

BACK TO BASICS: ISRAEL'S ARAB MINORITY AND THE ISRAELI-PALESTINIAN CONFLICT

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BACK TO BASICS: ISRAEL'S ARAB MINORITY AND THE ISRAELI-PALESTINIAN CONFLICT

EXECUTIVE SUMMARY AND RECOMMENDATIONS

World attention remains fixed on the Israeli-Palestinian conflict but a distinct, albeit related, conflict smoulders within Israel itself. It might be no less perilous. Jewish-Arab domestic relations have deteriorated steadily for a decade. More and more, the Jewish majority views the Palestinian minority as subversive, disloyal and – due to its birth rates – a demographic threat. Palestinian citizens are politically marginalised, economically underprivileged, ever more unwilling to accept systemic inequality and ever more willing to confront the status quo. Interaction with the Israeli-Palestinian conflict further complicates matters as negotiations bump against a core issue – whether Palestinians will recognise Israel's Jewish character – that further inflames communal relations. There is no easy or quick fix. In the near term, Israel should take practical steps to defuse tensions with its Arab minority and integrate it into the civic order. In the longer run, the challenge to Israeli Jews and the Palestinian national movement is to come to terms with the most basic questions: what is the character of the state of Israel, and what rights should its Arab citizens enjoy?

For over six decades, Israel's Palestinian citizens have had a unique experience: they are a Palestinian national minority in a Jewish state locked in conflict with its Arab neighbours but they also constitute an *Israeli* minority enjoying the benefits of citizenship in a state that prizes democracy. This has translated into ambivalent relations with both the state of Israel and Palestinians in the West Bank, Gaza and beyond. They feel solidarity with their brethren elsewhere, yet many Arabs study in Israeli universities, work side-by-side with Jews and speak Hebrew fluently – a degree of familiarity that has only made the discrimination and alienation from which they suffer seem more acute and demands for equality more insistent.

Since 2000, a series of dramatic events have both poisoned Jewish-Arab relations in Israel and reinvigorated its Palestinian minority. The collapse of the peace process and ensuing intifada harmed Israel's relations with not only Palestinians in the occupied territories but also its own Palestinian minority. As Palestinians in Israel organised rallies in solidarity with Gazans and West Bankers, Israeli

Jews grew ever more suspicious of their loyalty. Palestinian citizens' trust in the state plummeted after Israeli security forces killed thirteen of their own during protests in October 2000. A rapid succession of confrontations – the 2006 war in Lebanon; 2008–2009 Gaza war; and 2010 bloody Israeli raid on the aid flotilla to Gaza – further deepened mistrust, galvanising the perception among Israeli Jews that Palestinian citizens had embraced their sworn adversaries. Among Arabs, it reinforced the sense that they had no place in Israel. Several have been arrested on charges of abetting terrorist activity. Meanwhile, the crisis of the Palestinian national movement – divided, adrift and in search of a new strategy – has opened up political space for Israel's Arab minority.

As a consequence, Palestinian citizens began to look outside – to surrounding Arab states and the wider international community – for moral sustenance and political leverage. They have come to emphasise their Palestinian identity and increasingly dissociate themselves from formal Israeli politics. The result has been steadily declining Arab turnout for national elections and, among those who still bother to vote, a shift from Jewish Zionist to Arab parties. Palestinians invest more energy in political activity taking place beyond the reach of official institutions. Unsurprisingly, Sheikh Raed Salah – the leader of the northern branch of the Islamic Movement in Israel, which refuses to engage with the country's political institutions – has become the highest-profile Arab politician.

Yet Palestinian citizens' conflicting experiences has meant that such reactions go hand-in-hand with others: continual demands for achieving their rights *within* Israel; persistent criticism of Israel's democratic shortcomings; and the absence of any visible interest or willingness to relocate to an eventual Palestinian state. They undoubtedly feel deeply Palestinian. But they also take their Israeli citizenship seriously.

Simultaneous Arab marginalisation and revitalisation also has manifested itself in initial efforts by its leadership to define the community's political aspirations. The so-called "Vision Documents" advocate full Jewish-Arab equality,

adamantly reject the notion of a Jewish state and call instead for a “binational state” – in essence, challenging Israel’s current self-definition. This, for many Jews, is tantamount to a declaration of war.

For its part, Israel’s Jewish majority – confronted by an internal minority developing alliances outside the state and seeming to display solidarity with its foes – has grown ever more suspicious of a community it views as a potential fifth column. It has shunned Palestinians, enacted legislation to strengthen the state’s Jewish identity and sought to ban certain Arab parties and parliamentarians. Today, what for most Palestinian citizens is a principled struggle for equal rights is perceived by many Israeli Jews as a dangerous denial of Jewish nationhood. What for most Jews is akin to complicity with their enemies is viewed by Palestinian citizens as an expression of affinity for their brethren.

This is taking place against the backdrop of a peace process in which very little is happening – and what *is* happening only makes matters worse. Prime Minister Benjamin Netanyahu insists that the Palestine Liberation Organisation (PLO) accept Israel as a Jewish nation-state in the context of a final status agreement. That request resonates widely with Israel’s Jews, but raises all sorts of red flags for its Palestinian citizens, who have vigorously pressed the PLO to reject it. They might not have a veto, yet President Mahmoud Abbas cannot easily dismiss their views on such matters and has shown no inclination to do so. All of which has only elevated the centrality of the demand, making it all the more important for Israel’s government and all the more unacceptable to its Palestinian minority.

Add to this the idea, floated by Foreign Minister Avigdor Lieberman’s party, of “populated land swaps” – under which certain Arab-majority areas of Israel would be swapped for some of the so-called West Bank settlement blocks. Alarmed that they could twice pay the price for a two-state settlement – through acquiescence in their state’s “Jewishness” and through forcible loss of their citizenship – Israel’s Palestinian minority is making it ever clearer that peace deal or no peace deal, there will be no end to Palestinian claims until their demands also are met. To which Israel’s response is: Why pay the hefty price of an agreement with the PLO if it leaves behind an open wound right in our heart?

It was not meant to be so. Originally, the notion was that progress in the peace process would help improve Arab-Jewish relations in Israel. Instead, simultaneous deterioration on both fronts has turned a presumably virtuous circle into a dreadfully vicious one. Neither the State of Israel nor its Arab minority will be willing to reach a historic understanding before the Israeli-Palestinian conflict has been settled; and settling that conflict will be near-impossible without addressing the question of Israel’s nature – which

itself cannot be done without the acquiescence of Israel’s Arab citizens.

For now, this downward spiral has resulted in relatively few violent confrontations. For the most part, Israel’s Palestinians fear an escalation could erode their civil rights and further jeopardise their status in the state. But the frequency of clashes is rising. Should current trends continue unabated, localised intercommunal violence should come as no surprise.

It will not be easy to sort this out, not with a frozen peace process, not with deepening Jewish-Arab antagonism and mutual fears. But some things are clear. First, that there are long overdue measures Israel should take to begin to address its Arab minority’s demands for equal rights, regardless of the conflict with its neighbours, as well as steps Palestinian citizens can take to lessen Jewish fears. Secondly, that although obstacles to Israeli-Palestinian peace are legion, a significant one involves the dispute over Israel’s identity. Thirdly, that this obstacle cannot be overcome to any party’s satisfaction – not to the PLO’s, which cannot afford to ignore an important Palestinian constituency; not to Israel’s, which insists on ending *all* Palestinian claims – without buy-in from Israel’s Arab citizens.

