it has been in the absence of a basic, underlying understanding between them and the political movement, or an essentially agreed-upon division of roles. The politicization of both of these institutional sectors and the similarities between their political characteristics and their leaderships can be a source of tension, but can also be one of harmony, and even complementarity, depending on the case at hand. This state of affairs provides scope for reciprocal influence, or at least allows each part to take the other into consideration. ■■■

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## Information Papers

This section of Jadal aims to present a background information pieces on issues of relevance – this time, The Higher Follow-Up Committee for the Arab Citizens in Israel, and The Military Government that the state of Israel imposed on it's Palestinian citizens until 1966. The two articles will be published in Rouhana,N. & Sabbagh-Khoury,A. (Eds.). *The Palestinians in Israel: A Guide to History, Politics, and Society*.(forthcoming, 2009).

### The Higher Follow-Up Committee for the Arab Citizens in Israel

*Muhammad Amara*

#### **The Establishment of the Follow-Up Committee**

Arab-Palestinian organizations flourished during the era of the British Mandate over Palestine. These organizations included: The Arab Executive Committee, the Higher Islamic Council, the Higher Arab Committee, and the Higher Arab Council (Amara and Kabha, 2005; El-Hout, 1986). In the aftermath of the *Nakba*, the Palestinian organizations were completely destroyed and most of the urban elite of Palestinian society were expelled.

After the *Nakba* and founding of Israel, the Israeli establishment attempted to thwart the founding of any new Arab nationalist organizations (a good example of this is the harassment of the members of the *Al-Ard* movement). In addition to the Israeli establishment's use of various means to prevent the establishment of Arab nationalist organizations and institutions, a long period of time passed before there emerged from the remnants of the Arab Palestinian community a new elite with a national consciousness that embarked on the building of institutions. The emergence of a new intellectual class and the expansion of the middle class had its first seed



planted in the 1970s. This was followed by a vigorous process of building institutions of a nationalist character so as to organize Palestinian Arab society in Israel (e.g., the National Committee of Arab Mayors in Israel, the National Union of Arab University Students, the National Union of Arab Secondary School Students, and the Regional Committee for the Defense of Arab Lands). These institutions formed the beginnings of the reorganization and rebuilding of Palestinian society in Israel.

The Higher Follow-Up Committee was born in 1982 out of the National Committee of Arab Mayors in Israel. The latter was unable to take shape as a nationwide, nationalist organization because of the major contradictions within its composition. Most of the mayors had been elected based on their clan or confessional affiliations, and a large number of them had ties to the Zionist parties and the Israeli establishment. It is not surprising then that the Israeli establishment supported the setting up of the National Committee of Arab Mayors, through those mayors they were friendly with. However, this body was not fated to go beyond the local level. For example, the initial refusal by the National Committee of Arab Mayors by a large majority to adopt the decision of the Regional Committee for the Defense of Arab Lands hold a strike on the first Land Day in 1976, testifies to the nature of this body (Bashir, 2006).

Given the chronic, suffocating financial crisis faced by the local Arab authorities, the National Committee of Arab Mayors strove to find solutions within the framework of consulting with the national Arab leadership, especially the Arab Knesset Members (Muhareb, 1998, p. 24). A meeting held on October 30, 1982 between the secretariat of the National Committee of Arab Mayors and Arab Knesset Members resulted in the establishment of the Follow-Up Committee. This indicates that the basic goal of the establishment of the Follow-Up Committee was to support the Arab local authorities in keeping abreast of and dealing with their financial crisis. Furthermore, the role and powers of the committee were not clear at the time. At times it raised the issues concerning the local authorities, while at others it dealt with issues relating to the Palestinian society in Israel.

However, as soon as the committee began to turn its attention to the various issues of the Arab public, it began to polarize the Israeli media and public opinion. Further, political events forcibly imposed themselves, in particular the Lebanese war of 1982



and the ensuing events, both on the work of the committee and the dynamics of its development.

The contradictions within the new body surfaced after its establishment, because of conflict between the powers active within it, in particular between the prominent political forces at the time: the Israeli Communist Party (or *Rakah* in Hebrew), the Labor Party, and *Mapam*. The initial tension arose out of the Israeli media's deliberate disregard of the Communist Knesset Members while giving coverage and prominence to those Arab Knesset Members that belonged to Zionist parties. In other words, there was fear on the part of the Communist Party of that members of the other parties and movements would gain control of the new body, and consequently, control of the National Committee of Arab Mayors. The Arab mayors who backed the Communist Party began to grow uneasy, and demanded that clear boundaries be demarcated between the Higher Follow-Up Committee and the National Committee of Arab Mayors (Al-Haj and Rosenfeld, 1990).

