

POLICY BRIEFING

Shackled at home: The Palestinian minority in Israel

Abstract

More than one in five Israeli citizens is Palestinian — 'Arab' according to Israeli administrative terminology. A minority in their homeland, these Palestinians face ever-widening forms of discrimination. Many Israeli Jews and their politicians advocate revoking the Palestinian minority's basic civil and political rights. Those who perceive Palestinians as a threat to the Jewish nature of the Israeli state increasingly support the idea of transferring Palestinians out of the country. More than 30 Israeli laws effectively penalise the minority, and new ones are currently being introduced. For Israeli Palestinians, the implications are severe and unremitting. Not only does the minority suffer from higher unemployment and poverty rates than their Jewish counterparts, but Palestinian towns are poor and lack adequate infrastructure. Whilst the international community and the EU have expressed concern about specific discriminatory legal acts in Israel, actions are now needed. The EU should establish a policy-oriented approach consistent with its values of democracy and respect for human rights — fundamental elements of the Association Agreement between the EU and Israel.

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1 Creating a minority

1.1 Palestine

'Palestine' (פלשתינה in Hebrew, فلسطين in Arabic) is a geographic region stretching from the Mediterranean Sea to the Jordan River, although its boundaries have varied throughout history¹. The region is a crossroads of people and civilizations, and the composition of the local population and dominating power has changed multiple times over the millennia. The same region is called the 'Holy Land' by Jews, Muslims and Christians, and the 'Land of Israel' ('Eretz-Yisra'el', a term used in the Torah) by Jews. The region has received various additional labels in the course of history, including Canaan, the Levant and Syria.

Considered the birthplace of Judaism and Christianity, Palestine is also home to some of Islam's holiest monuments. Despite the diversity of its population, the term 'Palestinian' is today generally used to refer to people living in the region who speak Arabic ('Arabs') and whose parents or grandparents lived in the part of Palestine that was controlled by Great Britain from 1922 to 1948 (the British Mandate of Palestine) and today defined as Israel, the West Bank and the Gaza Strip.

This paper addresses the issues faced by a subset of Palestinians: those living in the state of Israel. These Palestinians are Israelis who speak Arabic as their first language, and they constitute Israel's principal ethnic minority. This paper does not consider the question of Palestinians living beyond the borders of the Israeli state — those in the West Bank, Gaza or beyond. Nor is 'Palestinian' here invoked to stake a claim to a greater (and unachieved) Palestinian statehood. While the people this paper discusses are described as 'Arab' by the Israeli administration, 'Palestinian' is used here because it better accounts for the minority's historical link to the region. 'Arabs' also live in the Sudan or Algeria, while 'Palestinians' are linked specifically to Palestine ... and therefore today also to Israel².

1.2 Palestinians in Israel

Palestinians became a minority in Israel in 1948. While the British had controlled Palestine since World War I, a war between Arabs

¹ The first modern definition stems from the agreement made between France and Britain in 1922 and the Transjordan memorandum (1922), during the period when Britain controlled the territory under a mandate from the League of Nations.

² More elaborate terms are also used in this paper: 'Palestinians in Israel', 'the Palestinian minority' 'Palestinians with Israeli citizenship / residency' or 'Israeli Palestinians'. When a different term is used in a citation, the original language is respected.

When the state of Israel was created in 1948, 160 000 Palestinians remained and 700 000 fled.

and Jews in the region effectively divided the territory into three parts, with a Jewish victory leading to the declaration of the state of Israel in the largest. The war also led to the displacement of the Palestinian population³. Some 771 000 Palestinians concentrated in 19 refugee camps in the West Bank, and 1.1 million found themselves in 8 camps in the Gaza Strip⁴. Another 700 000 fled to neighbouring countries — Jordan, Lebanon, Syria, Egypt and beyond — where they became refugees. These extraterritorial camps, established more than six decades ago, still exist today, populated by the original refugees and their descendents. A total of five million Palestinian refugees are currently registered with the United Nations⁵.

Yet 160 000⁶ Palestinians either remained on their land or fled to enclaves that today lie within Israel's borders. These people, a fraction of the original Palestinian population, formed the core of Palestinian minority in Israel. These Israeli Palestinians — those living within the borders of Israel, not in the West Bank or Gaza, who

³ While Israel marks 15 May 1948 as its independence day, Palestinians call it 'Nakba' ('catastrophe') and commemorate it every year.

⁴ The United Nations Relief and Works Agency (UNRWA) has detailed information on the status and current situation of the Palestinian refugees on their website <http://www.unrwa.org/http://www.unrwa.org/etemplate.php?id=103>

⁵ There are more than 2 million refugees living in 10 camps in Jordan, some 455 000 in 12 camps in Lebanon and 486 000 in 12 camps in Syria.

⁶ <http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Israel%20Palestine/119-back-to-basics-israels-arab-minority-and-the-israeli-palestinian-conflict.pdf>

⁷ see *the Law and Administration Ordinance (Amendment No. 11)*, 1967 at:

<http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+1947/1947-1974/13+Law+and+Administration+Ordinance+-+Amendment+No.htm?WBCMODE=PresentationUnp?DisplayMode=print>, *Regulation of*

Legal and Administrative Matters Ordinance of 1968 at:

<http://unispal.un.org/UNISPAL.NSF/0/F33CC305A193522C85256403007DAED6> and

section 5 of the nationality law, 1952 at:

<http://www.israelawresourcecenter.org/israelaw/fulltext/nationalitylaw.htm>

⁸ 'The Concept of Indigenous Peoples.' Department of Economic and Social Affairs. The UN. Publication #: PFII/2004/WS.1/3. New York, 19-21 January 2004.

⁹ See full text of the declaration at:

<http://unispal.un.org/UNISPAL.NSF/0/E210CA73E38D9E1D052565FA00705C61>

¹⁰ See, for example:

<http://www.haaretz.com/news/diplomacy-defense/u-s-after-netanyahu-proposal-our-position-on-settlements-hasn-t-changed-1.318492>

¹¹ Communication from the Commission to the Council and the European Parliament: 'Reinvigorating EU actions on Human Rights and democratisation with Mediterranean partners - Strategic guidelines':

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52003DC0294:EN:NOT>

¹² An opinion poll conducted in November 2011 revealed that 52 % of Jews and 57 % of the Palestinians in Israel think that the two groups enjoy legal equality but face institutional and societal discrimination. Of those polled, 7 % of the Israeli Jews and 36 % of the Palestinians in Israel described the Palestinian Israeli as living in an 'apartheid state'. See: http://www.brookings.edu/reports/2011/1201_israel_poll_telhami.aspx.

About 285 000 Palestinians residing in East Jerusalem are counted as residents of Israel.

The Palestinian minority constitute an indigenous group, as described by the UN.

The 'Jewish nature' of Israel has been difficult for many to accept.

have Israeli citizenship— are the focus of this briefing.

In 1967, a substantial number of Palestinians were also incorporated into Israeli population counts after Israel occupied, then annexed, East Jerusalem. Although the city lies within the borders of occupied Palestinian territory, Israel unilaterally declared Jerusalem its 'united eternal capital' in 1980. The approximately 285 000 Palestinians residing in the city are today considered permanent Israeli residents — though not citizens — and included in the national census⁷. While Palestinian Jerusalemites are not the focus of this paper, they are affected by similar institutional and social discrimination faced by Palestinians with Israeli citizenship.

Like Jews, Palestinians are indigenous to Israel. Yet the Israeli Palestinians have involuntarily become a minority — defined by their historical origin (Palestinian), culture, language (Arabic) and religion (generally Christian, Muslim or Druze) — in their homeland since the establishment of Israel some 64 years ago. Although Israel does not recognise its Palestinian population as indigenous, the group meets the criteria of '**indigenous minority**' as described by José Martínez Cobo, the Special Rapporteur to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as people.⁸

For Palestinians, preserving their identity in Israel has been both a choice and an obligation. One of the most basic ideological challenges stems from the definition of the 'Jewish nature' of Israel. For Palestinians — and indeed for many Jews as well — reconciling the 'Jewish State' with their identity as non-Jewish Israelis has been a thorny problem.

The debate about the 'Jewish homeland' preceded the establishment of Israel. A first Zionist conference was held in 1897 in Basel, where participants began lobbying US and European politicians for the creation of a Jewish homeland in Palestine. In 1917, the British Foreign Secretary, Earl Balfour, lent his support to the project in an official letter known as the **Balfour Declaration**. The document confirmed that the British government 'view with favour the establishment in Palestine of a national home for the

Jewish people.' The letter also added an important caveat: 'nothing shall be done which may prejudice the civil and religious' rights of existing non-Jewish communities in Palestine'⁹.

Although Israel gained full membership at the United Nations after proclaiming independence, the **definition of Israel as a 'Jewish state'** has proved contentious within and outside the country. In 1948, US President Harry Truman signed the document that recognized Israel's provisional government; a draft of declaration originally included the words 'the new Jewish State', but these were amended to 'the State of Israel'. Since then, US State Department representatives have referred to 'Israel's democracy as a Jewish state'¹⁰. While the EU has never taken a position on the matter, a 2003 communication from the European Commission described 'the issue of reconciling the declared Jewish nature of the State of Israel with the rights of Israel's non-Jewish minorities' as an area in which 'Israel's compliance with internationally accepted standards of Human Rights is not satisfactory'¹¹. And for Israeli Palestinians, the proclaimed Jewish nature of the state effectively imposes political and ideological constraints.

Today, Israel includes both Jewish and non-Jewish citizens. More than one in five Israelis is Palestinian. Yet many argue that Palestinian citizens are not treated equally. The Palestinian minority's 'second-class' status within Israel is a complaint frequently voiced by Palestinians in Israel¹².

2 Describing Israeli Palestinians: Names and categories

The Palestinian minority in Israel forms 20.6 % of the Israeli population. However, Israeli law does not recognise this group as a minority.

As evoked at the outset, the denomination of the minority is a controversial issue. Israeli authorities prefer to call this group the 'Arab minority' or the 'Arab citizens of Israel'. With the exception of the Druze component of the Palestinian minority, most Palestinians object to Israel's simple 'Arab' appellation, as they argue that it contributes to a discourse aiming to eliminate Palestinian identity. Among Palestinians in Israel, 38.3 % prefer being called 'Palestinian Arabs in Israel', while about 23 % chose to call themselves 'Israeli Arabs'.