Given this, a pathway, however tentative and uncertain, might suggest itself. Both national groups – Jews, working through their government; Palestinians, working through their national movement – could conduct, in parallel, internal deliberations over the character of the State of Israel and its implications: what it would mean practically for Israel to be accepted as the nation-state of the Jewish people; what would be entailed if Palestinians accepted the principle of Jewish self-determination; and what rights the Arab minority would enjoy? By clarifying their respective positions, Israel and the Palestinian national movement might be in a better position to grapple with issues at the core of their historic conflict. Pragmatists on both sides have begun this work, a rare bright spot in a decade-long downward spiral. But so far their efforts above all have underscored the enormity of the task that lies ahead. More will be needed for Israel and its Palestinian citizens to reach an understanding on how precisely they will live together – and avoid drifting dangerously apart.

RECOMMENDATIONS

To the Government of Israel:

1. Take measures, pending a two-state solution, to integrate the Arab minority, redress inequities and reduce internal conflict by:
 - a) implementing the government’s 2010 plan to eliminate discrimination in allocation of state resources

- to the Arab community – particularly regarding education – through legislative and budgetary means;
- b) ensuring equitable land distribution and planning and zoning regulations;
 - c) relaxing current restrictions that prevent access by Palestinian Muslims and Christians to certain holy places in Israel;
 - d) narrowing the security restrictions that constrain Arab employment in the high-tech sector;
 - e) condemning incitement against the Arab minority, particularly among Jewish community leaders – including politicians and rabbis – and intensifying efforts to identify and restrain those responsible for violent (“price tag”) attacks on Arab communities and Arab and Jewish activists; and
 - f) revoking the Citizenship and Entry into Israel Law (temporary order) of 31 July 2003, which prohibits Palestinians from the West Bank and Gaza married to Israeli citizens from acquiring Israeli residency permits or citizenship, and instead addressing security risks on a case-by-case basis.
2. Sponsor an intra-Jewish Israeli dialogue on the terms of a historic reconciliation with Palestinians regarding the nature of the state and the rights of its Arab minority; under one possible outcome in the event of a two-state solution, Palestinians would recognise Jews as Israel’s national majority with a right to self-determination, while the state would officially recognise Palestinian citizens as a national minority with equal individual rights as well as well as specific collective rights.

To the Leadership of the Palestinian Minority in Israel:

- 3. Take measures, pending a two-state solution, to reduce internal conflict and assuage Jewish fears by using exclusively peaceful means to promote political objectives, avoiding incitement and inflammatory language and, in particular, both condemning denial of Jewish history and recognising Jewish connection with the Land of Israel/historic Palestine.
- 4. Engage in a dialogue with the Palestinian national leadership on the terms of a historic reconciliation with the State of Israel regarding the nature of the state and the rights of its Arab and Jewish communities; under one possible outcome, Palestinians would recognise the status of Jews as Israel’s national majority with a right to self-determination, while the state would officially recognise Palestinian citizens as a national minority with equal individual rights as well as specific collective rights. Representatives of Palestinian citizens of Israel could include Knesset mem-

bers, as well as members of political parties and civil society organisations.

To the Government of Israel and the Leadership of the Palestinian Minority in Israel:

- 5. Negotiate, in the context of a two-state settlement, the precise allocation of rights and duties, including inter alia:
 - a) substantial Palestinian autonomy in the cultural, educational, linguistic and religious realms;
 - b) state recognition, protection and promotion of Palestinian national identity and heritage, in a manner compatible with the protection and promotion of Jewish national identity and heritage, including commemoration of key events such as the *Nakba* and including Palestinian symbols among those of the state (for instance on money notes, etc.);
 - c) the choice, in all dealings with the state, to use Arabic, which should remain Israel’s second official language; and
 - d) Jewish and Arab participation in all state institutions, including the military, on the basis of equal rights and duties.
- 6. Consider establishing, as a means of facilitating such a negotiation, an elected body to represent Palestinian citizens, recognised and funded by the state.

**Nazareth/Jerusalem/Ramallah/Brussels,
14 March 2012**

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I. PALESTINIAN CITIZENS SINCE THE SECOND INTIFADA: GROWING ALIENATION

A. OCTOBER 2000: THE DOWNWARD SPIRAL

Due to the complexity of intercommunal relations in Israel – with an Arab minority¹ living in a Jewish state in con-

¹ The Palestinian citizens of Israel are the descendants of the approximately 160,000 Palestinian Arabs who remained in their homes after the creation of Israel in 1948 – as opposed to the approximately 700,000 Palestinians who fled or were expelled to neighbouring countries and beyond. As of 2011, there were slightly more than 1.5 million Arabs in Israel – including those in occupied East Jerusalem – constituting one-fifth of Israel's total population. According to the Central Bureau of Statistics, the population of Israel was 7,485,600 at the end of 2009: 5,656,300 (76 per cent) were Jews, 1,517,700 (20 per cent) were Arabs, and 311,500 (4 per cent) belonged to neither category. In its population count, Israel's Central Bureau of Statistics does not distinguish between Palestinians in Israel and those in East Jerusalem, over which Israel claims sovereignty, an act not recognised by the international community. Excluding the 285,000 Palestinian residents of East Jerusalem, the vast majority of whom do not hold Israeli citizenship but have permanent residency instead, the Palestinian population of Israel proper stands at approximately 1.25 million, or about 17 per cent of the population, www.cbs.gov.il. Within this group, Christians (most of whom live in the Galilee, with the largest population in the city of Nazareth) and Druze (most of whom live in sixteen villages in northern Israel, with an additional 20,000 in the Golan who do not have Israeli citizenship) make up around 10 per cent each. The remaining 80 per cent – about one million people – are Muslims. These include some 170,000 Bedouins who live in the Negev and Galilee. Non-Bedouin Muslims live mainly in the Galilee, the hills immediately west of the northern West Bank (often referred to as the Little Triangle or the Arab Triangle), and in small pockets on the coastal plain, such as Haifa and Jaffa. With higher fertility rates and rapidly declining Jewish immigration, Arabs are expected to increase their share of Israel's total population, though most demographers believe Arab birth rates will eventually converge with the Jewish one. A leading demographer, Professor Arnon Soffer at University of Haifa, estimated that Israel's Arab population – including in East Jerusalem – will reach 2,361,600 in 2030 (almost 24 per cent of the total population), <http://web.hevra.haifa.ac.il/~ch->

flict with its Arab neighbours – mutual relations have been characterised by indifference at best, mutual mistrust and hostility at worst. After a period of rapprochement in the mid-1990s – sometimes referred to as the “golden age” of Jewish-Arab relations in Israel² – the situation has steadily deteriorated over the past decade.

Although relations began to worsen in the last years of the 1990s – in parallel to the failing of the Israeli-Palestinian peace process – the major shift came with the outbreak of the second intifada in late September 2000, when riots and protests in the West Bank, Gaza and East Jerusalem spread to Arab population centres inside Israel.³ Between 1 and 8 October, thirteen Palestinian protesters⁴ were shot dead by Israeli security forces, and hundreds were wounded, as the police used live ammunition, rubber-coated metal bullets and tear gas to quell the demonstrations. For the Jewish majority, the participation by Israel's Palestinian citizens⁵ came as “a shock”.⁶ The events rapidly changed how

strategy/images/publications/future_demography.pdf. In his predictions for 2050, Professor Sergio DellaPergola of Hebrew University in Jerusalem maintains that under the most likely scenario the Jewish population would reach 8,780,000 (74 per cent) and the Arab population 3,121,000 (26 per cent), www.iussp.org/Brazil2001/s60/S64_02_dellapergola.pdf.

² Several Arab Knesset members said Yitzhak Rabin was the last Israeli prime minister who genuinely sought to improve relations with the Palestinian minority. According to Sheikh Ibrahim Sarsour, “this was all logical, as [Palestinian leader] Yasser Arafat ceded responsibility for Arabs inside Israel through the signing of the Oslo Accords. Rabin reached out to the Arab minority in several ways – including economic support packages. Furthermore, his entire government coalition depended on the support of the Arab parties. That would have been impossible in today's political climate”. Crisis Group interview, Jerusalem, November 2010.