The ongoing discussions about the nature, composition, role and authorities of the new body did not cease, and the problems relating to local governance remained unresolved, but instead grew more vehement, in addition to the escalation of tension in the Palestinian-Israeli conflict. Despite the fragility of the new body, and the rivalry between the different forces within it, the other bodies acting in the local arena were unable to offer solutions to many issues. This all helped to safeguard the continuing existence of the Higher Follow-Up Committee, and even to expand it. In order to bolster their influence, the various political parties and movements strove to include personalities and organizations associated with them in the Committee. In this manner, the Committee was expanded and came to include – in addition to the secretariat of the National Committee of Arab Mayors, the Arab MKs and the secretaries and chairpersons of the political parties – a representative from the National Union of Arab University Students, one from the National Union of Arab Secondary School Students, multiple representatives from the Regional Committee for the Defense of Arab Lands, Arab members of the Central Council of the *Histadrut* (the General Federation of Labor - the Israeli workers' union), and representatives from the follow-up committees for Arab education, health and social welfare. After its expansion, it came to be known as "The Higher Follow-Up Committee for the Affairs of the Arab Public in Israel."



Ibrahim Nimer Hussein (1929-2005), mayor of Shafa'Amr from 1969, assumed the position of chairperson of the National Committee of Arab Mayors in 1981, following the death of the mayor of Al-Rama, Mr. Hanna Muwais. After the founding of the Higher Follow-Up Committee in 1982, Hussein became chairperson of both committees, due to the strong relationship in terms of content and organizational structure between the two committees (Rekhess, 1993, p. 148). The custom of a single person assuming the leadership of the two committees continues until today. Hussein was not affiliated with any political party, which facilitated his leadership of the Higher Follow-Up Committee, in light of the inter-party conflict taking place within it.

### **The Role and Political Activity of the Higher Follow-Up Committee**

Over time, role of the Higher Follow-Up Committee was not confined solely to issues of local government. While it is true that the committee was established – originally – for the purpose of improving the state of Arab local government, it also organized political protests against the Lebanon war of 1982, taking upon itself the role of expressing the political position of the Palestinians in Israel. From the mid-eighties, the Higher Follow-Up Committee began to take on the character of a representative, leadership body for the Arab public in Israel. This leadership became noticeable after it called for a large number of general strikes (the first strike that it called was for Equality Day on June 24, 1987 [Muhareb, 1998]). From then until the present, the Higher Follow-Up Committee is the one that calls for general strikes on national occasions, or during political protests. The strikes and protests were not limited to local affairs, but also included general civic affairs, discrimination against Arab citizens, and the Palestinian- Israeli conflict, as a means of supporting the struggle of the Palestinian people in general, and during the two Intifadas in particular, and criticism of Israeli aggression against the Palestinians and Lebanese. The Committee took on a central role in the October 2000 uprising, and thereafter, when, along with "The Committee of the Martyrs' Families" and the *Adalah* legal center, it demanded the establishment of an commission of inquiry into the deaths of thirteen Palestinian citizens from inside the Green Line in order to bring the perpetrators to trial. It is no surprise, then, that some began to refer to the High Follow-Up Committee by the name of "The Parliament of the Arabs."





In spite of the fact that the Higher Follow-Up Committee began to assume its place as a representative and leading body for the Arab public in diverse fields and issues, it faces many obstacles, which render its activities less effective than the Arab public expects. Muhareb (1998) has summarized these obstacles as follows: the composition of the Follow-Up Committee (in the sense that there are no clear criteria concerning the representation of the various sectors); the absence of an internal system in the Committee to organize its work; the absence of a clear mechanism for the decision-making process; the lack of order in Committee meetings; the absence of an apparatus exclusively for the Committee; the absence of a budget for the Committee or a charter for national work.

The Higher Follow-Up Committee does not convene on a regular basis; rather, it meets according to political exigencies as dictated by political developments, or the celebration of anniversaries of events in the history of the Arab public. Until recent years, the headquarters of the Committee depended upon the place of residence of its chairperson person. Thus under the leadership of Ibrahim Nimer Hussein, it was in Shafa'Amr. It then moved to Kufr Manda when Muhammad Zeidan (mayor of Kufr Manda) became its chairperson, and then to Jaffa of Nazareth when Shawqi Khatib was elected as its chairperson. The latter, however, institutionalized the Committee and found it a fixed location in Nazareth.