According to latest figures from the Israeli Central Bureau of Statistics, **20.6 % of the population of the country is 'Arab'**¹³. In 2011 this minority counted some 1.6 million people. The UN and international human rights groups consider Israeli Palestinians a

¹³ http://www1.cbs.gov.il/www/yarhon/b1_e.htm

national, cultural, linguistic and religious minority, but the Israeli laws — including its cornerstone 'Basic Law' — do not identify Palestinians as a national minority.

In fact, the Palestinian minority in Israel is not a completely unified group. From a religious perspective, the Palestinians of Israel are divided into¹⁴:

The Palestinian minority is today divided into three principal groups: Muslims, Christians and Druze. There are also Palestinian Jews, although they are not counted separately from other Israeli Jews.

1. **Muslims**, who comprise 82 % of Israel's Palestinian minority, Most are Sunni, and 10 % of these Sunni Palestinians are Bedouins, who are concentrated in the southern Israeli region of the Negev. While Palestinian Muslims are not obliged to serve in the Israeli military — as are most Israelis — they are not excluded¹⁵.
2. **Christians**, who make up 9.5 % of Israel's Palestinian population and reside mostly in urban areas of northern Israel, including Haifa, Nazareth and Shfa 'Amr. Most Christian Palestinians in Israel are members of the Greek Catholic, Greek Orthodox and Roman Catholic churches. Like Muslims, Christians may — but are not obliged to — serve in the military.
3. The **Druze** community, an Arabic-speaking community originating from the 16th Century Lebanon that represents 8.5 % of Israel's Palestinian population. The Druze have a special standing within Israeli society. Not all identify themselves as Palestinian¹⁶. They are required to do military service¹⁷, and many Druze have held prominent positions in politics, the Israeli Defence Forces (IDF) and the civil service. The majority of the Druze lives in 22 villages in the north

¹⁴ <http://www.theisraelproject.org/site/apps/nlnet/content2.aspx?c=hsJPK0PIJpH&b=511855&ct=6957359#popbreakdown1>

¹⁵ Each year an estimated 5-10 % of Bedouins of draft age sign up for the Israeli army.

¹⁶ The Druze community is unique in its self-identification. Some Druze — though not all — call themselves Palestinians. As Arabic-speakers, Druze identify with Arab nationalism and consider themselves both Arabs and members of the wider Druze community, which extends into neighbouring Syria and Lebanon. In this briefing, the Druze are included in the category of 'Palestinian', in large part because their community faces many of same consequences the discriminatory policies of the Israeli state as the other subgroups of the Palestinian minority. The state of Israel also counts the Druze as members of the same 'Arab' (Palestinian) category that contains Muslims and Christians.

See:

Jacques Benillouche, 'Les druzes d'Israël plus nationalistes que les juifs', *Slate*, 10 July 2010.

Dan Tamir, 'Israeli Druze face deepening identity crisis', *Haaretz*, 7 December 2009.

<http://jcpa.org/jl/hit06.htm>

¹⁷ The majority of Druze in Israel pledge loyalty to the state of Israel, while a minority oppose allegiance to Israel and object to carrying arms against fellow Palestinians. See:

¹⁸ See for example, Uri Davis, 1995. [Crossing the Border: an autobiography of an anti-Zionist Palestinian Jew](#). UK: Books & Books

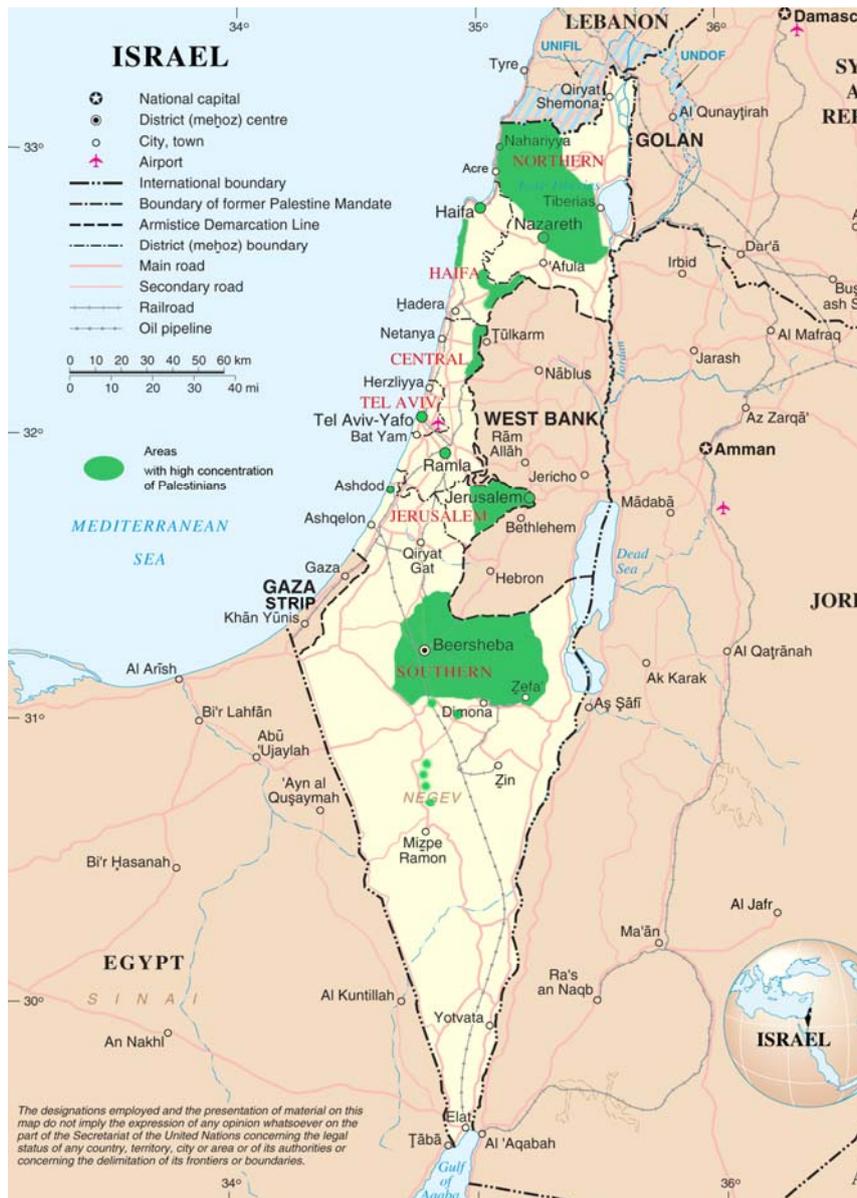
(Mount Carmel and western, central and Upper Galilee).

4. **Jews**, who are no longer counted separately from non-Palestinian Jews in Israel, and whose numbers are therefore hard to specify. Before 1948, Jews living in Palestine were either 'old Yishuv' — those who had lived there continuously for many generations — or 'new Yishuv' — Jewish immigrants who came to Palestine after 1880. While Palestinian Jews have been largely integrated into Israeli society, a number continue to identify themselves as Palestinian¹⁸. In addition to Israeli citizenship, a number acquired Palestinian passports after the Oslo Agreement in 1993. The journalist and politician Ilan Halevi and the activist academic Uri Davis are among the most renowned.

Most of the Palestinian minority in Israel live in predominantly Palestinian towns, though one in four lives in mixed cities. Palestinians comprise a large minority in Jerusalem.

Today, most Palestinians in Israel live in 116 predominantly-Palestinian communities, which are spread throughout the territory Israel. Some 24 % live in eight 'mixed' towns: Jerusalem, Tel Aviv-Jaffa, Haifa, Lydd, Ma'alot-Tarshiha, Nazareth, Acre and Ramla. In Jerusalem, Palestinians constitute a significant percentage of the population (32 %). In Acre, Ramla, Lydd and Ma'alot-Tarshiha, Palestinians represent about 20 % of the population.

Figure 1:
Map of Israel with areas of high concentrations of Palestinians



source: United Nations, with additions by the Policy Department, DG EXPO

The **Bedouins** (nomads), who count approximately 200 000 people in Israel, are a unique group within the Palestinian minority in Israel. Divided into often-feuding clans, Bedouin tribes based in Israel roamed from Libya to Iraq (and possibly beyond) before the creation of Israel. Today the Bedouins' traditional lifestyle, with its frequent commercial and human contacts, has been seriously hampered by the obstacles imposed by the Israeli authorities to curtail Palestinians' freedom of movement.

Bedouins are unique among the Palestinian minority, and their villages suffer from lack of suitable public services.

Today, nearly half of Palestinian Bedouins live in villages in the Negev desert that pre-date the Israeli state but are officially unrecognised and therefore denied public funding. These villages lack paved roads, public transport, electricity or water. In this, the Bedouins face the same difficulty as many non-Bedouin Palestinian, who also live in unrecognised villages. Israel actively promotes the expansion of residential areas designated to its Jewish population in

all parts of its territory, in annexed eastern Jerusalem and its environs, and in other areas in the occupied West Bank. However, many Palestinian towns are labelled 'illegally constructed' villages or 'illegal settlements'¹⁹.

3 Legal status

3.1 Citizenship

Today, Israeli citizenship can be acquired by those born to Israeli citizens, by some born in Israel and by those who are naturalised.

In addition, the 'Law of Return' permits Jews throughout the world to immigrate to Israel and acquire citizenship. Palestinians who lived on the land before the establishment of Israel and who fled the war to areas beyond the borders do not have the same right of 'return'.

Palestinian citizenship, which had existed under the British mandate, was abolished with the creation of the State of Israel in 1948. From that point on, a new set of laws and regulations covered those Palestinians who remained on their land and those who fled the war. Today, Israeli citizenship is regulated by the Israeli Ministry of the Interior, and citizenship can be acquired in a number of different ways.

Children born to Israeli citizens automatically acquire citizenship, although those who are born outside Israel cannot necessarily pass on their citizenship to their children. Adults (aged 18 to 25) who were born in Israel may also acquire citizenship by virtue of their birth, although the restrictions for this procedure — which include having no other nationality — are considerable. Restrictions also apply for those who wish to be naturalised as citizens: they must have resided in the country for a number of years and fulfill additional requirements (including having a knowledge of Hebrew, pledging allegiance to the state and renouncing prior nationality), although this process must always be approved by the Ministry of the Interior.

Nationality may be acquired by Jews who immigrate to Israel²⁰. The Israeli 'Law of Return' of 1950 (5710-1950)²¹ states that 'every Jew [anywhere in the world, no matter where he or she was born] has the right to come to this country as an *oleh* [immigrant].' Once the immigrant 'returns' to Israel as an official *oleh*, he or she can acquire citizenship; the residence required for the naturalisation procedure does not apply.

