



Official Summary of “Conference on the Legal Status of the Arab Minority in Israel” September 2012

First Session: Introduction

Speakers:

Mr. Jafar Farah, Director of the Mossawa Center

Mr. Ramez Jaraisy, Mayor of Nazareth and Head of the Arab Mayors' Committee

Adv. Imad Khamaisy, Israel Bar Association (Northern District)

Summary:

These leaders of the Arab community in Israel gave short introductions to the problems facing the legal status of their community. Mr. Farah spoke about governmental discrimination and how this discrimination is even harder to combat when the Palestinian community is divided amongst sub-groups of religious communities, secular communities, etc. He emphasized the need for the Palestinians in Israel to build social mechanisms in order to bridge these differences and unite the community. Mr. Jaraisy spoke about the governmental discrimination facing the community in the form of unequal budget allocations, police violence, and the wave of recent racist laws. He also said that change will not occur through external forces such as Netanyahu's government, which he believes is uninterested in peace because of his pre-condition to negotiations, and the UN, whose resolutions are ignored; change will only occur through local efforts. Mr. Khamaisy spoke about the recent attacks on the Israeli Supreme Court and mentioned that the Supreme Court is often the last resort of the Arab community. He also said that while the Israel Bar Association has had some successes, such as helping to elect an Arab citizen for the selection committee of the Supreme Court, the country has a long way to go in order to have equal representation of the Arab community in law.

Second Session: The Legal Status of the Arab Minority in Israel as a Jewish State

Speakers:

MK Mohamed Barakeh, Head of the Democratic Front for Equality and Peace

MK Dr. Ahmad Tibi, Head of the Arabic Movement for Change

Dr. Yousef Jabareen, General Director at Dirasat Center and Law Lecturer

Dr. Shlomo Cohen, Former Chairman of the Israel Bar Association

Summary:

This panel discussed the hotly debated topic of Israel as a Jewish and democratic state. Dr. Jabareen started the conversation by stating that the Arab community has always rejected the notion of the Jewish State based on that fact that the idea is undemocratic. He said that while the State was considered Jewish by the authorities since its inception, the State was only legally defined as Jewish in 1985 with a Knesset law that outlawed any political party that did not recognize Israel as a Jewish state. Dr. Cohen responded by saying that he believes Israel is a state of the Jewish people, not a Jewish state. This is because the Jews have no other homeland. He also argued that we live in an era of nation-states and not all nation-states are necessarily racist. MK Tibi said that he believes a Jewish state democracy is an oxymoron; he claimed that he knows this from experience by way of the treatment of non-Jews in Israel. He also said that every year he tries to pass an egalitarian land law in the Knesset and it never passes because Jews must have clear advantages over land. In his opinion, having the right to vote alone does not make a country democratic. MK Barakeh said that it was unrealistic to expect Palestinians to accept the concept of a Jewish state because the Jewish state was founded on the expulsion of Palestinians. He also mentioned that the return of the Palestinian refugees is never discussed in Israel. Dr. Cohen said that the concept of equality was always part of the State, but it wasn't always implemented. He condemned the recent wave of racist legislation and said that he believes the worst of it will not pass through the Supreme Court. MK Tibi responded by saying that the concept of a Jewish state is inherently unequal; therefore the discrimination against the Arab community has always existed and is not a recent phenomenon that can be blamed only on right-wing MKs. One example of inequality in the country is how one can visibly tell the difference between Jewish and Arab localities because Jewish localities are drastically more developed.

Third Session: Thematic Discussions

1. The Distribution of State Resources: Opportunities and Challenges

Speakers:

Adv. Kais Nasser, Director of "Baqaa" Center for Planning

Adv. Rawya Abu Rabiea, ACRI (Association for Civil Rights in Israel)

Adv. Suhad Bishara, Adalah (Center for Legal Rights of Arab Citizens)

Facilitator:

Adv. Rida Jaber, Israel Bar Association in the Center and Tel Aviv district

Summary:

The session was moderated by Adv. Rida Jaber, who stressed the importance of dealing with this topic in light of the challenges faced by the Arab community, especially with regard to land resources in the country, and the lack of structural plans for Arab towns.

Adv. Kais Nasser noted that in the past, the government enacted the Absentee Property Law to take control of Arab lands, in effect robbing them of their property and possessions. Today, the government does so through planning and building laws, by not drafting structural plans for local Arab towns, and by not expanding their jurisdictions according to natural population growth. He noted that the planning and construction district committees lack Arab members, and therefore Arab citizens can not influence land and planning decisions. In addition, the national council for planning, the only body authorized to approve these plans, does not include one Arab member, but is guided purely by government policies. He also pointed to the difficulty in obtaining approval for construction in Arab towns and villages because of the lack of approved structural plans.

Adv. Rawya Abu Rabiea spoke about the planning and construction in Arab towns, noting that Arab towns suffer from marginalization and neglect, and national planning is designed to hinder them and prevent their development in the future. For example, Jisr al-Zarqa is constricted from four directions (Caesarea in the south, Maagan Michael in the north, the sea in the west, and highway 2 in the east). She also talked about the Negev, noting that the State does not intend to recognize the unrecognized Arab towns in the Negev, and thus the State will implement the Praver plan aiming to transfer Arab citizens from their villages by foresting their lands or declaring them closed military zones.