Prior to its institutionalization, the Higher Follow-Up Committee was with no fixed location, organizational structure, or professional staff. Over the course of the years this was expanded within the framework of the work of the National Committee of Arab Mayors. But the budget of the Committee remains restricted and its sources unclear, which influences its ability to carry out its decisions.

The Higher Follow-Up Committee is equivalent to a coordinating committee, due to the inappropriate representation for various sectors and the absence of some others, along with the mechanisms essential to activate them. Feminist organizations raised the issue of the representation of women in the Committee, and demanded the reservation of a proportion of its membership to women. This provoked wide debate both inside and outside the Committee, between supporters and opponents of the idea of a fixed quota; and remains unresolved until today. The first woman



representative of the political parties - from the Democratic Front for Peace and Democracy (DFPE) - entered the Committee just recently,. The question of decision making is a fundamental one concerning the work of the Committee. Even if it takes decisions, it has no effective mechanism for implementation and follow-up. This is in addition to the lack of clarity in the organizational relationship between it and the Arab citizenry (Bishara, 1998, p. 149). Furthermore, the Israeli establishment refuses to recognize the Committee as an official representative of Palestinian society. In reality, however, it deals with it and takes its decisions seriously, as was the case in the aftermath of the outbreak of the Al-Aqsa Intifada in October 2000. Another fundamental question, namely that the Committee is not directly elected by the Palestinian public. In reality, in recent years – particularly following the outbreak of the 2000 Intifada – a political discourse and orientation has emerged, led by political movements, intellectuals and academics, which demands the rebuilding of the Committee through its direct election by the Arab public, in order to activate it at the level of decision-making and implementation. At the level of the Arab political parties, this orientation is driven by the National Democratic Assembly (NDA). Recently, it was joined by the Islamic Movement (Northern District), lead by Sheikh Ra'ed Salah, who demanded that elections to the Committee be conducted within a fixed timetable. The Sons of the Country movement demands the establishment and election of a new entity under the name "The Arab Parliament." The DFPE party favors the reorganization of the Committee within the existing framework but not its rebuilding. It stands against its direct election by the public out of fear that this would be interpreted as an attempt within Israeli society to secede from the state. This debate returned to the Arab political arena with vigor following an increase in the rate of the boycott of the Knesset elections, and out of the necessity of presenting alternatives for political work.

The direct election of the Committee would make its responsibility towards its electorate a direct one, and would necessarily increase the transparency of its management and its connection to the public. This body could also become a representative for the collective rights of the Arabs, and the equivalent to a "real Arab parliament," one that would constitute the most important building blocks of cultural autonomy. In the opinion of the Jewish majority, this is considered a separatist path; for the Arabs, however, it could be one of the means of gaining collective rights.



Today, there is no disagreement between the various political parties and movements within the Palestinian society over the importance of the existence of the Higher Follow-Up Committee as a leading, representative body. Nonetheless, there are severe criticisms of its performance and effectiveness, since the political parties and movements are striving to engender change within it, and many issues are still hotly contested.

Among the factors that have enlivened the debate and hastened the push to rebuild the Committee in recent years is the energy of its current chairperson, Mr. Shawqi Khatib, the mayor of Jaffa of Nazareth. A further factor is a change-driven push by the political powers, including the NDA and the Islamic Movement, which have both gained considerable weight in the political arena. Shawqi Khatib is the first chairperson of the Committee to have come from a party framework – the DFPE. He alternated as chairperson of the Committee with Mr. Muhammad Zeidan, the former mayor of Kufr Manda, after Mr. Ibrahim Nimer Hussein finished his term as chairperson of both the Higher Follow-Up Committee and the National Committee of Arab Mayors, following his defeat in the Shafa'Amr council elections. Khatib was re-elected in 2003 as chairperson of both committees, in spite of the debate at the time as to whether the leadership of the two committees should be divided. However, as it seems, this debate was premature, and it was supposed to have been preceded by the drawing-up of a final version of Committee's rebuilding.

There are three fundamental obstacles to the rebuilding of the Higher Follow-Up Committee: the conflicting interests of the various elements making up the Committee; the preoccupation of the political parties and movements represented within it with their internal issues and conflicts with other groups; and the differing views about the rebuilding around certain issues (such as the Committee being elected or unelected, its composition, and the decision-making process). The mayors who were elected based on their clan or confessional affiliations – some of whom also have strong, warm ties with the Israeli authorities and the Zionist parties – do not want a new formulation for the committee, lest that place a limit on their influence and sway within the Committee. The DFPE wants to preserve its historical role and its considerable influence in the Committee, in spite of new developments in



Arab politics. All of the factions want to have influence, and until now have failed to reach a solution to the issue of representation.