³ For a description of the effects of the second intifada on the Palestinian minority and its relations with the state, see Crisis Group Middle East Report N°95, *Identity Crisis: Israel and its Arab Citizens*, 4 March 2004.

⁴ Twelve were shot in Israel, and one was killed in the West Bank. One Jewish Israeli citizen was also killed, when his car was hit by rocks thrown on to a highway by protesters from the Arab town of Jisr al-Zarqa, north of Tel Aviv.

⁵ Terminology describing the Arab population is contested. Arabs often refer to Palestinians with Israeli citizenship (slightly

Jews regarded the Arab minority, strengthening its image as a fifth column. As explained by Professor Avraham Sela of the Hebrew University in Jerusalem:

The events of October 2000 had a huge impact. They were a reminder of the turbulence of 1948, when violent Jewish-Arab clashes erupted all over historic Palestine. It was a reminder of a latent conflict the Jewish majority had largely ignored. Suddenly, in the minds of the Jewish majority, the Arabs seemed like deeply disloyal citizens.⁷

more than 1.5 million in 2011 as “1948 Arabs” or “1948 Palestinians”, because they are the descendants of the approximately 160,000 Palestinian Arabs who remained within Israel’s borders after its establishment in 1948. Official Israeli documents usually employ terms such as “Israeli Arab” or “Arab citizen of Israel”. These have the advantage of encompassing all groups in question, including the Druze, most of whom generally identify themselves as “Arabs” but not “Palestinians”. Many Arabs in Israel, however, contend the generic term “Arab” obscures that they belong to the Palestinian population in the West Bank, Gaza and beyond. Many consider the official state terminology part of a divide-and-rule strategy that undermines the Palestinian national cause and mirrors the state’s historic reluctance to accept the existence of a Palestinian people. Within the community, most politicians and intellectuals (other than Druze) strenuously oppose the official terminology – in particular “Israeli Arab” – and prefer “Palestinian” or “Palestinian-Arab”, though this has not yet translated into a systematic policy on the community’s formal self-description. Nearly all major Arab political movements and civil society organisations in Israel use “Arab” rather than “Palestinian”, including the community’s highest official political body, the High Follow-Up Committee for Arab Citizens of Israel. In large part, say community leaders, this derives from fear that identifying as Palestinian organisations and institutions would reduce the limited influence within the Israeli system, attract additional unwelcome security service scrutiny and alienate international funders and institutions. But identification as Palestinian is now common, especially among the leadership and is starting to be accepted by a number of Jewish Israeli politicians, not always for reasons Arabs endorse. Given the unresolved issue of the community’s self-description, this report refers to the minority interchangeably as “Palestinian” and “Arab”.

⁶ See the report of the Or Commission, the independent commission formed to investigate the October 2000 events. The Hebrew original is at http://elyon1.court.gov.il/heb/veadot/or/inside_index.htm. An English version, printed in *Haaretz* on 2 September 2003, can be found at www.jewishvirtuallibrary.org/jsource/Society_&_Culture/OrCommissionReport.html.

⁷ Crisis Group interview, Professor Avraham Sela, Hebrew University, Jerusalem, November 2010. While most Jewish and Arab academics describe the beginning of the second intifada as a watershed, some argue that tensions had risen even before, “as the peace process was gradually undermined – mainly by the Israeli settlement enterprise and Palestinian suicide attacks. Also, in the first half of 2000, there were several strikes among Israeli Palestinian students, contributing to an increased level of

For the Palestinian minority, the first days of the second intifada opened old wounds in the collective psyche, as the community “could recall no event since 1976 [when, on 30 March, six Arab citizens of Israel were killed protesting land expropriation] in which it sustained so many fatalities during a civil protest”.⁸ The Israeli security forces’ brutal repression of the riots accentuated the feeling of being second-class citizens. Ahmed Tibi, an Arab member of the Knesset, commented: “We were regarded not as demonstrators but as enemies and treated as such. Before seeing us as citizens, they saw us as Arabs”.⁹

The Israeli government appointed an independent commission to investigate the October 2000 events – known as the Or Commission for Supreme Court Justice Theodor Or, who chaired the body – which in September 2003 submitted its conclusions and recommendations.¹⁰ Arab reactions to the report were mixed.¹¹ On the one hand, the fact that the Israeli government had established a commission was itself unprecedented,¹² and many of the minority’s longstanding grievances were addressed by the commission.¹³ But on the other, the report was never imple-

tension”. Crisis Group interview, Anat Reisman-Levy, deputy director, Citizens’ Accord Forum, Tel Aviv, November 2010. According to Jaafar Farah, Mossawa Centre director, the level of police violence toward Israeli Arabs rose in the late 1990s, “as protests over land confiscation and demolitions of Arab homes increased”. Crisis Group interview, Haifa, December 2010.

⁸ Crisis Group interview, Jaafar Farah, Mossawa Centre director, Haifa, December 2010. The walls of the headquarters of the High Follow-Up Committee are decorated with portraits of the thirteen dead men. Crisis Group observation, Nazareth, December 2010.

⁹ Crisis Group interview, Jerusalem, November 2010. See also Crisis Group Report, *Identity Crisis*, op. cit.

¹⁰ Among the root causes, the commission identified systematic discrimination against the Arab minority, police misbehaviour and political radicalisation of the Israeli Arab community, including inflammatory speeches by senior Arab-Israeli politicians. Criticism was directed in particular towards Sheikh Raed Salah, head of the Islamic Movement’s northern branch; Azmi Bishara, head of the Balad party and a Knesset member; and Abdulmalik Dehamshe, head of United Arab List (Raam) and a Knesset member. All three denied the accusation they contributed to the confrontational atmosphere immediately preceding the riots.

¹¹ Crisis Group interviews, Arab politicians and civil society leaders, Jerusalem/Haifa/Nazareth, October 2010-January 2011.

¹² According to the Adalah Legal Centre, this was “the first time a Commission has been established to investigate police violence against the Palestinian minority”, www.adalah.org.

¹³ The report stated that “government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action in order to allocate state resources in an equal manner”. Report of the Or Commission, op. cit. It added: “The police must learn to realise

mented. As an Arab human rights activist put it, “the Or Commission still represents an open wound”¹⁴ because it had few tangible effects, and, in particular, none of the police officers involved was ever put on trial.¹⁵ Little changed despite a call in the commission’s report for Jewish-Arab reconciliation and its emphasis that all actors should “take active steps to ensure the peaceful coexistence of Jews and Arabs”.

By the time the report was published in 2003, Jewish-Arab relations had soured further, as the intifada continued to unfold. In particular, Israel’s reoccupation of the entire West Bank in the first half of 2002 provoked demonstrations in Arab cities in Israel and at crossing points into the Occupied Territories. This added to the sense that Palestinian citizens had become an enemy, no different from the Palestinians whom the Israeli army was battling in the West Bank and Gaza.¹⁶ Out of both fear and anger, many Jews stopped visiting Arab towns, where they had previously gone to eat, shop or have their cars repaired; Palestinian citizens countered with their own boycott of Jewish malls and restaurants, for much the same reasons.

While the reciprocal boycotts have petered out, and the intensity of mutual resentment has softened as the violence ebbed, in other ways estrangement has only deepened.¹⁷

that the Arab sector in Israel is not the enemy and must not be treated as such”.

¹⁴ Crisis Group interview, Haifa, December 2010.

¹⁵ After five years of investigation and hesitation, the attorney general closed the case against the officers for lack of evidence. Sammy Smooha, “Arab-Jewish Relations within Israel; Alienation and Rapprochement”, U.S. Institute of Peace (2010).