This law is controversial, as it does not grant a right of 'return' to non-Jews, even if they once lived in the territory that became Israel. While Palestinians who remained within Israel after 1948 became

¹⁹ <http://www.economist.com/node/21536645>

²⁰ The Israeli legal texts use the term 'return' even for persons with Jewish religion who have no personal or family connection to Israel. *Aliyah* or 'ascent', the term used for the immigration of Jews to the Land of Israel (Eretz Yisrael) is one of the fundamental tenets of Zionist ideology.

²¹ <http://www.unhcr.org/refworld/country,,,QUERYRESPONSE,ISR,,4804c0ddc,0.html>

Israeli citizens, the 1952 Israeli Nationality Law (5712-1952) specifies that Palestinians who discontinued residency in what became Israel after 1948 (the vast majority, today called '1948 refugees') lost any right to Israeli citizenship that would have been based on Israeli residence. Yet Jews with no connection to Israel are given far greater rights on the basis of their religion.

3.2 Citizens' military service

The exemption of many Palestinians — and ultra-Orthodox Jews — from military service has negative social and economic consequences.

Calls are mounting to end these military exemptions, and the government coalition has recently split over the issue.

For the Israeli Defence Forces, the definition of Israel as 'the Jewish State' or 'the State of the Jewish People' has had practical and unwieldy implications. Although the Israeli military is a conscript army, most of the Palestinians minority — like the Ultra-Orthodox Jewish community — is exempted from military service. The 1949 'Defence Service Law'²² regulating military service, authorises the Minister of Defence to grant exemptions at his or her discretion. The Druze is the only group in the Palestinian minority of Israel required to serve in the army — an obligation originating in a 1956 covenant signed between the Druze leaders and the Israeli government²³. Being exempted from military service has negative consequences: completion of military service is linked to several social benefits, including tax reductions, state guarantees for mortgage loans, higher minimum wages²⁴ and housing and educational allocations²⁵.

A number of voices within Israeli society and even the international community have begun to call for all Israelis, including the ultra-Orthodox (Haredi) and the Palestinian minorities, to participate in military service and bridge the social and economic gaps that the current military exceptions encourage²⁶.

The issue is divisive enough to have brought down the government coalition this past summer. An early 2012 ruling by Israel's Supreme Court obliged the ruling Likud party in July to draw up a plan to end

²² <http://www.israelawresourcecenter.org/israelilaws/fulltext/defenceservicelaw.htm>

²³ <http://jcpa.org/jl/vp464.htm> see also the Israeli defence ministry website on conscription of the Druze:

<http://www.aka.idf.il/brothers/skira/default.asp?catId=57478&docId>

²⁴ http://www.unhcr.org/refworld/topic/4565c22523_4565c25f2d5_4a7040a4c_0...html

²⁵ <http://www.aka.idf.il/rights/asp/info.asp?moduleId=5&catId=22707&docId=72354>

<http://www.mahal-idf-volunteers.org/about/faq.htm>

<http://www.aka.idf.il/brothers/skira/default.asp?catId=57479&docId>

²⁶ This was, for example, one of the conclusions of the recent International Monetary

Fund's report on Israel: <http://www.imf.org/external/pubs/ft/scr/2012/cr1271.pdf>

<http://www.jpost.com/Headlines/Article.aspx?id=277846>

²⁸ <http://www.bbc.co.uk/news/world-middle-east-18759819>,

<http://www.jpost.com/DiplomacyAndPolitics/Article.aspx?id=277143>,

<http://in.reuters.com/article/2012/07/11/israel-conscription-arabs-correcte-idINDEE86A0F420120711>

military exemptions for ultra-Orthodox Jews and Palestinians. One of the proposals envisaged cutting the exemptions for ultra-Orthodox from 50 000 to 1 500 by 2016 and tripling the number of Palestinians with Israeli citizenship conscripted.

As the bill was being negotiated, pronounced differences emerged between the two biggest coalition parties, Kadima and Likud. On 17 July, discussions failed, and Kadima left the coalition²⁷. The following day, the Knesset voted against the new draft law, effectively halting efforts to make military service apply to all.

While Palestinians are effectively economically disadvantaged by their exemptions from military duty, many nonetheless oppose the idea of serving in the Israeli army²⁸. The prospect of serving the Israeli military in the Palestinian West Bank and Gaza Strip would create a genuine conflict of allegiances for these Palestinians.

3.3 Permanent residency

Permanent residents have access to services but do not enjoy the same rights as citizens.

Permanent residency differs substantially from citizenship. Permanent residents have the right to live and work in Israel without a special permit and they are entitled to social benefits provided by the National Insurance Institute and to health insurance. Permanent residents have the right to vote in local elections, but not in elections to Knesset [Parliament]. Permanent residency is only passed on to the holder's children when the resident meets certain conditions.

When permanent residents or citizens in Israel wish to obtain residence permits for non-resident spouse, they are required to submit a request for family unification on behalf of the spouse. Yet this procedure has been frozen for Palestinians since 2003, when the **Citizenship and Entry into Israel Law** (Temporary Order) was passed. This law does not allow a Palestinian with Israeli citizenship or residency to get a residence permit for his/her spouse if this person is from the occupied Palestinian Territory or a list of other Arab countries.

Following the 1967 war, Israel granted permanent residency to Palestinian Jerusalemites within the

The issue of permanent residency has the greatest implications for the residents of East Jerusalem. The 1949 Armistice Agreement between Israel, Syria, Jordan, Lebanon and Egypt established East Jerusalem as a Palestinian territory under Jordanian rule. In June 1967, following the Six-Day War, Israel annexed **East Jerusalem** — covering some 70 km² — to the municipal boundaries of West Jerusalem and imposed Israeli law on the entire city. The annexed territories included 64 km² in addition to East Jerusalem, most belonging to 28 villages in the West Bank, with another section belonging to the municipalities of Bethlehem and Beit Jala.

After the annexation, Israel conducted a **census** in the annexed areas and granted **permanent residency status to the residents**.

city. Palestinian Jerusalemites who were outside of the city for whatever reason lost their right to reside in there.

Persons who were not present in the city for whatever reason at the time of the census definitively lost their right to reside in Jerusalem. Permanent residents are permitted to receive Israeli citizenship on application if they fulfil certain requirements, such as swearing allegiance to the State, proving that they are not citizens of any other country and demonstrating a basic knowledge of Hebrew. For reasons of national, cultural, religious and ideological allegiance, most Palestinian residents of Jerusalem do not request citizenship.

4 Discriminatory legal framework

Israel has more than 30 laws that discriminate against the Palestinian minority, and the government is proposing new legislation.

While Israel is a democratic state that enshrines its citizens' rights to 'life, body and dignity' in its Basic Law, Palestinian citizens of Israel are discriminated against in a variety of manners. Their national identity as Palestinian living in Israel and religious identity as non-Jewish mean that they are denied equal individual rights. In a number of ways, discrimination against them is supported by the Israeli legal system.

According to Adalah, the Legal Centre for Arab Minority Rights in Israel, more than 30 main Israel laws discriminate, directly or indirectly, against Palestinians with Israeli citizenship and residency as of 2011. The current government has proposed more discriminatory bills, which are at various stages of the legislative process. Below is a non-exhaustive list of laws that raise serious concerns²⁹.

Table 1:
Laws discriminating the Palestinian minority in Israel

Date	Description	Violations
I: Laws related to civil rights		
Law of Return and Citizenship Law		
1950, 1952 and amended in 2002	The Law of Return (1950) and the Citizenship Law (1952) determine who may immigrate to Israel and obtain citizenship and privileges Jews in this process. Based on Israeli Cabinet Decision number	- Indirectly violates Article 16 of the Universal declaration of Human rights (UDHR), which states that each person has the right to get married and found a

²⁹ More detailed English summaries of the laws and their original texts in Hebrew are available on:

http://www.adalah.org/upfiles/2011/New_Discriminatory_Laws.pdf

³⁰ http://www.adalah.org/features/famuni/4608fam_uni_pet-eng.pdf

	<p>1813 of 12 May 2002³⁰, the spouses of Palestinian citizens of Israel who reside in the Occupied Palestinian Territory (OPT) or a number of Arab countries are effectively barred from gaining Israeli residency or citizenship for 'security reasons'.</p>	<p>family and both spouses to be treated equally.</p> <p>- Violates the principle of equality among citizens regardless of race, colour or religion.</p>
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The Admission Committee Law

<p>2011</p>	<p>'Admission committees' operate in nearly 700 small community towns built on state land in the Negev and Galilee. The committees include a representative from the Jewish Agency or the World Zionist Organisation. This law allows these committees to reject applicants deemed 'unsuitable to the social life of the community [...] or the social and cultural fabric of the town.'</p>	<p>-Violates Article 13 of the Universal Declaration of Human Rights, which states that every person has the right to reside wherever s/he wants within the borders of the country s/he lives in.</p> <p>- Violates the principle of equality among citizens. (All the towns to which the law applies were established for — and have a majority of — Jewish residents.)</p>
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Law to Revoke Citizenship for Acts Defined as Espionage and Terrorism

<p>Enacted 2011</p>	<p>This is Amendment no. 10 of the Citizenship Law (1952) and allows Israeli courts to revoke the citizenship of persons convicted of treason, espionage, assisting the enemy in time of war or of acts of terrorism as defined under the Prohibition on Terrorist Financing Law (2005).</p>	<p>-Violates the principle of equality among citizens</p>
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The law is believed to target Palestinian citizens of Israel by making their citizenship conditional. This amendment follows another from 2008 that provides that citizenship may be revoked for 'breach of trust or disloyalty to the state'.