Some efforts are being made to rebuild and reorganize of the Higher Follow-Up Committee. The available documentation<sup>1</sup> reveals that there is some representation for all segments of Arab Palestinian society, from local councils, unions, national committees, political parties and movements, and even civil society/NGO activists. The debate continues regarding the allocation of a quota for female representation. The Committee is attempting to provide answers for all of the aforementioned obstacles, from its composition to the decision-making and implementation mechanism. Alongside this, the committee is working to plan to establish a national fund and found other institutions, such as: a bureau for culture, heritage and civilization; a bureau for local and municipal work with branch agencies for health, education, social welfare, the environment, etc.; various service-provider organizations, a bureau for Arab youth; a bureau for important strategic; and a legal bureau. If these tasks are accomplished and the various bureaus are established, then one may truly be able to refer to it as "The Parliament of the Arabs."

### Summary

In spite of all the aforementioned obstacles, we can summarize by saying that the Higher Follow-Up Committee may be considered "a nationwide organization founded on the basis of national belonging, but it is not a nationalist organization ... rather it is one that has combined within itself of all the aforementioned contradictions" (Bishara, 1998, p. 149). If the rebuilding process were to succeed in terms of the composition and mechanisms for activating the Committee, there is no doubt that it would constitute national organization in the future that stretches nationwide. If such a body were to succeed as a national body, then Arab minority would be able - in its vision and organization of its relations with the state of Israel - to demonstrate political maturity and intellectual consciousness, in order to move Arab-Palestinian society several steps forward in confronting the Israeli state. The clear message would be that the Arabs are capable of being a player to be taken seriously in the

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<sup>1</sup> I wish to extend my gratitude to Mr. Abed Anbatawi, the General Director and Secretary of the Committee's office, who provided me with valuable documentation concerning its rebuilding and reorganization.



Israeli arena, and will no longer be relegated to the margins of the state that pre-programmed their role and affixed a ceiling on its aspirations for many long years.



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## The Military Government

*Yair Boimel*

During the period of the British Mandate (1922-1948), the Zionist movement succeeded in “establishing a national home for the Jewish people” in Palestine. In so doing, it isolated, detached, and separated itself from most of the Palestinian population, which had always constituted the majority in the country. The mainstream leaders and decision-makers in the Zionist movement never sought to establish a bi-national state or a joint Jewish-Arab political and economic framework of any kind. Zionist activity, which was the product of its clear objectives, always aimed at the formation of a one-nation state—a Jewish state. For many reasons, primarily the military actions of the *Haganah*, the *Irgun Zeva'i Le'umi* (an armed Jewish underground called the IZL), and the Israeli army during the 1948 war, some 770,000-780,000 Palestinian residents were expelled, fled, or left under war-related circumstances the area that became the State of Israel, and turned into refugees in neighboring countries (Abu Lughod, 1971, p.161). In this way, Jews formed a definitive majority in the new state.

However, a majority of Israeli Jews and their leaders refused to remove the barriers between them and the Arabs who remained in the new state and absorb them. The Israeli establishment continued to implement the “national Jewish home” policy, while reducing the meaning of democratic Israeli citizenship common to the Jewish majority and the Arab minority.

During the course of the 1948 war, the Provisional Council of State decided to impose a Military Government on the Galilee, the Triangle, the Naqab, and the Arab cities of Ramleh, Lydda, Jaffa, and Majdal-'Asqalan—that is, the areas in which a substantial Arab population remained when the war ended.

The Military Government was a unit within the army, made up of soldiers and officers from the regular army and those doing compulsory military service. The commander of the Military Government was an officer in the regular army, who was subordinate to the Chief of Staff and the Ministry of Defense. From 1948 to the time it was completely abolished in 1968 the Military Government was the central Israeli institutional body operating among the Arab minority in Israel. Pursuant to the



powers delegated to it by the government, the Military Government was the legal-military-political apparatus that enabled the continued building of the Jewish state after 1948 according to the pre-state “national home” framework, while excluding Arabs from participating in the state’s development and ignoring their existence.

The Military Government had its legal basis in the Emergency Defense Regulations of 1945 and other Mandatory legislation, which was adopted by the Provisional Council of State and later by the Knesset. Of the 162 Mandatory Emergency Regulations, the Military Government implemented only five. Of these, three (Regulations 110, 111, and 124) were intended to enable the Military Governor to control, limit, and prevent the movement of citizens under his authority. The other two regulations (Regulations 109 and 125) were intended to enable the Military Governor to prevent the entry of citizens into areas declared closed (Schiff and Haber, 1976). These regulations were forced on the Arabs by means of the Military Government’s military apparatus. From the moment that this apparatus was abolished, in December 1966, to the end of 1968, the Chief of Staff delegated the authority to enforce the regulations on the local population to the Israeli Police Force.