¹⁶ This perception was augmented by the increase in Palestinian citizens accused of planning or executing attacks against Israelis. Before the second intifada, such accusations were rare, according to official figures between two and four cases a year. However, incidents rose quickly with the onset of the intifada. The Israel Intelligence Heritage and Commemoration Centre reports that some 2,000 Arab citizens were linked to cells responsible for the killing of 136 Israelis, www.terrorism-info.org.il/malam_multimedia/html/final/eng/pa_t_e/isr_arb.htm. In most cases, Palestinian citizens prepared the infrastructure for suicide attacks by storing weapons and ammunition or preparing safe houses. In 2002, the peak year, 74 were arrested on suspicion of ties with Hamas, Islamic Jihad, Tanzim (an umbrella term referring to various Fatah groups) or Hezbollah, the Lebanese Shiite organisation, ibid. Israel Security Agency Director Yoram Cohen said the numbers have declined, with only three such attacks in 2011: “Their involvement in terror is not great. ... The problems with Arab Israelis are complex, but they are not security problems. They are alienation, integration, employment, poor municipal management, crime and drugs”. *Haaretz*, 3 February 2012.

¹⁷ Many Jewish Israelis express willingness to curtail the civil and political rights of the Palestinian minority. (Only some two-thirds think Arab citizens should be allowed to vote in Knesset

A number of egregious instances have attracted media attention. These included bans by influential rabbis¹⁸ on selling or renting property in Safed to Arabs and other gentiles.¹⁹ A variety of senior Israeli politicians,²⁰ several after some delay,²¹ condemned the rulings, but official reactions “were weak, giving the impression of some degree of tacit support”.²² Related public concerns about the danger of

elections. Smooha, op. cit. Some 86 per cent think “critical decisions for the state” require a Jewish majority, as opposed to an Israeli majority. “Auditing Israeli Democracy – 2010”, The Israel Democracy Institute, www.idi.org.il. Palestinians in Israel identify less with the state, are increasingly unsure about their future in Israel and are more distrustful towards Jews. Although a majority of Palestinian citizens still defends Israel’s right to exist, support has eroded substantially. Ibid.

¹⁸ Most were from the National-Torani current, which emphasises strict adherence to Jewish religious laws. Maayana Miskin, “Study: Religious-Zionist World is Changing”, May 2011. Israel National News, 20 May 2011.

¹⁹ In October 2010, seventeen rabbis, headed by Shmuel Eliyahu, chief rabbi of the northern city of Safed, released a letter in which they forbade Jews to sell or rent property to Arabs and other gentiles, www.nif.org/media-center/nif-in-the-news/the-psak-english-hebrew.pdf. In December, 47 other rabbis signed a similar ruling. Eliyahu’s concern, expressed in relation to this and earlier rulings, was that a greater Arab presence in Safed would encourage intermarriage. Analogous concerns were expressed in a letter published by 27 rabbis’ wives, urging young Jewish women to avoid any kind of relationship with Arab men. *The Jerusalem Post*, 28 December 2012. The Eliyahu ruling was followed by attacks by Jewish groups on Arab students, the torching of cars, and threats against Jewish landlords renting to Arabs. *Haaretz*, 12 December 2010; *Haaretz*, 17 March 2011; *The Guardian*, 2 December 2010. Comparable letters were written in Tel Aviv and Bnei Brak. *Haaretz*, 9 July 2010 and 17 November 2010. Some prominent national-religious rabbis refused to sign the letter and condemned it. Rabbi Yaakov Ariel, president of the Tzohar Rabbis’ organisation, argued that “the letter evokes sacrilege”, because it implies that “Israel’s decision to grant freedom and equality to minorities was against the Halacha [Jewish law]” – which, he pointedly insisted, it was not. Public talk at Ramle Conference: “Between Israel and the Nations”, Ramle (Israel), 26 April 2011.

²⁰ Senior politicians such as Ehud Barak (Labour) and Reuven Rivlin (Likud) criticised the rabbis’ ruling. Minority Affairs Minister Avishai Braverman called for Eliyahu’s removal, as “the incitement against Arabs harms the social fabric in the Galilee”. *The Jerusalem Report*, 18 November 2010.

²¹ In particular, Prime Minister Netanyahu did not comment until the second ruling, in December, when he stated that “it is forbidden that such things are said about Jews or Arabs How would we feel if someone said not to sell apartments to Jews? We would protest, and we do protest when it is said among our neighbours”. *The Jerusalem Post*, 7 December 2010.

²² Crisis Group interview, Professor Menachem Klein, Jerusalem, December 2010. The government’s hesitant response mirrored the Jewish public’s, which was almost equally divided between support for and opposition to the rabbis’ ruling. A survey published in *Haaretz* (28 December 2010) showed that 44

"assimilation" and "intermixing" between Jews and Arabs recently have grown, with vigilante-style groups springing up to "save" Jewish women from Arab men.²³

These high profile stories exacerbated the longstanding sense of grievance among Palestinian citizens regarding systematic discrimination as well as less formal types of bias and marginalisation. Regarding the former, scholars have identified some 30 laws that explicitly privilege Jews (both those who are citizens of Israel and those living in the diaspora) over Israel's Arab population. The most significant are the two foundational laws regulating citizenship: the 1950 Law of Return, which confers on Jews anywhere in the world an automatic right to immigrate and receive citizenship; and the 1952 Citizenship Law, which regulates the citizenship of non-Jews and makes it all but impossible for Palestinians outside Israel to acquire it, even through marriage to a Palestinian citizen.

Other laws give quasi-governmental powers to Zionist organisations that are institutionally obligated to protect the rights of Jews, especially regarding access to land and housing; define the state and its symbols in exclusively Jewish terms; condition participation in national politics on a commitment to Israel's continuation as a Jewish state; confer special status on Hebrew language, culture and heritage; and privilege Judaism and its holy places over those of other religions.²⁴

Equally important, many laws do not discriminate formally but in practice – "covert" or "veiled" discrimination²⁵ – and widespread institutional discrimination. This includes nationalisation of 93 per cent of Israel's territory and the resulting restrictions on access to it for Arabs; admissions committees that ensure hundreds of rural communities stay exclusively Jewish; use of military service as a condition for receiving land and many benefits; assigning of "national priority area" status, and related benefits, to Jewish communities; inferior central government budget allocations to Arab local authorities; use of administrative de-

per cent of Israeli Jews supported the ruling; 48 per cent were opposed. More than a year later, a criminal investigation was launched against Eliyahu for incitement to racism, though the attorney general made clear he was being investigated for related public statements rather than the ruling itself. *Haaretz*, 22 November 2011.

²³ A right-wing charitable organisation, Lehava, is dedicated to "rescuing" Jewish women who marry an Arab man and move to his community. *Haaretz*, 27 May 2011. More informal groups have become especially prominent in Jewish settler communities in East Jerusalem. National Public Radio (U.S.), 12 October 2009.

²⁴ Yousef Jabareen, "An Equal Constitution for All?", Mossawa Centre, May 2007.

²⁵ David Kretzmer, *The Legal Status of the Arabs in Israel* (Westview Press, 1990). Kretzmer is an Israeli legal scholar.

tention orders, primarily against Arab security prisoners; invasive security checks for those identified as Arab, especially at the airport; failure to update master plans for many Arab communities, preventing legal house building, and to recognise dozens of Bedouin villages, thereby prohibiting their connection to the electricity and water grids; lack of Arab representation in the national media and of proper Arabic-language television programming; and a system of welfare payments that pulls many more Jews out of poverty than Arabs.