Law to Amend the Budgets Foundations Law, Amendment No. 40 (The 'Nakba Law')

2011	<p>This law authorises the Finance Minister to reduce state funding or support to an institution that either participates in an activity that implies the rejection of Israel as a 'Jewish and democratic state' or that commemorates 'Israel's Independence Day or the day on which the state was established as a day of mourning'. Palestinians traditionally mark Israel's Independence Day as a national day of mourning (called 'Nakba') and organise commemorative events.</p>	<p>-Violates freedom of expression and imposes cultural and educational restrictions.</p> <p>-Violates the UN 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.</p> <p>-Violates the UN's 2007 Declaration on the Rights of Indigenous Peoples.</p>
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Bill to Prohibit Imposing a Boycott ('Ban on BDS Bill')

2010, approved in 2011	<p>Under this bill, public calls for political or economic boycotts of Israeli organisations, individuals or products are considered civil wrongs. When a court finds that a civil wrong was committed, it can order damages in the sum of up to NIS 30 000 (ca. EUR 6110) to any 'injured party', without requiring proof of</p>	<p>- Violates freedom of expressions and imposes restrictions on criticisms of the state.</p>
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	actual damages.	
Bill to Protect the Values of the State of Israel (Amendment) (the 'Jewish and Democratic State Bill')		
2009	The registrars of associations and of companies are authorised to close the associations or companies if their goals or actions endanger the 'Jewish and democratic' character of the state.	- Violates freedom of association. - Violates freedom of expression.
Praver Plan		
Approved 2011, awaiting ratification by the Knesset	This plan includes arrangements for creating a permanent 'Arab Bedouin settlement' within a demarcated region in the Negev, based on the master plan for Metropolitan Be'er Sheva. The settlement plan has raised concerns among Palestinian Bedouins because, if approved, it would result in the displacement of 40 000 Bedouins from their homes and villages. The settlement projects will be presented to the Knesset in October 2012.	-Violates article 13 of the UDHR stating that each person has the right to reside wherever s/he wants within the borders of the country s/he lives in.
Duty of Disclosure for Recipients of Support from a Foreign Political Entity Law ('NGO Foreign Government Funding Law')		
2011 ³¹ (ratification frozen).	In 2011 the Knesset passed a bill to limit funds for human rights organisations. This law requires NGOs supported by foreign entities to submit quarterly financial	-Violates article 10 of the UDHR on freedom of peaceful association.

³¹ Netanyahu froze ratifying the bill in November 2011 following international pressure.

reports. If it takes effect, this law would severely restrict resources available for human rights organisations, many of which defend the rights of the Palestinian minority in Israel.

The Regional Councils Law ('Date of General Elections') Special Amendment No. 6

1994 and 2009	This law allows the Minister of the Interior to postpone elections in new regional councils for an indefinite period.	-Violates article 21 of UDHR on freedom to choose representatives.
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Bill to amend the Citizenship Law imposing an oath of loyalty on persons seeking to be naturalised in Israel and on Israeli citizens requesting their first ID cards

1952	This proposed amendment to the Citizenship Law requires anyone seeking to be naturalised and Israeli citizens applying for their first ID cards (obligatory at the age of 16) to declare a loyalty oath to Israel as a 'Jewish, Zionist, and democratic state, to its symbols and values, and to serve the state in any way demanded, through military service or alternative service, as defined by law'.	-Violates article 18 of UDHR on freedoms of belief, thought and religion by requiring that the oath involve religious (Jewish) and controversial ideological (Zionist) tenets.
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II: Laws related to land

The Israel Land Administration (ILA) Law

2009 (enacted)	Institutes broad land privatisation affecting about 80 000 hectares, the majority of which is claimed by Palestinian refugees and internally	-Violates article 17 of UDHR stating that no one shall be deprived of his property.
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displaced persons but currently held by the state as 'absentees' property'. Some of these lands are Palestinian villages destroyed and evacuated during the 1948 war or confiscated from Palestinian citizens. According to the law, these lands can be sold to private investors and will not be subject to future restitution claims. The law also increases the number of representatives from the Jewish National Fund (JNF) in the Land Authority Council to six (of the thirteen members). The Council sets the policy for the Israel Land Administration (ILA), which manages 93 % of the land in Israel.

Amendment to the Land (Acquisition for Public Purposes) Ordinance

<p>1943 (British Mandate), amended in 2010</p>	<p>This original law dates to 1943 and the British Mandate for Palestine, and allows the Finance Minister to confiscate land for 'public purposes'. According to the amendment, 'public purposes' for which land may be confiscated are expanded; the purpose need not apply for 17 years; and the purpose may be changed after the land has been appropriated. A number of changes make it more difficult for</p>	<p>-Violates article 17 of UDHR stating that no one shall be deprived of his property. The application of the law is discriminatory, as confiscations usually involve Palestinian — not Jewish — lands, and since the third parties who benefit from the 'public purpose' originally announced are often Jewish groups or organisations.</p>
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the original owners of the land to reclaim their property: the land must have been confiscated within the past 25 years; and if the land was transferred to a third party, claims cannot be based on the state's deviation from the original purpose.

In practice, the state has used the original law and its iterations (the Land Acquisition Law of 1953 and the Absentees' Property Law of 1950) to confiscate Palestinian-owned land, but only very rarely to confiscate land from Jews. Vast areas of Palestinian-owned land have been confiscated and transferred to third parties, including Zionist institutions such as the Jewish National Fund.

Amendment to the Negev Development Law: Individual Settlements

<p>1991, amended in 2010</p>	<p>This law provides individual Jewish families with land for their exclusive use and excludes Israeli Palestinians in the Negev and unrecognised Bedouin villages. These villages are denied status and their 90 000-100 000 inhabitants — about half of all Israeli Bedouins, and all citizens of Israel — live without basic services. About 60 individual settlements in the Negev (over 81 000 hectares) are established without</p>	<p>-Violates Article 25 of the UDHR stating that each person has the right to public services and Article 1 stating that human beings are born equal in dignity and rights.</p>
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permits and contrary to planning laws.

The Israel Lands Law (Amendment no. 3)³²

2011	This law prevents any person or party from selling land, from renting property for more than five years, or from bequeathing or transferring private ownership rights in Israel to 'foreigners'. According to this law, Palestinian refugees are classified as 'foreigners', although they are the original owners of the land. In the past, Israeli law had considered Palestinian refugees as 'absentees', whose property and property rights Israel assumed, acting as temporary 'custodian' until the conclusion of a political solution to the conflict between Israel and the Palestinians.	- Violates a principle of International law stating that refugees have the right to return to their land and transfers their property to other ownerships.
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5 Socio-economic issues

According to the IMF, Israel's future growth and fiscal sustainability are conditional on more employments among ultra-Orthodox Jews and Palestinian women.

A March 2012 report on Israel from the IMF demonstrates that, despite the strong growth of the Israeli economy, the country's **poverty rate** is among the highest in the OECD. The publication argues that if certain trends are not reversed — notably the relatively low levels of employment among Haredi (ultra-Orthodox Jewish) men and Palestinian women — 'this will not only result in a further increase in poverty but also undermine Israel's overall growth potential and fiscal sustainability'³³.

Poverty is spreading among Palestinian citizens of Israel at a much

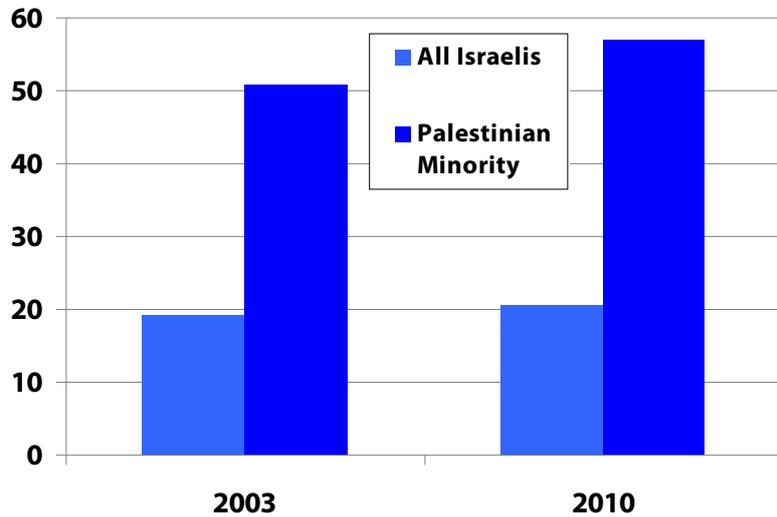
³² http://www.adalah.org/upfiles/2011/discriminatory_laws_2011/Israel_Lands_Law_2011_English.pdf

³³ <http://www.imf.org/external/pubs/ft/scr/2012/cr1271.pdf>

The Palestinian minority suffers from higher poverty rates than their Jewish counterparts

higher rate than among the rest of the population. In 2003, poverty among all Israelis was 19.3 %, compared to 50.9 % for Palestinians with Israeli citizenship. Seven years later, (in 2010), poverty among all Israelis had increased by 1.2 % while, for Palestinians it had grown by 6 %.

Figure 2:
Poverty among Palestinians and among all Israelis

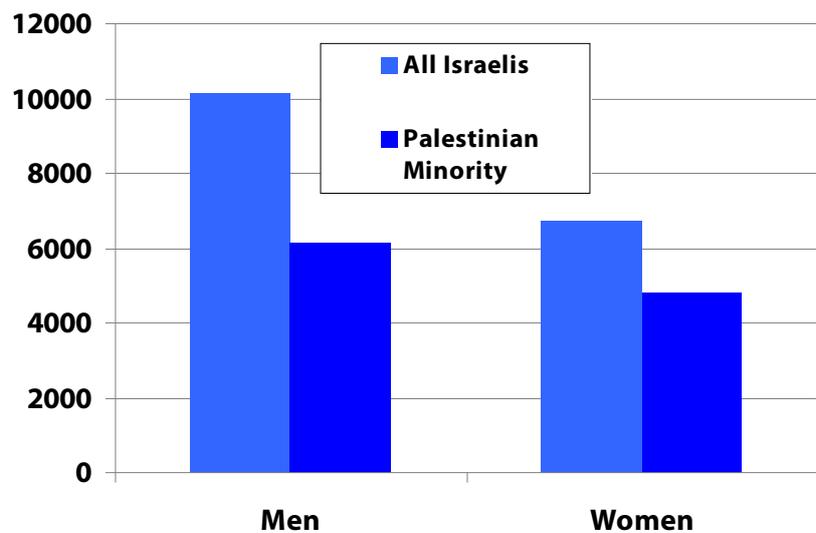


source: IMF

Palestinian workers are paid less on average than Jewish workers.