Inasmuch as the vast majority of persons living in the area under Military Government control were Arabs, and given the nature of the actions carried out by the army, the Military Government was primarily involved in civil, and not military or security, activity. Its task was to oversee the Arab minority in Israel and to revoke its democratic freedoms. This task, which was declared to be “security supervision,” had practical and daily manifestations, focusing on restriction or prevention of movement, whether from one area to another or from one village to another, on access to farmland and freedom of occupation, accessibility to employment, health, education, shopping and trade, freedom to organize for public or political purposes, economic freedom, freedom regarding educational curricula, and freedom of any independent act of the Arab citizens. Arab citizens were subject to a tight regime of permits - almost every action that an Arab contemplated taking outside his or her neighborhood required a permit from the Military Governor.

In 1959, Shmuel Dibon was the Prime Minister’s Advisor for Arab Affairs, the most senior Israeli civilian official operating in the Arab sector. His function was to coordinate the activities of the various agencies operating among the Arab



population. He stated that in 1949 the Arab population was “confounded, segmented, divided, and frightened” (*State of Israel Archives*, 1959, 2). This was a time in which the theoretical, public, and political underpinning of the government and of Israeli officials operating among the Arab population was the contention that the Arabs in Israel were part of the enemy, that they constituted an existential security threat to the Jewish state, and that, therefore, it was necessary to use the army — a threatening and deterrent force (unlike civilian officials) — to restrict their actions and oversee them. Most of the Jewish public accepted and barely questioned this contention, which was based on the image of the Arab that had been nurtured among Jews during the period of the British Mandate and the 1948 war. However, it has never been proven that Arab citizens were a security threat, at any time during the entire period of the Military Government. Dibon also stated that the Military Government managed, by means of the *mukhtars*, the *sheikhs*, and the clan heads, to control the Arab population, and that as the representative of the might of the Israeli army, he managed “to fully and completely control all of the Arab areas” (*State of Israel Archives*, 1959, p.12).

By means of its regulations, the Military Government sought to achieve certain objectives - to nullify almost totally the equality of the Israeli citizenship purportedly granted to Arabs; to exclude Arabs from all government and public systems of the Jewish state; to discriminate against Arabs in every aspect of life; to negate their collective self-definition, identity, and consolidation as a national collective; and to assist the Israeli administration in implementing its practical policy toward the Arabs.

The principal elements of Israel’s policy toward the Arabs were - expropriating 60% of Arab land; preventing the internal refugees from returning to their villages; preventing farmers from reaching their farmland; establishing Jewish communities in the heart of Arab population centers; preventing organized and independent public, social, and cultural activity; preventing free internal Arab political activity; deepening the division among Arabs or tearing the Arab community apart in new ways; regulating the flow of Arab workers to employment centers in the Jewish sector (depending on the level of unemployment there); recruiting collaborators and granting favors toward this end; training government and General Federation of Labor (*Histadrut*) officials operating among the Arab population; assisting the political party in power, *Mapai*, to garner votes at election time; and perhaps,





enabling the expulsion of Arabs from the state, to the extent that it became possible to do so within the context of another war.<sup>1</sup>

Although Ben-Gurion repeatedly emphasized that the Military Government was a branch of the army, its commander received orders from the “Central Security Committee” — the supreme body involved in governmental policy regarding the Arab population. The committee was comprised of the Military Government Commander, the commander of the Arab Unit in the *Shin Bet* (the General Security Service, or GSS), the commander of the Special Functions Office in the Israeli Police, and the Prime Minister’s Advisor for Arab affairs, who chaired the committee. Using the close ties between these security bodies, Military Government officials maintained monitoring files on persons in each and every village, on schools, *mukhtars*, teachers, Knesset members, and hundreds, maybe thousands, of other Arab citizens.

As early as the outset of the Military Government, Israeli Communist Party leaders and Knesset members called for the abolition of the Military Government. *Mifleget haPoalim haMeukhedet* (United Workers’ Party), or *Mapam* for short, which was the first Zionist political party to accept Arab members, joined in this call in the early 1950s. Alongside them, although not in cooperation with them, and despite the general consensus that the Arab population constituted a security threat, Israeli Jews in the political center, including the *Mapai* leadership, criticized the nature and functions of the Military Government, some, even questioning the need for it. This, too, occurred in the 1950s, though mostly toward the end of the decade. Therefore, Government officials and committees examined the effectiveness of the Military Government right from the start and made changes, reducing the geographic area over which it had authority. However, they did not change the security supervision over Arabs. Those from the political center who objected to the Military Government, including the rightist *Herut* (Freedom) party, which claimed that *Mapai* was using the Military Government to garner votes among Arab voters, believed that it was possible to oversee the Arabs by using civilian security bodies, and that a democratic state should not impose military legislation and a military apparatus on its civilians.