In addition, many Palestinians in Israel report a "banal but unrelenting daily discrimination"²⁶ that has lessened with the subsiding of the second intifada but remains for them a defining characteristic of their experience as Israeli citizens. Examples frequently cited include the refusal of Jewish landlords to rent apartments to Arabs; companies employing only those who have served in the army (which excludes not only the vast majority of Arabs but also most ultra-orthodox Jews, unless an exception is provided for the latter); Israel's Yellow Pages featuring "Hebrew labour" businesses, which employ and serve Jews only; being refused entry to public buildings; lack of official forms, websites and services in Arabic; the failure to provide public transport to Arab communities; and so on.

Despite mutual antagonism, tensions have rarely flared into intercommunal violence. That said, there have been notable clashes over the past years, as well as warning signs of potential future problems. In August 2005, Eden Natan-Zada, an Israeli soldier on unauthorised leave, opened fire on the Arab driver and passengers in a bus in an Arab town in the Galilee, Shefa 'Amr, killing four and wounding 22. He was quickly overpowered by bystanders and beaten to death.²⁷ Wider violence was unleashed in the mixed city of Acre²⁸ on Yom Kippur in October 2008. Hundreds of Arabs and Jews went on separate rampages through the city after local Jews attacked an Arab resident who had driven his car into a predominantly Jewish neighbourhood during the holiday, when the streets are traditionally empty.²⁹ Provocative marches staged in major Arab

²⁶ Crisis Group interview, Arab businessman, Jerusalem, March 2011.

²⁷ Natan-Zada was tied up and still alive when police arrived, but they were unable to stop an infuriated crowd from killing him. Seven Arab citizens were charged in 2009 with attempted murder, though legal proceedings have yet to be concluded.

²⁸ Acre, a historically Arab city, has around 50,000 inhabitants, a quarter of whom today are Arab. They mainly live in the old city, while Jews inhabit the surrounding areas to the south and east. A few neighbourhoods are mixed.

²⁹ "By the time things had calmed down, one week later, 14 Arab families had been chased from their homes on Acre's eastern outskirts, their houses fire-bombed. Five houses had been burned to the ground, 80 shops and 30 homes damaged, over 100 cars had had their windows and chassis smashed and numerous peo-

towns³⁰ by several dozen followers of the late Rabbi Meir Kahane – a former Knesset member whose Kach Party was banned for inciting racism – have further inflamed tensions and led to sporadic clashes.³¹

In this respect as well, however, quotidian friction appears to be more significant for Arabs than sporadic explosions. Tension in mixed cities – particularly Acre, Jaffa, Ramle and Lod, which before 1948 were virtually entirely Arab – has been on the rise for the past decade, as the Jewish national-religious presence (which views the possession of Biblical land as part of God's messianic plan) has increased. For Arab residents of Acre, the violence of October 2008 only makes sense against the backdrop of the establishment of *hesder* yeshivas – Jewish religious schools that combine study with military service – the first of which opened in 1997;³² other yeshivas since established, including in the midst of Arab neighbourhoods, have neighbourhood patrols that Arab residents find provocative. Since 2005, when a number of settlers who were evacuated from Gaza moved to Acre and other mixed cities, tensions have increased further still.

In an indication that the settlers might be importing their struggle and violent tactics into Israel, two sensitive Arab

pe, both Arabs and Jews, had been injured". Peter Lagerquist, "Recipe for a Riot", *Middle East Report* (online) October 2008.

³⁰ These include Sakhnin, a central Galilee town best known for clashes with the army in 1976 to stop enforcement of wide-scale land expropriation; Umm al-Fahm, the hometown of Sheikh Raed Salah, widely regarded as a stronghold of the Islamic Movement; and Jaffa, a mixed city next to Tel Aviv whose traditional Arab neighbourhoods are being gentrified by an influx of Jews.

³¹ Statements by march organisers have implied that Arab areas of Israel are falling out of Israeli control, becoming hotbeds of Islamic fundamentalism bent on Israel's destruction. For instance, on the way to a march at Umm al-Fahm in October 2010, Knesset member Michael Ben Ari, a disciple of Rabbi Mair Kahane from the far-right National Union Party, told reporters: "There is no reason we should be a stupid democracy and let people who want to destroy us have a voice". *The Jerusalem Post*, 27 October 2010. The march, which attracted a strong Arab counter-demonstration that included political and civil society leaders, led to clashes with the police; Arab Knesset members Afu Aghbaria (Hadash) and Haneen Zoubi (Balad) were injured.

³² The relocation of settlers into mixed cities in Israel was encouraged in the 1990s by Mordechai Eliyahu, a former chief rabbi of Israel, with the explicit goal of stopping what was presented by his supporters as an attempted takeover by the Palestinian minority. Today there are 110 such families in Acre. A student at Acre's *hesder* yeshiva added: "Clearly, there's a war here, sometimes even worse than the one in Samaria [the West Bank]. It's not a war with guns. It's a war of light against darkness". Quoted in Gershon Gorenberg, "Israel's Other Occupation", *The New York Times*, 25 November 2011.

sites were attacked in October 2011, apparently as part of the hardline settlers' so-called "price tag" policy – revenge attacks to cow the Palestinian population in the West Bank and deter the Israeli government from taking actions inimical to what the perpetrators consider their interests. A mosque in the Bedouin village of Tuba-Zangariya in northern Israel was torched and defaced with graffiti calling for revenge for the killing of a Jewish settler and his young son in Hebron, and two Arab cemeteries in the mixed city of Jaffa were desecrated.³³ In both cases the words "price tag" were scrawled on the culprits' handiwork.

B. SEEKING REGIONAL AND GLOBAL SUPPORT

Following the bloody events inside Israel at the start of the second intifada, the Arab leadership began to forge stronger ties to the wider Arab world; likewise, civil society groups intensified their international advocacy in an attempt to influence European and American public opinions. An Arab political analyst observed: "In October 2000 we were out in the streets being killed and injured just like Palestinians in the Occupied Territories, and yet the world media, including Arab satellites channels, showed no interest in our story. That was a real wake-up call".³⁴ Another noted: "We felt very isolated and weak after the 2000 events. We felt that by reaching out to the world, including the Arab world, we could learn from others' experiences, raise funds abroad and maybe win some degree of protection".³⁵ The sense of physical isolation only grew as the minority was cut off from neighbouring Palestinians by Israel's Separation Barrier in the West Bank (the construction of which began in 2003) and by the 2005 disengagement from Gaza, and faced ever-deeper political insecurity within Israel itself.

A defining moment came shortly after the October 2000 events, with the active participation of Arab civil society groups in the World Conference Against Racism in 2001, often referred to as "Durban I". In parallel to the main conference, a "sidebar" gathering of non-governmental organisations took place; its controversial conclusion included a final resolution that singled out Israel as a gross human rights violator, describing it as a "racist, apartheid state" guilty of "war crimes, acts of genocide and ethnic

³³ *Haaretz*, 3 October 2011 and 8 October 2011. Subsequent incidents likewise were suspected to be "price tag" attacks, including the desecration of graves and torching of a mosque in West Jerusalem (*Haaretz*, 10 November 2011 and 14 December 2011) and an attack on an Arab restaurant in Jaffa (*Haaretz*, 31 October 2011).

³⁴ Crisis Group interview, Abir Kopty, Nazareth, December 2011.