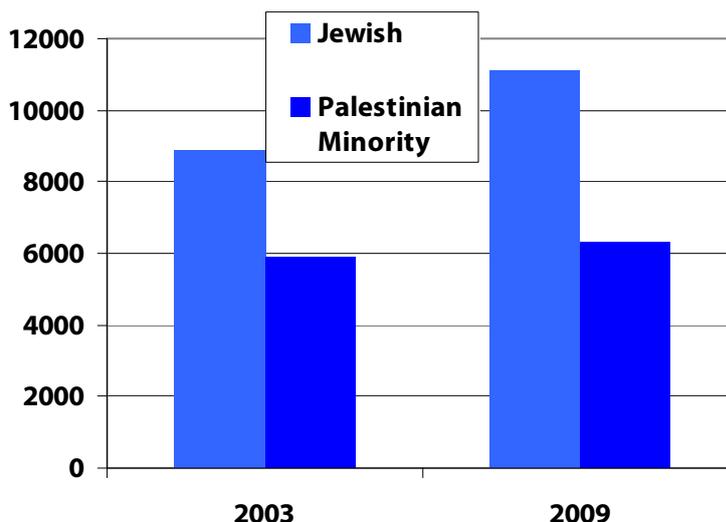
According to the IMF, a profound **income disparity** exists between Palestinian and other citizens of Israel. The recent report indicated that while Israeli men in the labour market earned an average of NIS 10 120 (ca. EUR 2 000) monthly, Palestinian men in Israel earned only 60.5 % of that. The disparity exists also among female workers, and is even more apparent when it comes to household income, in part because the percentage of Palestinian women who are employed is lower than that of Jewish women.

Figure 3:
Average monthly wage, 2009, in NIS



source: IMF

Figure 4:
Average monthly household income, 2009, in NIS

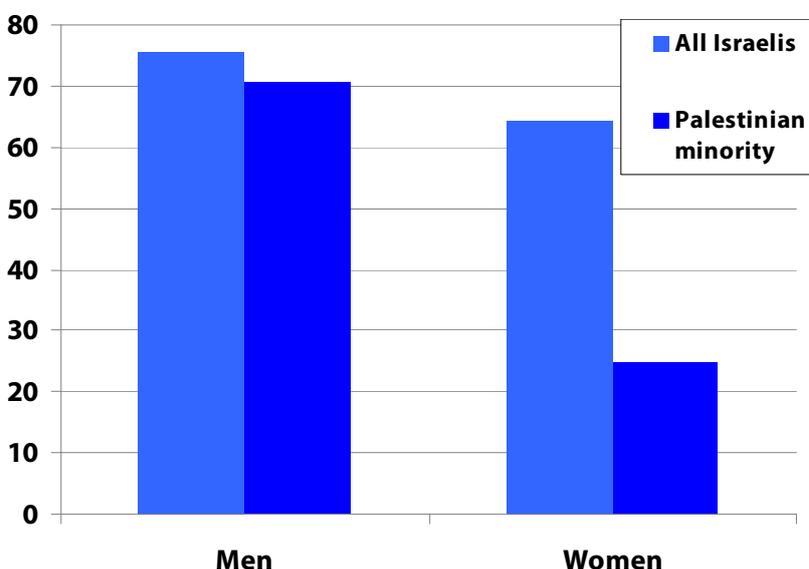


source: IMF

The Palestinian minority has lower employment rates than their Jewish counterparts.

The IMF found that Palestinians, particularly women, have relatively **low employment rates**. In 2009, the difference between the employment rate between all Israeli men and Israeli Palestinian men was five percentage points. But the difference was far greater — 39.5 percentage points — between Israeli women and Palestinian women.

Figure 5:
Employment rates in Israel, 2009



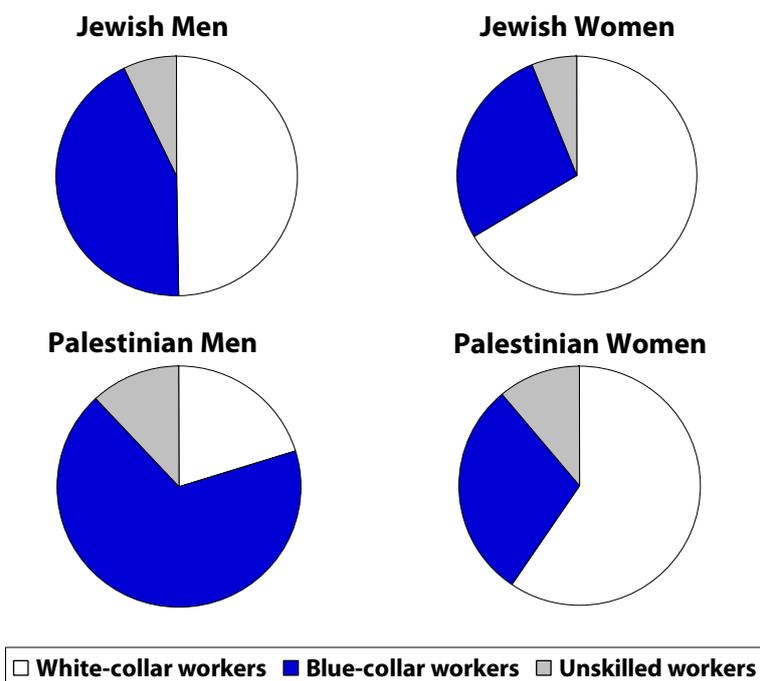
source: IMF

Most Palestinian men in the Israeli labour market are blue-collar workers while about half of the Israeli Jews are white-collar workers.

The IMF report also highlighted the **differences in the types of jobs** exercised by Jewish and Palestinian men and women. In 2010, far more Jewish male workers than Palestinian men worked as white-collar workers. Blue-collar work occupied the majority of Palestinian male workers (67.1 %), but only 42.5 % of Jewish male workers, and Palestinians were far more likely than Jews to work as unskilled labourers. Those Palestinian women who worked were more often white collar workers (59 %) than their male Palestinian counterparts (19.9 %), though still less often than Jewish women

(64.8 %). More Palestinian women (11 %) than Jewish women (6.2 %) were employed as unskilled workers.

Figure 6:
Types of jobs held by men and women in Israel (Jews and Palestinian minority), 2010



Palestinians are under-represented in Israeli civil service.

A report issued by Adalah in March 2011 demonstrates that Palestinian citizens of Israel are underrepresented in the country's civil service, the largest employer in Israel: overall, only 6 % of civil service employees are Palestinian. The percentage drops to a paltry 1.3 in the Ministry of Housing — a sensitive one — and to 1.2 in the traditionally important Ministry of Finance³⁴.

Table 2:
Percentage of Palestinians working in different Israeli ministries

Ministry	% of Palestinian minority employees
Health	7.2
Education	6.2
Justice	3.9
Industry, Trade and Labour	3.4
Transport	2.3
Housing	1.3
Finance	1.2

³⁴ http://www.adalah.org/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf

Arabic is unprivileged in the public sphere despite being an official language.

Some of the divide between Jews and Palestinians that exists in the general occupational environment can be linked to the linguistic and educational differences of the two groups. Arabic, the language of the Palestinian minority in Israel, is an official language in Israel. Yet according to Adalah's report, fewer resources are dedicated to Arabic than to Hebrew, and Hebrew-speakers are more privileged in official and public arenas.

The Palestinian Bedouins of Negev are the poorest among the minority.

Palestinians in Israel have a separate elementary schooling system in which Arabic is the language of instruction. There are, however, no Arabic-speaking universities in Israel, which means that Palestinians who pursue a university degree must either do so in Hebrew or travel abroad.

The occupational and economic disparities between Palestinians and Jews also dovetail with the **geographical distribution of economic inequality**. Palestinian towns and villages are over-represented in the lowest socio-economic rankings. In 2004, 36 of 40 towns suffering from the highest unemployment rates had a strong Palestinian population in them³⁵.

Some studies have highlighted the severity of economic difficulties faced by the **Bedouins** in the Negev. Their education performance is particularly poor, and employment rates are low. In 2004, a study by the Van Leer Institute in Jerusalem stated that 66 % of Bedouins of Negev live below the poverty line. The percentage rose to 80 % in unrecognised villages³⁶.

6 Demographics and the issue of 'transfer'

From 1948 to 2009, Israel's Jewish population grew nine-fold as a result of immigration and births. The Palestinian population increased eight-fold, almost entirely due to natural increase.

Israel's Jewish population has grown both as the result of a relatively high birth rate and successive waves of immigration. Between 1948 and 2009, the population increased from 649 600 to 5.7 million, a nearly nine-fold increase, with about half from immigration and half from births. In the same period, the Palestinian population grew eight-fold, from a mere 191 800 to 1.6 million, but this growth was almost entirely due to 'natural increase'. Among Palestinians, **the birth rate for Muslims was for many years higher than that of Jews**, and the Muslim population grew at a faster rate than the Jewish one, even given Jewish immigration.

For a number of Israeli Jews, the growth of the Palestinian

³⁵ http://www.adalah.org/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf & <http://www.dayan.org/kapjac/files/shamirEng.pdf>

³⁶ <http://www.haaretz.com/print-edition/news/66-of-negev-bedouin-live-below-poverty-line-1.210067>, http://www.btl.gov.il/Publications/research/Documents/mechkar_98.pdf

Many Israeli politicians have presented the Palestinians' relatively high birth rate as a threat to the Jewish nature of the state. This, in turn, has led to plans to 'transfer' Palestinians out of Israel.

community **threatened the very nature of the Jewish homeland**. Projections suggested that Jews could become a minority in Israel within decades. The notion of a Palestinian 'demographic bomb' or 'threat' became a staple of political rhetoric and popular fear. **Benjamin Netanyahu**, today Israel's Prime Minister, described this in an often-quoted interview in 2003: 'if there is a **demographic problem**, and there is, it is with the Israeli Arabs who will remain Israeli citizens'³⁷. While Palestinian members of the Knesset objected, other Israeli politicians followed suit and many advocated transferring Palestinians outside the country.

In September 2010, the **Foreign Minister Avigdor Lieberman**³⁸ presented a peace plan to the UN General Assembly. In return for evacuating Israeli settlements in the occupied Palestinian West Bank, Lieberman advocated transferring some Palestinian Israeli citizens to a future Palestinian state — a proposal that reflects the mission of his party, Yisrael Beytenu: 'The responsibility for primarily Arab areas such as Umm Al-Fahm and the 'triangle'³⁹ will be transferred to the Palestinian Authority. In parallel, Israel will officially annex Jewish areas in Judea and Samaria⁴⁰. Israel is our home; Palestine is theirs⁴¹.'

Lieberman is not alone in his **advocacy of transfer**, although opinions divide as to how many Palestinians should be transferred to where. Different transfer plans have evoked Jordan, Libya, Iraq and other Arab countries as destinations⁴². The most extreme advocate transferring all Palestinians, including those living in the West Bank and Gaza Strip.