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<sup>1</sup> From 1948 to 1958, the Israeli establishment hoped that the problem of the existence of an Arab minority in the Jewish state would be solved by the Arabs emigrating or fleeing, or by transfer. The massacre in Kufr Qassem and the 1956 Suez War removed this prospect from the agenda of Israeli policymakers (Bauml, 2006).



The slow process of abolishing the Military Government began as early as the end of the 1950s, as the combined result of three factors: The first was the massive economic development that began at the time, which created a need for a larger workforce. Arab citizens, who had been in distress following the *Nakba* and the founding of the State of Israel, were waiting for this moment. The Israeli economy's need for cheap available labor led to a relaxation of the regime of movement permits regulating the flow of Arab workers (by the Military Government) to work sites in the Jewish sector (*Histadrut Archives*, 1961, 28; *Labor Movement Archives*, 1958, p.13).

The second was the policymakers' conclusion that further transfer of Arabs — the hope that formed the principal policy line of the establishment during the state's first decade — would not occur, and that a new policy, no longer based on this hope, should be adopted. This conclusion was reached after the 1956 Suez War, and after policymakers saw that the first day of the massacre in Kufr Qassem did not cause a mass Arab exodus, as had occurred in 1948.

The third was the growing public and parliamentary belief that the military government was, according to the opponents, a stain on Israeli democracy. The persons fearing this stain understood that monitoring of the Arab population (which in their opinion had to continue) could be done using civilian means, such as the Israeli Police and the *Shin Bet*.

Already in the early 1950s, criticism of the Military Government had many causes, and came from both Zionist and non-Zionist directions. Opponents argued, for example, that the Military Government was anti-democratic and anti-educational; that it harmed both Jews and Arabs; that it corrupted the army by calling on it to interfere in the private lives of citizens; that it provided extremely powerful ammunition to Israel's international critics; that it prevented modernization, industrialization, and urbanization among Arabs leaving them at a high unemployment rate and low material level, bringing about the creation of very large villages unable to provide employment for their residents; and that it made the Arabs hate Israel. They also argued that the Military Government was the main source of raising ethnic sentiments among the Arabs, thus creating more harm than good; and that it discriminated against, humiliated, and belittled the Arab citizens and denied them fundamental human rights.



Two principle commissions examined the Military Government. The first was the public commission referred to as the Ratner Commission, after its chair, Major-General (ret.) Yohanan Ratner. The Ratner Commission was appointed in early 1956 following pressure by *Mapam*, which conditioned its entry into the government coalition on an examination of the Military Government. The commission's conclusion, published in March 1956, was clear - the Military Government was vital for state security.

In February 1958, the Rosen Commission, a parliamentary commission headed by Justice Minister Pinchas Rosen, was appointed. This commission deliberated at the time of changes taking place in the Arab world, when the pan-Arab notion of Egyptian President Gamal Abdel-Nasser had reached one of its historical peaks - the unification of Egypt and Syria in February 1958, which was followed by the Officers' Revolution in Iraq in July 1958. In addition the Arab Front, which later changed its name by governmental order to the Popular Front, was established in July 1958. Despite these events, in June 1959, the Rosen Commission reached a completely different conclusion than that of the Ratner Commission - that it was necessary to "stop" (this was the word the commission used) the Military Government. However, the government of Israel did not accept the recommendation; rather, it decided to keep the Military Government in place.

Although Israeli parliamentary and public protest against the Military Government grew at the end of the 1950s, the military apparatus was not abolished then. Security policymakers, headed by David Ben-Gurion (who was Prime Minister and Defense Minister until 1963), used the Military Government (until 1965) as the principal means of controlling the Arabs, excluding them from the state apparatus, Judaizing the country, and at times also as a deterrent against external threats. The continuing existence of the Military Government aimed at proving to the Arab states that the Israeli government was not reducing the strength of the Israeli army, was not complacent, continued to be aware of the existential danger threatening it, and was maintaining a high security alert, and, consequently, a military resolve, its major role being to deter Arab states from going to war against Israel.