³⁵ Crisis Group interview, Haifa, November 2011.

cleansing”.³⁶ Ittijah – an umbrella group of Israeli Arab non-governmental organisations – promoted its role in preparing the resolution.³⁷ Since the conference, various groups representing the Palestinian minority have been vocal in portraying Israel as an “apartheid state”³⁸ and urging the international community to take punitive measures against it.³⁹

These same groups have earned rancour for the role they played gathering information used to criticise Israel’s conduct of Operation Cast Lead, the December 2008-January 2009 military operation in Gaza.⁴⁰ Palestinian Israeli NGOs’ contributions to the subsequent UN-led inquiry fuelled renewed debate in Israel about the community’s loyalty.⁴¹

³⁶ No other country was similarly rebuked. The main conference was steeped in controversy too. The Israeli, U.S. and Canadian delegations withdrew over a draft resolution linking Zionism to racism. Then-Israeli Foreign Minister Shimon Peres characterised the event as an “unbelievable attempt to smear Israel”. BBC, 3 September 2001. Israeli Jews generally regard “Durban I” as a seminal moment in the campaign to delegitimise Israel. Crisis Group interview, Israeli diplomat, January 2012. Arab civil society officials confirmed that “Durban I” negatively affected Jewish-Arab NGO cooperation. Crisis Group interviews, Haifa/Nazareth, December 2010 to March 2011.

³⁷ Crisis Group interview, former Ittijah official, Nazareth, December 2009.

³⁸ “Durban I was an inspiration for us. It strengthened our belief in the usefulness of internationalising our struggle, and it demonstrated the breadth of international efforts striving to challenge Israeli policies – mainly with regard to the occupation, but also with regard to discrimination towards the Arab minority”. Crisis Group interview, Arab civil society representative, Haifa, December 2010.

³⁹ Naftali Balanson, who works at NGO Monitor – a Jewish Israeli NGO that seeks to expose and denounce the positions, modus operandi and credibility of NGOs it perceives as biased – argued that “organisations like Adalah, Mossawa and Ittijah systematically strive to undermine and delegitimise the state of Israel. An important component of this work is to constantly convey the message that Israel is a ‘racist state’, and ‘apartheid state’, or a state in which the legal system is fundamentally discriminatory. Perhaps these organisations have always harboured such views, but their public appearance has clearly become more radical over the last decade”. Crisis Group interview, Jerusalem, April 2011.

⁴⁰ In a September 2009 joint press release, Palestinian organisations from both sides of the Green Line urged the international community to re-evaluate its ties with Israel, as “normal relations cannot be conducted with States that have committed and continue to commit serious violations of international human rights and humanitarian law, including crimes against humanity”, www.adalah.org/eng/pressreleases/pr.php?file=09_09_16_9.

⁴¹ A Nazareth human rights activist said, “this time the backlash was directed at all NGOs viewed as ‘left-wing’, including Jewish ones. In the case of Arab NGOs, it simply confirmed for the Israeli public its assumption that we seek to aid Israel’s enemies at every turn”. Crisis Group interview, November 2011. More recently, Israeli Arab NGOs have been actively involved in international efforts to promote boycott, divestment and sanctions

Some of the same NGOs sought to strengthen their ties with the European Union (EU), hoping that it would use its growing cooperation with Israel on trade and scientific matters as leverage; the groups also lobbied for agreements with Israel to be conditioned on its commitment to improve treatment of Palestinians in Israel as well as in the West Bank and Gaza.⁴² In late 2011, Palestinian activists were gratified when a confidential EU draft report, produced by European embassies in Israel, was leaked to the Israeli media.⁴³ It suggested member states adopt a more activist approach in addressing the discrimination suffered by Arab citizens, calling Israel’s treatment of the minority a “core issue” that could not be postponed until a revival of the peace process.⁴⁴

The tension between, on the one hand, Arab Knesset members’ status as Israeli officials and, on the other, their national and ethnic ties with surrounding countries in conflict with the state they represent has long engendered mistrust in Israel. Yet in recent years this has increased markedly, as Arab political leaders have become far more assertive in insisting on their right to develop ties with the Arab world.⁴⁵ The effort has been spearheaded by politicians,

against Israel (often referred to as the BDS movement). The BDS movement, established in 2005, makes ending discrimination against Palestinian citizens in Israel one of its three core demands. Omar Barghouti, a founder, wrote: “BDS calls for ending Israel’s 1967 military occupation of Gaza, the West Bank (including East Jerusalem), and other Arab territories in Lebanon and Syria; ending its system of racial discrimination against its Palestinian citizens; and ending its persistent denial of the UN-sanctioned rights of Palestine refugees, particularly their right to return to their homes and to receive reparations”, www.mondoweiss.net/2011/04/omar-barghouti-on-why-bds.html.

⁴² “The EU and the Palestinian Arab Minority in Israel”, Adalah, February 2011.

⁴³ *Haaretz*, 16 December 2011.

⁴⁴ Draft EU Report on Israeli Arabs, November 2011, on file with Crisis Group. It concluded that tackling the inequality faced by Palestinian citizens was “integral to Israel’s long-term stability”. Its recommendations included more energetic lobbying by the EU against discriminatory laws; placing the treatment and status of the Arab minority on the agenda with Israel; greater investment by European hi-tech firms in Arab areas; assisting Arab communities to formulate urban plans; and EU governments awarding more scholarships to Arab students from Israel. Israel accused the EU of drafting the document “behind our backs”. Ynet, 27 December 2011. An Israeli foreign affairs official said, “do we send reports from European embassies to Jerusalem about gypsy rights? And some Europeans went further than simply sending in their reports, to leaking them to the press. Europe is making a mistake in pursuing this course. It will lose its relevance in terms of its ability to mediate in the Israeli-Palestinian conflict in general”. Crisis Group interview, January 2012.

⁴⁵ This is a clear example of how Palestinians in Israel sometimes find loyalty to their state in tension with loyalty to their nation. Israeli Jewish diplomats expressed displeasure that Arab

notably those belonging to the nationalist Balad party and the northern wing of the Islamic Movement, led by Sheikh Raed Salah. A Balad activist noted: “This was the time of rapid expansion in Arab satellite television. We felt we needed to be there, to be visible. The gateway to the Arab media was the Arab regimes”.⁴⁶

Arab politicians also succeeded in bringing funds from abroad, particularly Gulf states.⁴⁷ Especially controversial were visits to surrounding states with which Israel remains at war; in 2002, Azmi Bishara, then a Knesset member and charismatic leader of the Balad party, was tried for visiting Syria and making two inflammatory speeches. In 2001, during a visit to Damascus, he urged support for the second intifada; in September 2006, his praise for Hezbollah in the course of travelling to Syria and Lebanon shortly after the Israel-Lebanon war likewise inflamed the Jewish public.⁴⁸

Since then, successive Israeli governments have tightened restrictions on Arab Knesset members’ travel abroad; a 2008 amendment – known as the “Bishara Law”⁴⁹ – requires lawmakers to seek permission from the interior minister before travelling to an enemy state.⁵⁰ This did not

Knesset members sometimes coordinate diplomatic visits to foreign countries through the Palestinian Authority as opposed to the State of Israel. They also criticised Knesset member Ahmed Tibi for advising Yasser Arafat (and today Mahmoud Abbas), pointing to the “impropriety” of an Israeli official (his Arab origin notwithstanding) advising a foreign official in negotiations with Israel. Crisis Group interview, Jerusalem, January 2012.

⁴⁶ Crisis Group interview, Haifa, November 2011.

⁴⁷ Tibi, for example, managed to secure \$6 million in 2005 to build a football stadium in the town of Sakhnin. Al Jazeera, 11 October 2005. Such efforts were not without their critics, including within the community; a civil society leader complained: “We needed to direct our attention to the Arab peoples, but our leaders wanted to be seen with the regimes. In the process they conferred a degree of legitimacy on them”. Crisis Group interview, Nazareth, November 2011.