The idea of removing Palestinian citizens of Israel from the country in order to preserve the Jewish character of Israel has recently gained in popularity⁴³. In 1992, a majority of the Jewish Israeli public supported 'encouraging' Palestinians to move outside of Israel. Public support for this went down in the 1990s and early 2000s,

³⁷ Interview with *Haaretz* news service, 18 December 2003.

³⁸ <http://www.haaretz.com/news/diplomacy-defense/lieberman-presents-plans-for-population-exchange-at-un-1.316197>

³⁹ The triangle is a term commonly used to refer to an area with high Palestinian concentration in Israel, including Palestinian towns and villages adjacent to the Green Line to the north and north-west of the West Bank. This area is divided into the Northern triangle: Kafr Qara, Ar'ara, Baqa-Jatt and Umm al-Fahm, and the Southern Triangle: Qalansawe, Tayibe, Kafr Qasim, Tira, Kfar Bara and Jaljulia.

⁴⁰ Israel formally uses the biblical term 'Judea and Samaria' to refer to the West Bank.

⁴¹ <http://www.yisraelbeytenu.com/>

⁴² <http://www.badil.org/es/monitoreo-continuo-de-los-desplazamientos/item/1371-population-transfer-and-political-zionism>

⁴³ <http://english.dohainstitute.org/Home/Details/5ea4b31b-155d-4a9f-8f4d-a5b428135cd5/67050cd8-dd9f-4ba7-9590-779e2881c869#s8>

⁴⁴ http://mada-research.org/en/files/PMR/PMR13/pmr13-eng/PMR_13_ENG.pdf

reaching its lowest level of support in 2003. In the late 2000s, however, support levels rose again to levels nearly as high as in 1990s (see table below)⁴⁴.

Table 3:

Percentage of Israeli Jews who believe 'government should encourage the emigration of Palestinians from Israel'

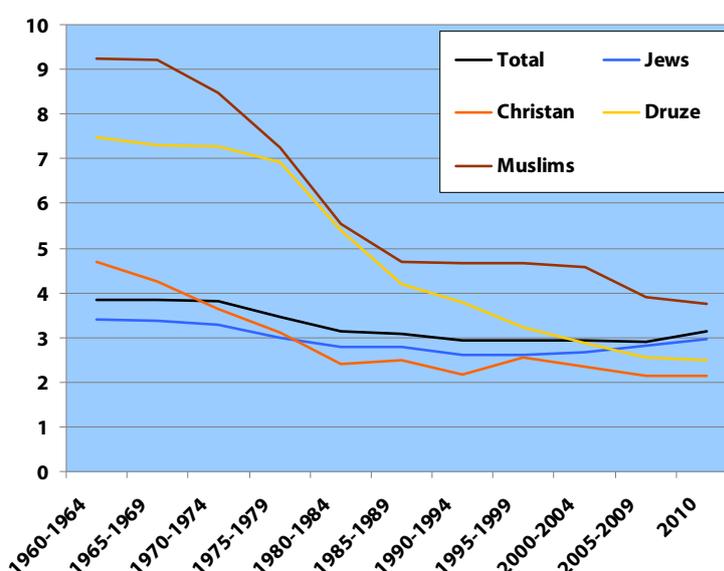
	1992	1996	1999	2003	2009
Agree	65	55.5	49	31.5	61
Disagree	34	44	51	68.6	34

The 'demographic threat' is baseless.

While the idea of transfer has apparently gained in popularity, the reality of the perceived and loudly touted 'demographic threat' has waned. Recent birth rate figures from the Israeli Bureau of Statistics demonstrate that fertility rates for Muslims — the Palestinian group that Israeli Jews considered most threatening — have been steadily decreasing, from 9.23 in the early 1960s to 4.67 in the early 1990s, down to 3.75 in 2010. Jewish fertility rates dipped until the early 1990s, when they hovered around 2.62, but have recently increased, reaching 2.97 in 2010. If the trend continues, the two groups should soon have convergent rates, and the likelihood of Palestinian majority in Israel is more than remote. In fact, **of all religious groups monitored in Israel, only Jews have a birth rate that has increased over the last decade** (see chart below).

Figure 7:

Birth rates by religion in Israel, 1960-2010



While the 'demographic threat' remains a mainstay of Israeli political speech, what this means at the level of the general public is less certain. Polls conducted in successive years suggest that Israeli Jews' fear of Palestinians' high birth rate has diminished, although the more general fear that Palestinians endanger Israel by trying to

'change its Jewishness' remains widespread⁴⁵.

Table 4:
Jewish Israeli fears of Palestinian birth rates and efforts to change the Jewishness of the state

	2003	2004	2006	2007	2008	2009
% who fear that Palestinians endanger the state through their high birth rate:	70.1	66.7	64.4	62.2	59.0	58.4
% who fear that that Palestinians endanger the state through their efforts to 'change its Jewishness':	71.8	71.8	71.3	69.3	66.1	70.6

Palestinians with Israeli citizenship reject and fear 'transfer' and consider the 'demographic problem' a justification for excluding them from Israeli politics.

Israeli Palestinians, on the other hand, perceive the discussion of the 'demographic problem' as bigoted. As Ahmed Tibi, a Palestinian member of Knesset (MK) said in 2005, 'Use of the demographic scarecrow for good or for bad has the smell of racism⁴⁶.'

For many Palestinians, the 'demographic threat' serves as a Jewish justification to exclude Palestinians from politics. During the 2009 election campaign, a number of Palestinian political parties criticised the link between the 'demographic threat' and the desire to quell Palestinian political voices. Candidates exhorted Palestinian voters to participate as a form of protest against 'Jewish-Zionist' efforts⁴⁷.

Palestinians have also been alarmed by the notion of transfer, or by proposals such as Lieberman's 'population exchange'. In the words of MK Tibi, 'Lieberman has no right to offer the land my home is on in exchange for incorporating Jewish settlers into newly defined Israeli state borders. We are citizens of the state of Israel and do not want to exchange our second-class citizenship in our homeland — subject as we are to numerous laws that discriminate against us —

⁴⁵ http://www.usip.org/files/resources/PW67_Arab-Jewish_Relations_in_Israel.pdf

⁴⁶ <http://www.haaretz.com/print-edition/opinion/the-demographic-scarecrow-1.148093>

⁴⁷ <http://www.dayan.org/kapjac/files/Elections2009eng1.pdf>

⁴⁸ <http://www.nytimes.com/2009/04/07/opinion/07iht-edtibi.html>

⁴⁹ <http://www.ynetnews.com/articles/0,7340,L-4210263,00.html>,
<http://www.guardian.co.uk/commentisfree/2011/jan/31/palestine-israel-status-not-negotiable>

⁵⁰ http://www.usip.org/files/resources/PW67_Arab-Jewish_Relations_in_Israel.pdf

for life in a Palestinian Bantustan.⁴⁸ Other Palestinian Knesset members have participated in peaceful protests against expulsion⁴⁹.

Fear of being transferred has become a concern for most Palestinians. Polls conducted by Haifa University on 'Arab-Jewish relations' have demonstrated that the percentage of Palestinians worried about expulsion has fluctuated somewhat over the past decade, but has never dipped below 55 % (see table below)⁵⁰.

Table 5:

**Percentage of
Palestinians who fear
transfer**

2003	2004	2006	2007	2008	2009
55.4	63.5	60.0	62.1	56.6	61.9

Palestinians with Israeli citizenship believe that the state is better off for its diversity.

Despite the fear of being forcibly expelled from their homes — a fear fuelled by the experiences of Palestinians in 1948 and 1967 — many Palestinians hold fast to a belief that Israel as a whole is better off for their presence and the country's diversity. In 2010, the *Guardian* newspaper interviewed Israeli Palestinians about the issue of transfer, including residents of Umm al-Fahm. As one interviewee explained, 'After 60 years, it is time they embraced the Arab population and understood that if things are not good for Arabs in Israel, they won't be good for anyone⁵¹.'

7 Political participation

Today, Israel's Palestinian minority participates in national politics, and there are currently **11 Palestinian members of the Knesset**. Yet these members' participation implies their adherence to the Jewish nature of the state and the subjugation of Palestinian national interests. The Israeli Basic Law on the Knesset (Amendment 9) states: 'A candidates' list shall not participate in elections to the Knesset if its objectives or actions, expressly or by implication, include [...] negation of the existence of the State of Israel as the state of the Jewish people⁵²'.

In September 2011, the Israel Democracy Institute published the 'Democracy Index in Israel 2011'⁵³, an annual report that addresses

⁵¹ <http://www.guardian.co.uk/world/2010/oct/19/israeli-arabs-palestinian-state>

⁵² http://www.knesset.gov.il/laws/special/eng/basic2_eng.htm

⁵³ <http://www.mada-research.org/UserFiles/file/PMRENG15.pdf>. According to polls published by Israeli political psychologist Daniel Bar Tal's in 2009, 77 % of Israeli Jews oppose the participation of Palestinian citizens in the Israeli decision-making process and 70 % oppose the participation of 'Arab' parties or 'Arab' ministers in the cabinet coalition. See:

In 2011, most Israeli Jews supported excluding Palestinians from the decision-making processes and from key positions in Israel.

In 2010, Jewish Israeli youth privileged the 'Jewishness' of the state over democracy, and about half said they would revoke Palestinians' basic political rights.

the state of democracy in Israel in several areas⁵⁴. According to the index, 77.9 % of Jewish respondents support the exclusion of the Palestinian minority from the decision-making processes on issues relating to peace and security. When it comes to decision-making in social and economic areas, 69.5 % of respondents support excluding Palestinians.

According to 2009 data, 55 % of Israeli Jews support the state 'intensifying punitive measures' as opposed to 'equalizing their conditions with those of other citizens of the state'⁵⁵. A survey published in May 2011 by Haifa University found that 32.5 % of Israeli Jews support revoking their Palestinian compatriots' right to vote. In 1985 only 24 % felt this way⁵⁶.

The situation is not expected to improve in the near future. For example, according to surveys conducted among **Jewish Israeli youth** by the Friedrich-Ebert-Stiftung foundation in 1998, 2004 and 2010, the importance attributed to democracy by young people dropped from second place in 1998 (when 26 % prioritised it) to third in 2010 (14.3 %). On the other hand, 'Judaism' was named as the most important national value in 2010 (supported by 26 %), while this had ranked only third in 1998 (18.1%)⁵⁷. The same study revealed that a significant minority of Jewish youth (51 % in 2004 and 46 % in 2010) would choose to revoke basic political rights (such as the right to stand as a candidate to the Knesset) of Palestinians. One in four Jewish youth (25 %) said they feel 'hatred' toward 'Arabs'⁵⁸.