Adv. Suhad Bishara said that the State, for example, refused to allow the refugees of Lajun village remain on their agricultural land, although the department of land in Israel seized their lands for the purpose of forestation and has yet to use such lands for anything. She also talked about the difficulty of proving ownership of the lands owned by residents of Negev. She explained that the parents did not register the lands in the "Tabo" (the Ottoman authority for the registration of lands), but passed it on to their children, and thus there is still land registered, for example, by the name of the grandfather of a tribe. It's difficult now to find witnesses alive to prove land ownership of land which they inherited from their ancestors. She emphasized that the direction of advocacy through the Supreme Court is not hopeless; it is a way to prevent demolition or postpone it for years. For example, in Umm Al-Hiran, evacuation and displacement of the people of this village was postponed for ten years due to legal proceedings.

Conclusions:

Adv. Rida Jaber stressed the issue of land as a key issue. Although participants confirmed that pursuing legal avenues in order to gain ownership rights to land has been futile, he challenged the participants to remain optimistic. He encouraged thinking of new strategies, including mass protest, in addition to other methods like parliamentary advocacy and cooperation with international civil society institutions. He explained that "what failed so far will not succeed in the future. The result is to think of some other way and not to keep digging the same hole."

2. Self-Administration in Educational, Religious, and Cultural Affairs

Speakers:

Judge Ahmad Natour, Head of the Islamic Courts

Prof. Mohamed Amara. Lecturer at Beit Berl and Bar Ilan University

Dr. Khaled Abu Asbe, Director of “Masar” Center for Social Studies

Prof. Yosi Yonna, Tel Aviv University

Dr. Taghreed Yihya-Younes, Lecturer at Tel Aviv University

Facilitator:

Adv. Sameh Iraqi, the Mossawa Center

Summary:

Adv. Sameh Iraqi noted that the Arab minority must develop mechanisms of self-management permanently, and pointed to the importance of self-criticism and evaluation of the performance of Arab institutions and their representative bodies.

Judge Ahmad Natour talked about the development of the government’s relationship with Islamic holy sites and the stages through which the administration of these institutions has passed, starting from the days of the British Mandate to the present day. He pointed to "the need to evaluate the use of judicial mechanisms as effective, where experience has shown that it does not grant us equality, and possibly relying instead on the mechanisms of mass and community struggle.”

Dr. Khaled Abu Asbe talked about the education system and the readiness of the Arab community to self-manage this institution. He also reviewed the different levels of achievement in the struggle against state institutions in terms of self-management.

Professor Yosi Yonna talked about the State of Israel as a multicultural society where both Arab culture and some Jewish cultures (i.e. “Mizrahim” or Jews of Eastern origin) are marginalized.

Dr. Taghreed Yihya-Younes talked about the importance of having a role for Arab women in the management of various Arab institutions, and stressed the need to unify the discourse in front of both state institutions and within the Arab community.

Professor Mohamed Amara talked about the importance of self-management of educational institutions in particular and he told the audience success stories in this regard. He also talked about the difficulties faced by the Arab minority that is absent from decision-making bodies.

Conclusions:

Adv. Sameh Iraqi summarized the panel's recommendations on two levels. First is to send a message to governmental institutions demanding an end to the psychological despair perpetrated by them through their exclusion of the Arab community. He emphasized the importance of participation in political life in the Israeli arena and encouraged the Arab community to put its weight in the political battle by participating in the elections. Secondly, he said the Arab community should start criticizing and evaluating the performance of its own institutions and its own representative committees. He emphasized the need to start developing new leadership among existing institutions, communities, and local authorities.

3. The Arab Minority in the Israeli Legal System

Speakers:

MK Dr. Ahmad Tibi, Head of the Arabic Movement for Change

Adv. Khaled Zoabi, Head of the Israel Bar Association(Northern District) and Member of the Judicial Appointments Committee

Dr. Yifat Bitton. Director of "Tmura" Center and Lecturer at "Hamikhala Leminhah"

Mr. Ziyad Abu Hable, Accountant

Facilitator:

Adv. Issam Abu Nassar, Israel Bar Association (Northern District)

Summary:

The discussion began with the personal story of Mr. Ziyad Abu Hable, who faced harsh difficulties in obtaining a position in the Board of Directors at Bank Leumi, despite having met all the requirements and standards to assume this position. His opinion was that this case was one of racial discrimination.

MK Dr. Ahmed Tibi talked about the parliamentary commission of inquiry to integrate Arab citizens in the government apparatus, referring to data presented at meetings of the committee, which confirms that only 7% of workers in the government apparatus are Arab citizens, despite a government decision of 2002 which states that the percentage in 2012 should be to at least 10%. He pointed out that the tests needed to be passed in order to obtain tenders are apparently not suitable for Arab community; "For years they have been examining these tests and they continue to do so!" Dr. Tibi encouraged young Arabs to apply for these tenders despite the difficult discriminating tests and not to surrender to reality.

Adv. Khaled Zoabi spoke about the hard work the Bar Association does to protect the rights of Arab lawyers and guarantee adequate representation in various committees. He expressed his

dismay at the current reality by saying: "We have qualified people and incompetent people, but it is not important how much you know, but who you know!"

Dr. Yifat Bitton spoke about the experience of the Tmura Center, working against discrimination faced by Arab citizens and Sephardic Jews. She especially emphasized racism in job interviews and the workplace.

Conclusions:

Issam Abu Nassar said the panel encourages young Arabs to apply for legal tenders in the public sector, stressing "the importance of refuting the claim that the Arabs do not apply for tenders, and that there are jobs offered, waiting for us, but we as Arabs do not apply to these jobs." He also recommended that the selection committee for legal tenders should add an Arab member, at least in the committee deciding on tenders allocated to minorities.

Conclusion of Conference:

Adv. Nidal Othman, from the Mossawa Center, announced the formation of three committees that will follow-up the implementation of the recommendations reached by the three thematic discussions and will continue to discuss ways to challenge the implications of the Jewish state on the Palestinian Arab minority in Israel. More than 70 academics and politicians registered for one of these three committees during the conference.