⁴⁸ In a meeting with Syrian President Bashar al-Assad in Damascus, Bishara declared himself among the “allies of Syria”. Ynet, 9 September 2006. In a conversation with Lebanese Prime Minister Fouad Siniora, he stated that Hezbollah’s resistance during the war “lifted the spirit of the Arab people”. *The Jerusalem Post*, 15 September 2006. Attorney General Menachem Mazuz ordered an investigation into Bishara’s foreign contacts, as well as those of two Balad Knesset members, Jamal Zahalka and Wassel Taha, who accompanied him. The case was later closed.

⁴⁹ The amendment was to the 1954 Prevention of Infiltration Law. Violators are subject to a prohibition on serving in the Knesset for up to seven years.

⁵⁰ A Druze Knesset member from Bishara’s Balad party, Said Nafaa, was stripped of his parliamentary immunity in early 2010, opening the way to his trial over a visit to Syria he organised on behalf of nearly 300 Druze clerics in 2007. www.adalah.org/eng/pressreleases/pr.php?file=28_01_10. Along with twelve Druze sheikhs, he was indicted on 26 December 2011 for meet-

dissuade Arab politicians from continuing to cultivate relations with various Arab regimes.⁵¹ While Bishara’s case arguably is the best known, expressions of sympathy by Palestinian citizens for Israel’s opponents and enemies – even and indeed especially at times of conflict – abound.⁵²

ing with a leader of the Popular Front for the Liberation of Palestine. *Haaretz*, 26 December 2012.

⁵¹ Most notoriously, in April 2010, six Arab lawmakers together with other leading community figures visited Libyan leader Muammar Qadhafi. At the time, a participant, Haneen Zoubi, described the meeting as an attempt to connect more deeply with the Arab world: “Israel forced us into a political and cultural ghetto for decades and is targeting us because we are breaking out of this abnormal situation by engaging with the Arab nation to which we belong”. *The National*, 2 May 2010. The visit provoked a storm of protest from Jewish Knesset members and the Jewish public, with the Arab legislators widely accused of “treason”. *Maariv*, 27 April 2010. Some participants and their constituents expressed regret about the visit following Qadhafi’s brutal repression of Libya’s opposition in February 2011. “Within the Arab community in Israel, many now question their integrity”, commented Professor Aziz Haidar. Crisis Group interview, Jerusalem, April 2011. Haneen Zoubi said, “I cannot stop myself from feeling shame that assaults me every time I see my photographs with him”. *The Guardian*, 4 May 2011.

⁵² Arab Knesset members from the Raam-Taal faction congratulated Hamas on gaining an absolute majority of seats in the January 2006 Palestinian parliamentary elections (*Haaretz*, 26 January 2006) and quickly established ties with its representatives in Jerusalem (www.israelnationalnews.com/News/News.aspx/102200#.Ts9-vWBbNP4). All Arab parties denounced the mass arrest of Hamas legislators in June 2006. (*Haaretz*, 29 June 2006). Israeli Arab politicians and civil society leaders loudly castigated Israel during its 2006 war with Hezbollah; all Arab and Arab-Jewish parties in the Knesset opposed that action in Lebanon. Many expressed sympathy for the Shiite movement, even though a significant number of the rockets it fired landed in Arab villages and neighbourhoods in Haifa and the Galilee, killing eighteen Arab citizens. A man from Nazareth whose son was killed claimed on Israeli television that his loss was manageable as “we are all martyrs, supporting the fight against the Israeli oppressors”. “The interview gained a lot of attention and was later quoted by the Israeli leadership to highlight the disloyalty of the Israeli Arabs”. Crisis Group interview, Balad official, Haifa, December 2010. Operation Cast Lead, Israel’s three-week assault on Gaza in December 2008-January 2009 to end rocket attacks from there, also generated strong public opposition from Israel’s Palestinian community. Demonstrations in Arab population centres gathered thousands – occasionally tens of thousands – of Palestinian citizens. Ynet, 3 January 2009. Arab legislators lambasted the war, and Ahmed Tibi accused Israel of war crimes. *The Jerusalem Post*, 22 April 2009. Four figures of Israel’s Arab leadership, including from a number of main political parties, participated in the “Freedom Flotilla” from Turkey to Gaza in May 2010. After the Israeli navy killed nine on its lead ship (*Mavi Marmara*), the High Follow-Up Committee issued a statement echoing the Turkish

C. POLITICAL BACKLASH

The growing connections between Arab leaders in Israel and the Arab world have opened up potentially dangerous new lines of confrontation in Israel. Grounds for suspicion about motives and behaviour on both sides rapidly spread. Palestinian citizens' contacts with hostile regimes and, worse, their cooperation with movements that target Israel confirm in the eyes of many Israeli Jews their role as a fifth column. According to a report in WikiLeaks, in 2008 Yuval Diskin, head of the Israel Security Agency (Israel's domestic intelligence service, known as Shin Bet), told U.S. officials Arab lawmakers were "flirting with the enemy"; that they had been "co-opted by people like [Syrian President] Bashar Assad"; and that the Arab-Israelis in general "have taken their liberties too far".⁵³

The Israel Security Agency highlighted what it described as heightened efforts over the past decade by Hezbollah "to deepen its influence" among Palestinians in Israel, favouring them because of their familiarity with Israeli society and access to its institutions. The agency cited over a dozen examples since 2000 of Palestinian citizens or groups being recruited to spy on Hezbollah's behalf or to assist in terror attacks. Cells on both sides of the Green Line (the 1949 armistice line that separates Israel from the West Bank) were said to coordinate their activities.⁵⁴

Such perceptions increasingly have marginalised Palestinian citizens. Former Prime Minister Ariel Sharon's reliance on the votes of Arab Knesset members to pass the Gaza disengagement plan in 2004 was termed "illegitimate" by members of his own cabinet,⁵⁵ and Israeli leaders have kept Arab factions at arm's length ever since.⁵⁶ Arab

government's condemnation of Israel's action as "state-sponsored terrorism". Press release, 2 June 2010. At a 31 May 2010 emergency meeting of the High Follow-Up Committee, Nazareth's mayor, Ramez Jeraisy, denounced Israel's action as "the crimes of pirates". Ynet, 31 March 2010.

⁵³ Ynet, 8 April 2011.

⁵⁴ According to its website, the Israel Security Agency believes Hezbollah views the minority as especially useful because they are "Israeli citizens, who enjoy freedom of movement and accessibility to targets, including security targets; they are familiar with the language and culture, hold social and economic contacts with Israelis, and ... also have access to both the [occupied Palestinian] Territories and abroad", www.shabak.gov.il/English/EnTerrorData/Reviews/Pages/HizballaActivity.aspx.

⁵⁵ Haaretz, 9 February 2005. Former Prime Minister Yitzhak Rabin was similarly criticised for relying on Arab Knesset members to approve the Oslo Accords.

⁵⁶ In late 2008, Haaretz noted that Tzipi Livni, head of the centrist Kadima party, was shunning Arab Knesset members even though she needed them to form a stable government after Ehud Olmert's resignation as prime minister: "She, too, has not found time in her schedule to talk with representatives of the Arab factions, whose support could help her government build a toleration

parliamentarians describe an ever more hostile working environment in the Knesset,⁵⁷ unlike their Jewish colleagues, they say, they are rarely invited to participate in political debates in the Israeli media.⁵⁸

There also have been attempts to impede their ability to run for office: Israel's Central Election Committee, which comprises Knesset members and is headed by a Supreme Court justice, has vetoed participation in two parliamentary elections: of the Balad party in 2003 and 2009; of Ahmed Tibi's Taal party in 2003; and of the United Arab List in 2009. Each was accused of violating a 2003 amendment to the Basic Law that forbids providing "support for armed struggle by a hostile state or a terrorist organisation against the State of Israel", as well as the "negation of the existence of the State of Israel as a Jewish and democratic state".⁵⁹ the Supreme Court on both occasions overturned the bans.⁶⁰

Other Israeli steps illustrate the suspicion with which the community is viewed. In 2007, the Israel Security Agency clarified that it carries out surveillance against those it deems to be "conducting subversive activity against the Jewish identity of the state" – even when their activities are not illegal.⁶¹ In the view of many in the Palestinian minority, this policy led directly to the arrest of several important community leaders on suspicion of treason. As detailed below, Sheikh Raed Salah, leader of the northern Islamic Movement, and Azmi Bishara both were charged; so too, in May 2010, was Ameer Makhoul, head of the

ble majority in the Knesset". Haaretz, 26 October 2008. Livni did not form a coalition, and Likud won the ensuing elections.