A more recent survey carried out with Jewish Israeli 12th-graders in August 2012 revealed that 86 % of religious respondents would not want live next to an Arab family. About 43 % of other Israeli Jews would not do so⁵⁹.

Such attitudes have taken their toll on the political behaviour of Palestinians in Israel. A 2009 study by Haifa University revealed that progressively fewer Palestinians have voted in elections between 1999 and 2009. Many Palestinians boycotted national elections in the early 2000s; in 2001, in particular, many avoided the poll for

<http://english.dohainstitute.org/Home/Details/5ea4b31b-155d-4a9f-8f4d-a5b428135cd5/67050cd8-dd9f-4ba7-9590-779e2881c869#s8>

⁵⁴ Hermann, T. et al. Democracy Index 2011. Available in Hebrew at:

www.idi.org.il/events1/Events_The_President's_Conference/2011/Pages/main.aspx

⁵⁵ [http://www.inss.org.il/upload/\(FILE\)1291193491.pdf](http://www.inss.org.il/upload/(FILE)1291193491.pdf) (see p. 94)

⁵⁶ <http://www.eubusiness.com/news-eu/israel-arabs-rights.ebt>

⁵⁷ <http://www.macro.org.il/lib/4809349.pdf>

⁵⁸ <http://www.macro.org.il/lib/4809349.pdf>

⁵⁹ <http://www.haaretz.com/news/national/most-israeli-12th-graders-support-deportation-of-african-refugees.premium-1.459813>

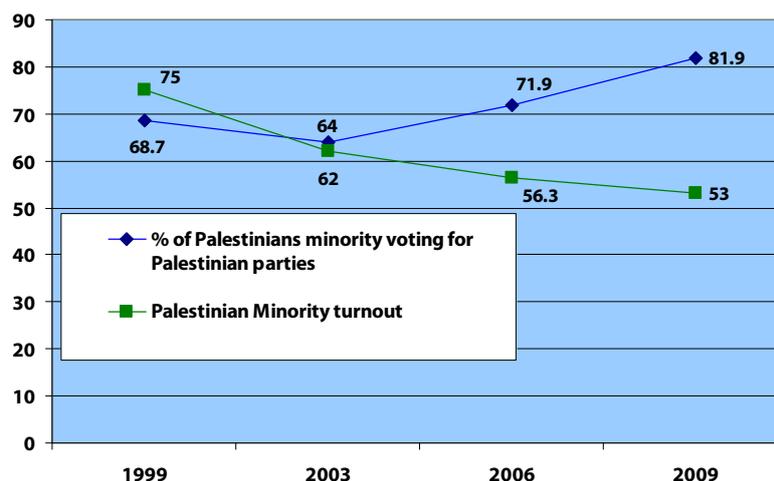
⁶⁰ http://www.usip.org/files/resources/PW67_Arab-Jewish_Relations_in_Israel.pdf

Between 1999 and 2009, Palestinian turnout decreased, while those who did vote increasingly turned to Palestinian parties.

Figure 8:
Palestinian behaviour in Israeli elections, 1999-2009

Prime Minister as a protest against the tenure of Ehud Barak. Objection to discrimination was another frequently cited explanation for boycotting the elections.

Those Palestinians who have voted in elections since 1999 have increasingly supported Palestinian parties. In 1999, 68.7 % of Palestinian voters chose Palestinian parties. By 2009, the percentage had risen to 81.9 % (see chart below)⁶⁰.



8 Mutual distrust

Israeli Jews fear a Palestinian uprising and are unwilling to engage with Palestinians on various levels.

In addition to concerns about birth rates and politics, other fears about the Palestinian minority continue to trouble many Israeli Jews. According to a 2006 index of 'Jewish-Arab relations'⁶¹, 68.4 % of Israeli Jews fear a civil uprising by Israeli Palestinians. The same poll revealed that 83.1 % of respondents considered Palestinians a security risk due to their support of Palestinians living in the West Bank and Gaza.

To justify their unease, Israeli Jews often point to the protests that were organised by the Palestinian minority during the outbreak of the Intifada in 2000 as an expression of solidarity with Palestinians in the Occupied Territory. Certain fears among Israeli Jews peaked during and shortly after the intifada. The table below provides one example:⁶²

⁶¹<http://www.haaretz.com/news/new-poll-shows-68-4-of-israeli-jews-fear-israeli-arab-uprising-1.215340>

⁶²http://www.usip.org/files/resources/PW67_Arab-Jewish_Relations_in_Israel.pdf

Table 6:
Evolution of Israeli Jews' attitudes towards Palestinians, 2003-2009

% who 'fear entering Palestinian localities'	2003	2004	2006	2007	2008	2009
% 'not ready to have an Arab neighbour'	73.1	71.8	63.3	64.6	65.7	65.6
% 'not ready to have an Arab as a superior at work'	47.4	52.5	51.4	49.5	46.9	50.7

Such sentiments can be explained in a number of ways. Palestinians with Israeli citizenship are increasingly viewed as a fifth column — people whose undermine Israel simply through their Palestinian identity and ties to Palestinians in the Occupied Palestinian Territory (OPT) and surrounding Arab and Muslim states⁶³. A 2009 study by

⁶³ A number of laws restrict relations between Israel some Arab and Muslim countries. The 'Citizenship and Entry into Israel Law' (2003), for example, prohibits family unification between Israeli citizens and non-Jewish spouses from Syria, Lebanon, Iraq, Iran, OPT. A 2008 amendment to the 1952 'Citizenship Law' allows the revocation of the citizenship of Israeli citizens who acquire citizenship or permanent residency in Iran, Afghanistan, Lebanon, Libya, Sudan, Syria, Iraq, Pakistan, Yemen or Gaza. More examples are provided in http://www.adalah.org/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf

⁶⁴ http://www.usip.org/files/resources/PW67_Arab-Jewish_Relations_in_Israel.pdf

⁶⁵ The poll was carried out by Haifa University on Arab-Jewish relations: <http://soc.haifa.ac.il/~s.smooha/download/IndexArabJewishRelations2004.pdf>

Palestinians in Israel feel excluded from Israeli society. An increasing number are unwilling to have a Jewish friend or neighbour and are unsatisfied with their lives as citizens.

Haifa University⁶⁴ revealed that about 72.9 % of Israeli Jews said that someone who defines himself or herself as 'a Palestinian Arab in Israel' is not loyal to Israel. An earlier study in 2004 by the same institution revealed that about 58 % of Jews in Israel said that the Arabs are not trustworthy; 43 % that Arabs are inclined to violence and about 40 % that Arabs are not law-abiding.

Repeated opinion polls have also confirmed that Palestinians feel excluded in Israel. In 2004, 53.5 % of Israeli Palestinians said they felt alienated by Israeli society⁶⁵. Some 51 % of Israeli Palestinians said they felt distant from Israeli Jews. For many, the very way in which the Israeli state is defined was judged to be racist: 72 % agreed with the statement 'Israel as a Zionist state is racist'; 52.2 % agreed that 'Israel as a Jewish and democratic state is racist'; 47.4 % agreed that 'Israel is a racist state.'

The same survey revealed that 81 % of the Israeli Palestinians feared an infringement of their rights, 79.1 % feared the confiscation of their lands by Israel, 72 % feared state violence against them, and 70.6 % fear individual violence by Jews against them.

In 2009, another survey traced the distance felt by Palestinians with their Jewish counterparts. The table below presents some of the findings⁶⁶.

Table 7:
**Evolution of Israeli
Palestinian attitudes
towards Israeli Jews,
2003-2009**

	2003	2004	2006	2007	2008	2009
% 'not ready to have a Jewish friend'	15.7	12.5	14.5	13.2	26.3	28.7
% 'not ready to have a Jewish neighbour'	27.2	25.7	31.6	25.4	47.3	43.0
% 'not satisfied with life as an Israeli citizen'	34.8	39.0	44.3	- ⁶⁷	49.9	48.3

⁶⁶ http://soc.haifa.ac.il/~s.smooaha/uploads/editor_uploads/files/IndexOfArabJewishRelations2003_2009.pdf

⁶⁷ Question was not asked.

9 Position of the international community

9.1 The European Union

The EU has repeatedly expressed concern about specific Israeli laws that violate the rights of the Palestinian minority in Israel.

In 2011, EU Ambassadors wrote a report describing the deteriorating status of the Palestinian minority.

EU and international pressure led Israel's NGOs funding bill to be frozen.

On several occasions, the EU has mentioned specific issues related to Israeli legislation affecting the Palestinian minority. In February 2011, the EU urged Israel for the first time 'to increase efforts to address the economic and social situation of the Arab minority, to enhance their integration in Israeli society, and protect their rights'⁶⁸.

In a classified working paper jointly produced by EU Member State embassies in Israel in November 2011 and sent to EU headquarters in Brussels, the EU missions stated that the EU should consider Israel's treatment of its Palestinian population a '**core issue**, not second tier to the Israeli-Palestinian conflict'. The paper addressed the issue of Israel's self-definition as both 'Jewish and democratic', and the negative repercussions of this joint definition on the Palestinian population. The paper suggested that the EU file a protest every time the Israeli Knesset passed a second reading of a bill discriminating against Palestinians. The paper also drew the attention to situation in Palestinian villages in Israel and called on the EU to ensure that all Palestinian towns have completed urban plans to ensure access to basic services such as water, roads and electricity. The paper also suggested that each member state might 'adopt' a municipality to facilitate the modernisation.'

Several EU Member States' governments objected to the contents of the paper. As a result, the document was not published but was instead classified as 'food for thought'⁶⁹.

The European Union, along with the US and other countries, pressured the office of Prime Minister Netanyahu to **scrap the bill to limit NGO funding**. On 29 March 2012, the EU Commission Vice President and High Representative for Foreign Affairs and Security Policy (HR/VP) Catherine Ashton expressed serious concerns about the potential negative impact of the legislation. The same reservations were expressed by EU officials locally, by the EU Delegation in Tel Aviv, as well as during the EU-Israel sub-committee on political dialogue and cooperation meeting held on 5 December 2011 in Brussels. The HR/VP asserted that the EU would continue to monitor developments on the issue, to prevent the activities of

⁶⁸ <http://www.haaretz.com/opinion/words-are-not-enough-1.433807>

⁶⁹ <http://www.haaretz.com/print-edition/news/secret-eu-paper-aims-to-tackle-israel-s-treatment-of-arab-minority-1.401678> & <http://www.eubusiness.com/news-eu/israel-arabs-rights.ebt>

human rights organisations and other NGOs in Israel and the occupied Palestinian territory from being hampered⁷⁰. The European Union, along with the US and other countries, pressured the office of Netanyahu to scrap the legislation on NGOs funding. As the bill neared approval in the cabinet, the Head of the EU Delegation to Israel, Andrew Standley, contacted the Prime Minister's National Security Adviser, Yaakov Amidror, to warn him that the passage of the law could harm Israel's standing as a democratic country. Prime Minister Netanyahu subsequently froze the bill.