Even if some of the security establishment under the leadership of Ben-Gurion did not view the Military Government as a deterrent to the Arab countries, Ben-Gurion's absolute control over policy toward the Arabs made it impossible to alter the Prime Minister's fundamental view. Along with Ben-Gurion's resolute determination not to abolish the Military Government, there had begun, as early as 1959, a process of reducing the presence of the Military Government personnel in the field, and of transferring powers to the "civilian authorities," i.e. the police.

In February 1962, and again in February 1963, the Knesset held debates on the Military Government. In both instances, a few political parties submitted bills to cancel the Military Government or change its character. As Minister of Defense, Ben-Gurion stood at the podium to respond to the bills and defend continuation of the Military Government. In his speech, he emphasized three fundamental points: First, he said that a connection existed between the Military Government and the conflict between Israel and the Arab states. Ben-Gurion argued that the Military Government protected the security of the State of Israel from the Arab states, which were increasing their supply of weapons, and against the threat of their leaders to use these weapons to annihilate Israel. Second, he said that the Arabs in Israel, due to their nationality, would naturally identify with enemy countries, which raised the suspicion that Arabs in Israel were a fifth column liable to collaborate with the armies of the Arab states. Third, he noted that the Military Government was part of the army, and abolishing it was liable to diminish Israel's military-deterrence capability.

The Knesset debates in 1962 on the five proposed bills to do with canceling or changing the character of the Military Government were deleted from the agenda by a vote of 8-3 (Knesset Record, 1962). Two Arab Members of Knesset from *Mapai's* satellite lists (Jabber Dahash M'adi and Di'ab 'Obeid) voted against abolishing the Military Government. The debate in 1963 ended with the same result, but this time by only one vote, with two Arab *Mapai* members again voting against abolishing the Military Government.

Levi Eshkol, who became Prime Minister in 1963, declared at the end of that year the planned cancellation of the military apparatus of the Military Government. Until cancellation, the Prime Minister stated, it must become a presence that "sees but is not seen" (Bauml, 2002, p.147-148).



In practice, the Military Government was not cancelled; rather, the Chief of Staff transferred the enforcement powers delegated to the army under the Emergency Defense Regulations to the police. Thus, although the Military Government apparatus came to an end, the Military Government itself did not. In other words, the Emergency Defense Regulations and the permit regime remained in place, as did the supreme authority of the Chief of Staff to delegate enforcement powers under the regulations to the police or the army.

In December 1966, the Prime Minister announced that the military apparatus of the Military Government had ceased to exist. The Israeli public, both Jews and Arabs, referred to the act as "Abolition of the Military Government."

There were some in the Jewish sector who viewed the process as a cleansing of the stain of militarism and inequality on Israel's democracy, but the Jewish leadership continued to control and restrict Arabs, using civilian means to exclude them from governmental systems.

The Arab public was, for the most part, indifferent to the decision itself. However, they expected real change, which did not come. Indeed, in the first few months of 1967, the police tightened the permit regime and implemented an even more stringent regime than the one that had existed in 1966.

Only following the 1967 war, when the emphasis on security matters over the civilian population switched to the territories occupied in the war, and when it was proved (during the war) that Arabs in Israel were not a "security threat," did enforcement of the Emergency Defense Regulations slacken, until it stopped completely in 1968.

The abolishment of the Military Government apparatus in 1966 and cessation of enforcement of the Emergency Defense Regulations in 1968 did not alter the attitude of the majority of the Jewish public and the Israeli establishment toward the Arabs in the state. The Military Government left behind a heritage that viewed Arabs as a security problem and a fifth column, which led to the demand for governmental policy that restricted the personal and collective independence of the Arabs and hampered modernization in the Arab sector. This heritage remained strong for many



years after the Military Government was abolished. It also instilled a feeling of reciprocal fear among Arabs and Jews as a means of preventing the integration of Arabs into Israeli society, and of perpetuating the inequality between the Jewish majority, represented by the Israeli establishment, and the Arab minority, which lacked such representation. ■■■

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## Brief cover of MADA's ongoing activities

### Archiving the Silenced History program

Mada al-Carmel will soon begin implementing the first phase of its "Archiving the Silenced History" program. The program has three basic components, the first of which is aimed at collecting testimonies from Palestinians in Israel. It will trace the Palestinian experience in the following three time periods: 1947-1954; 1955-1966; and the period following 1967. The second component seeks to encourage the revival of history as a specialized field of study. In this context, local researchers and academics will be recruited to the project and will be trained in the methodology of oral and written history. The project's third component is the creation of an archive, to be housed in Mada al-Carmel – The Arab Center for Applied Social Research in Haifa. It aims to document and preserve Palestinian history in Israel and make it available to local and international academics, researchers and historians. The "Archiving the Silenced History" program will place great importance on coordinating with and building on ongoing initiatives to gather oral history in the West Bank and Gaza, as well as in the Diaspora.