In mid-May 2012, as part of the **European Neighbourhood** Policy Progress Report on Israel,⁷¹ the EU stated that progress on the situation of the Palestinian minority was 'limited'. The report highlighted concerns about 'an unprecedented number of potentially discriminatory or even anti-democratic bills being tabled in the Knesset', saying that the bills 'tend to antagonise relations with the Arab minority'.

The EU also drew attention to the **Prawer Plan**, which would forcibly displace tens of thousands of Bedouins from their ancestral land, saying that the plan had been 'criticised for the limited consultation of representatives of unrecognised Bedouin villages — which would be the most vulnerable in the event of relocation'⁷². On 8 July 2012, the European parliament passed a resolution condemning Israel's policy toward the Bedouin communities living in unrecognised villages in the Negev and called on Israel to withdraw the Prawer plan⁷³.

At the EU-Israeli **Association Council** meeting held on 24 July 2012, the EU encouraged Israel to increase its efforts to 'address the economic and social situation of the Arab minority, to enhance their integration in Israeli society and protect their rights'⁷⁴. Yet despite this expression of concern — and despite the pledge of certain EU Member States to make political and economic ties conditional on respect for human rights — the EU and Israel also concluded their meeting by announcing the expansion of their cooperation in '60

⁷⁰ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-012451&language=MT>

⁷¹ <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/12/335&format=HTML&aged=0&language=EN&guiLanguage=en>

⁷² http://ec.europa.eu/world/enp/docs/2012_enp_pack/progress_report_israel_en.pdf

⁷³ <http://www.haaretz.com/news/diplomacy-defense/european-parliament-condemns-israel-s-policy-toward-bedouin-population-1.449687>

⁷⁴ http://eeas.europa.eu/statements/docs/240712_euil-assoc_council2012-eustatement-published.pdf,
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concrete activities in over 15 specific fields'. This elicited criticism by several human right organisations. Human Rights Watch, for example, argued that 'The EU's package of benefits gives Israel a green light to continue the violations that European politicians claim to want to end.'

9.2 The United Nations

Soon after its founding, Israel promised the UN that its Palestinian and other citizens would enjoy equal civil and political rights.

In 2012, the UN CERD criticised Israel for its discriminatory legal framework and called for the abolition of a number of laws.

The UN has followed the issue of Palestinian refugees and the Palestinian minority since the late 1940s. In 1949, the United Nations Conciliation Mission for Palestine questioned the newly created state of Israel about the situation of the Palestinian minority. Israel responded by confirming that 'all Arabs resident in Israel, and the refugees whose return to Israel was authorised, enjoyed full personal security equally with all other residents of the country... Moreover, any Arab having acquired or acquiring Israeli citizenship was equal before the law and enjoyed the same civil and political rights and the same treatment in law and in fact as other Israeli citizens'⁷⁵.

Yet over time, the UN's concerns have mounted. In the last decade, several local human rights organisations, such as Adalah and Mosawa, have written reports to different UN organisations to draw the attention to the situation on the ground. In March 2012, the **UN Committee on the Elimination of Racial Discrimination** (UN CERD) issued its Concluding Observations on Israel, in which it reiterated its recommendation that Israel incorporate the principle of equality and non-discrimination into its Basic Law. The Committee criticised Israel for enacting discriminatory laws and called on the country to abrogate and rescind all discriminatory legislation. CERD cited Israel's **Citizenship and Entry Law** (Temporary Provision) as an example of the country's discriminatory laws. CERD also expressed concerns over the situation of Palestinian Bedouins in the Negev and called on Israel to withdraw the **Prayer plan**⁷⁶.

Pressure from the UN and other international actors has, in the past, proven effective at influencing Israeli legislation. When Israel introduced the 'NGO Foreign Government Funding Law' (see table above) to restrict funding of non-governmental organisations, the UN reacted strongly: in April 2012, UN Human Rights Commissioner Navi Pillay listed Israel as a country that limited the activities of human rights organisations. The bill had previously been supported

⁷⁵ <http://unispal.un.org/UNISPAL.NSF/0/F9AB3C71642B84FD8525750600572320>

⁷⁶ <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf>.

⁷⁷ <http://www.haaretz.com/news/diplomacy-defense/israel-joins-un-list-of-states-limiting-human-rights-organizations-1.427184>

by Prime Minister Netanyahu throughout its formulation. But faced with the reaction of the UN and others, Netanyahu ordered it frozen⁷⁷.

9.3 The United States

The US State Department listed 'institutional and societal discrimination' against the Palestinian citizens of Israel as one of the country's top three most significant human rights issues of 2011.

In early 2012, the United States State Department published its annual human rights report on Israel⁷⁸. The report listed 'institutional and societal discrimination' against Palestinian citizens of Israel as one of the country's top three most significant human rights issues in 2011. The 2012 report singled out Israel's Palestinian Bedouin population as the country's 'most disadvantaged'. The report followed another from 2010, in which the State Department had described the Palestinian situation as Israel's 'principal human rights problem'.

The US has also criticised specific discriminatory laws, such as the 'NGO Foreign Government Funding Law'⁷⁹ (see *Table 1 above*). In December 2011, U.S. Ambassador to Israel, Dan Shapiro told Israeli officials that the Obama administration is concerned by proposed legislation, which is judged to be much more extreme than similar laws in the US and other western countries.

9.4 Human rights organisations

The situation of the Palestinian minority in Israel has been monitored by a number of international human rights organisations.

Adalah is one of the most active local human rights organisations on issues of violations and discriminations against the Palestinian minority in Israel. The organisation has sent several letters, press releases and other notices to international actors, including UN organisations and the EU, to raise awareness and draw attention to discrimination and human rights violations. In March 2012, for example, Adalah issued a press release⁸⁰ calling for the end of all forms of segregation between Jewish and non-Jewish communities, such as that instituted by the Israeli Admission Committees Law (see *Table 1*). The release also advocated incorporating a prohibition of racial discrimination into the Israeli Basic Law, to ensure equal access to land and property, abrogate all discriminatory laws (including, notably, the Citizenship and Entry into Israel Law) and

Human rights organisations and other non-governmental organisations active in

⁷⁸ <http://www.state.gov/documents/organization/187889.pdf>

⁷⁹ <http://www.haaretz.com/news/diplomacy-defense/u-s-warns-israel-over-bill-to-limit-foreign-funding-to-ngos-1.399442>

⁸⁰ <http://adalah.aiforms.com/eng/?mod=articles&ID=1530>

Israel have expressed concern over discriminatory Israeli laws.

facilitate family reunification of all citizens irrespective of their nationality or origin.

Human Rights Watch (HRW) has also been active, producing a report in 2008⁸¹ on the conditions of the Palestinian Bedouins in the Negev. Among other issues, the report drew attention to Israeli land allocation, planning, and home demolitions and evictions that violate the rights and entitlements of the Bedouin population. The publication called for recognition of Bedouin villages and demanded that Israel provide the Bedouins with basic infrastructure.

On different occasions, HRW has expressed concern over discriminatory Israeli laws, including the Admission Committee Law and the 'Nakba Law' (see *Table 1*)⁸². In a March 2012 report⁸³, HRW criticised Israel for the discriminatory way in which land is allocated and its refusal to recognise many Palestinian communities within its borders.

In reports in early 2011 and in February 2012⁸⁴, **the Euro-Mediterranean Human Rights Network** described a deterioration in the human rights situation of the Palestinian minority in Israel between 2005 and 2010 due to discriminatory legislation. According to the 2011 report, the laws that have been introduced target the basic citizenship rights of Palestinians, leading to widespread anti-Palestinian racism and attacks — including criminal indictments — against Palestinian political leaders for legitimate political activities.

10 Policy options

The situation of the Palestinian minority in Israel merits a place on the EU agenda. The EU should be more vocal and active in pressuring Israel to grant

The situation of Palestinian minority in Israel and the Israeli discriminatory legal system already figures on the EU agenda. The EU should maintain its criticism of discrimination against Palestinians in Israel, but statements should be supported by actions. While the problem has existed since the creation of Israel, the increasing number and breadth of discriminatory laws being passed — many initiated and ratified under the current Israeli government — require the European Union to act more assertively. Violations of the rights of any minority in Israel or anywhere else contradict the EU's fundamental values of

⁸¹ <http://www.hrw.org/sites/default/files/reports/iopt0308webwcover.pdf>

⁸² <http://www.hrw.org/news/2011/03/30/israel-new-laws-marginalize-palestinian-arab-citizens>

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equal rights for its Palestinian minorities, both institutionally and practically.

democracy and respect of human rights.

The following policy options could be considered:

1. The EU should apply its values — respecting human rights — in its practices with its relations with Israel. In accordance with Article 2 (on respect for human rights and democratic principles) of the [1996] Association Agreement with Israel, the EU should condition its relations with Israel on the improvement of the country's human rights situation in general and that of the Palestinian minority in particular.
2. The EU should ensure that its other contractual relations with Israel are in full compliance with its own obligations under international law and international and human rights law. The new European Neighbourhood Policy (ENP) may be used, for example, to make the development of EU-Israeli relations conditional on Israel's adherence to international law, applying the 'more for more' and 'less for less' principles of the ENP.
3. The EU institutions and particularly the Parliament should continue to monitor Israel's discriminatory legal framework and to issue critical remarks when necessary.
4. The EU and the international community should pressure Israel to recognise the Israeli Palestinians as an official minority and to grant them the minorities' rights identified in the United Nations' Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
5. The EU should examine how to implement European Parliament's resolution of 8 July 2012 concerning Israeli policies on the Palestinian Bedouins of Negev. The EU should pressure Israel to halt the implementation of its Praver plan in the region.
6. The EU should pressure Israel to implement a just legal system that treats all Israeli citizens equally. The EU should also pressure Israel and the international community to settle the issue of Palestinian refugees and highlight the discrimination against them imposed by the Israeli legal system.
7. The EU should increase its support of civil society organisations working on human rights in Israel and establish a partnership with them in accordance with the objectives of the new European Neighbourhood Policy.

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