Professor Rouhana, the General Director of Mada al-Carmel, arranged a preparatory consultation meeting on the project, in which a number of Palestinian historians and researchers in Israel and abroad were invited to participate, alongside researchers in identity, history and Palestinian heritage. The meeting was attended by Dr. Bishara Doumani, Professor Botrous Abu Manneh, Dr. Mustafa Kabha, Dr. Shireen Seikaly, Dr. Johnny Mansour, Dr. Samera Esmeir, Dr. Ahmed Sa'adi, Dr. Nadera Kevorkian, writer Hanna Abu Hanna, researcher Ahmed Meruwat, and Mr. Khaled Farraj from the Institute of Jerusalem Studies, in addition to staff members from Mada al-Carmel. The participants discussed the importance of this project for establishing the Palestinian historical narrative, which Israel is still attempting to erase by masking its physical features. The attendees stressed the necessity of beginning without delay to gather testimonies, documents, photographs and various kinds of physical evidence from the periods before, during and after the *Nakba* and during the military regime. Some also proposed going beyond the gathering of testimonies and documents from





the past to also document the Palestinian present in Israel as part of a comprehensive Palestinian program to document the lives of Palestinians in all locations where they are currently present. ■■■

## ■ Political Participation project

Mada al-Carmel is continuing to make the final preparations for its "Arabs in Israel Political Participation" project. The project aims to study the tools for political action that have been used by Palestinian citizens in Israel in the various periods since the Palestinian *Nakba* of 1948. It seeks to examine the feasibility of each tool and the ways in which the Arab political parties and movements in Israel have either engaged with them or disregarded them for various reasons and considerations. Five teams of researchers from the fields of law and the social and political sciences, selected according to their demonstrated academic competence, will conduct research and hold seminars and conferences open to the public at large, as part of a study of the history of Arab political participation using the following tools of political action:

- Parliamentary action;
- Political action outside the parliamentary arena;
- The work of Arab civil society organizations;
- Legal work in defence of the rights of Arab citizens;
- The Higher Follow-Up Committee, as a representative umbrella organization for the Arabs in Israel.

The duration of this pioneering research project is three years, to culminate in the publication of the research conducted by the teams in a number of articles, position papers, and applied recommendations. In addition, the research findings will be presented at an international conference, within a comparative framework vis-à-vis the experiences of other peoples and states that have lived through similar circumstances. Academics and political activists from other parts of the world will participate in the conference.



 **Collective Rights and the Political Future program**

Mada al-Carmel's "Collective Rights and the Political Future" program is continuing to progress, particularly as regards introducing the Haifa Declaration, generating debates about it and increasing the number of its signatories. The organizers of the project have sought to explain the process of drafting the Declaration, and have underscored its distinctive nature as a consensus-based document and a Palestinian initiative that sets forth a vision of the future. They have also held lengthy, serious debates between the groups and individuals – with a variety of affiliations and intellectual, political and social outlooks – who successfully drafted a consensus-based document that presents a vision of the future of Palestinians in their homeland. These debates addressed the four basic axes dealt with by the Declaration, namely: internal social issues; the relationship between Palestinian citizens and the state; their relationships with the other parts of the Palestinian people and Arab nation; and national identity. These debates were characterized by being free discussions not only with the other, but principally with ourselves. Further, the Declaration determines clear, principle conditions regarding the issue of reconciliation on the basis of: historical justice; an end to the Occupation; the recognition and implementation of the Right of Return; and an emphasis of the fact that reconciliation is possible solely on the basis of equality and justice.

Work has recently been completed within the "Collective Rights and the Political Future" program on the production of a preliminary, trial version of a brochure containing a package of activities and information on the contents of the Haifa Declaration. The brochure constitutes a reference for the group leaders who have been trained to work with Arab secondary schools. This work aims to reach out to schools students and motivate them to get involved in the issues raised, as well as to listen to their views and suggestions regarding the solutions proposed by the Declaration. It follows successful experiences of holding meetings with school students that were organized by the program. Mada al-Carmel is trying to raise the necessary funds to conduct follow-up work with the students.



To view a list of signatories to the Haifa Declaration, please see the following link:  
<http://www.mada-research.org/arabic/programs/futurepress1.shtml>

To read the Haifa Declaration, please see the following link:  
<http://www.mada-research.org/arabic/archive/haifaenglish.pdf>