⁵⁷ Crisis Group interviews, Jerusalem, November 2010 to March 2011. Sheikh Ibrahim Sarsour (Ra'am-Ta'al) claimed: "The atmosphere in the Knesset has become more hostile for people like me. Racism that used to be hidden or unspoken has now come out in the open". Crisis Group interview, Jerusalem, November 2010. In 2004 Zeev Boim (Likud), then-deputy defence minister, said Muslims and Palestinians appeared to suffer from a "genetic defect" that led them to support terror (Haaretz, 24 February 2004), a comment defended by other Knesset members (*Israel and the Palestinian Minority: 2004*, Mada al-Carmel Arab Centre for Applied Social Research (Haifa, 2005)); in 2006, Effi Eitam of the National Union-National Religious Party said, "we will have to take another decision, and that is to sweep the Israeli Arabs from the political system We've raised a fifth column, a league of traitors of the first rank. Therefore, we cannot continue to enable so large and so hostile a presence within the political system of Israel (Haaretz, 11 September 2006); Avigdor Lieberman, head of the Yisrael Beiteinu Party, called for executing Arab legislators who met with Hamas (Haaretz, 4 May 2006).

⁵⁸ Crisis Group interviews, Nazareth, July to November 2011.

⁵⁹ See text of Israel's Basic Laws at www.mfa.gov.il.

⁶⁰ BBC Online, 9 January 2003 and Haaretz, 26 January 2009.

⁶¹ "Shin Bet: Citizens subverting Israel key values to be probed", Haaretz, 20 May 2007.

Ittijah coalition, who admitted in a plea bargain that he had spied for Hezbollah. More broadly, Arab lawyers complain that the charge of “contact with a foreign agent” – which places the onus on the defendant to prove that a given meeting did not harm state security⁶² – is overly vague and thus suspect. A prominent attorney said, “Israel uses this particular offence to make us afraid to talk to any Arab national, whether at international conferences or online. Israel wants to make us invisible”.⁶³

All in all, Palestinians feel that anti-Arab sentiment never has been as pervasive in mainstream political discourse as it is today. According to Jaafar Farah, director of the Mossawa Center:

For our community, there has been a dramatic change, as racist rhetoric eats its way into the mainstream public debate. In the 1980s, Likud participated actively in marginalising overtly racist politicians, like Meir Kahane.⁶⁴ Today, Likud politicians sit next to racists in the governing coalition.⁶⁵

Arab leaders call attention to the fact that Netanyahu himself “crossed a red line” when he referred, in December 2003, to his country’s Palestinian minority as a “demographic problem”.⁶⁶ Perhaps the figure most reviled within the Arab community, however, is Foreign Minister Lieberman, leader of Yisrael Beiteinu, which in 2009 became the third largest party in the Knesset. A party slogan – “No loyalty, no citizenship. Only Lieberman Speaks Arabic” (suggesting Lieberman alone knew how to deal with disloyalty among the Arab minority)⁶⁷ – spoke volumes. To the Arab community, the message was clear, as

⁶² According to Article 114 of Israel’s Penal Law, a suspect is deemed to have harmed national security unless he can provide a “reasonable explanation” for any such meeting. The definition of a “foreign agent” includes “a person who may on reasonable grounds be suspected of being a member of a terrorist organisation, of being connected to it or of being active on its behalf”.

⁶³ *The National*, 22 September 2010.

⁶⁴ Meir Kahane, an American-Israeli rabbi and ultra-nationalist politician, was elected to the Knesset in 1984 as a member of Kach, a party outlawed in 1994. Known for anti-Arab rhetoric, he advocated forced removal of Arabs from Israel and the West Bank.

⁶⁵ Crisis Group interview, Haifa, December 2010.

⁶⁶ Juxtaposing Palestinians who are citizens of Israel with those of the West Bank and Gaza, Netanyahu said, “if there is a demographic problem, and there is, it is with the Israeli Arabs who will remain Israeli citizens”. *Haaretz*, 18 December 2003.

⁶⁷ On the party’s webpage, Lieberman declares: “The State of Israel must make clear to anyone who wishes to live here that Israel is a Jewish state and that every state has a right and obligation to demand of its citizens loyalty to its laws and principles”, www.beytenu.org/118/2394/article.html. See Yisrael Beiteinu’s election advertisements at www.youtube.com/watch?v=o32cws8IcWY.

explained by an Arab human rights activist from Haifa: “Lieberman tells us that we are on probation: Our citizenship is not our right, but rather something we have to earn by good behaviour. If we shut up and behave – and therefore are allowed to keep our citizenship – we should be thankful”.⁶⁸

The Knesset has not imposed a loyalty oath,⁶⁹ though a raft of bills to strengthen Israel’s Jewish identity – mostly proposed by Yisrael Beiteinu – has been floated and a handful passed.⁷⁰ Most have been significantly watered down on the advice of the Knesset’s legal adviser to withstand Supreme Court scrutiny.⁷¹ Among the most significant adopted are the “Nakba Law” (Budget Foundations Law (Amendment 40)), in March 2011, which authorises reducing governmental funding to public institutions that mark the date of Israel’s founding as “a day of mourning”; the Boycott Law, in July 2011, which exposes proponents of a boycott of Israel or the settlements to civil suit for compensation without the need to prove damages; the Admissions Committee Law, in March 2011, which legalises the hundreds of vetting committees that have been used to prevent Arab residency in Jewish-only communities typically on grounds of “social incompatibility”; and the Law to Revoke Citizenship, in March 2011, which allows courts to revoke the citizenship of anyone convicted

⁶⁸ Crisis Group interview, December 2010.

⁶⁹ A bill working its way through the Knesset would require those seeking to become Israeli citizens to swear a loyalty oath to the Jewish state. It originally was drafted to require only non-Jews applying for citizenship to declare loyalty to Israel as a “Jewish, Zionist and democratic state”. It won cabinet approval in October 2010. However, after international criticism, Netanyahu proposed an amendment making the oath a requirement for both Jews and non-Jews. The bill failed to secure support from a majority at the Knesset, since the anti-Zionist ultra-Orthodox parties opposed applying it to Jews. It is being redrafted.

⁷⁰ For a review of such legislation, see www.adalah.org/upfiles/2011/New_Discriminatory_Laws.pdf. Knesset member Avishai Braverman, formerly minority affairs minister, said Yisrael Beiteinu’s “anti-democratic [legislative] proposals have destroyed the trust that the government was beginning to establish” by promoting a tripartite plan to promote the economic, education and civic service among the Arab minority. Crisis Group phone interview, November 2011.

⁷¹ The legal adviser, Eyal Yinon, told *Haaretz*, “the 18th Knesset is definitely making a statement. It is changing the point of balance in Israeli democracy between important basic values such as freedom of expression, freedom of protest, freedom of political association, freedom of political action; and values such as nationalism, national security resilience or national honour. Apparently, the majority of the 18th Knesset thinks that these values, too, deserve to be taken into consideration”. *Haaretz*, 6 March 2011.

of treason, espionage, acts of terrorism, or assisting the enemy in time of war.⁷²

The laws have stirred a debate among Israeli Jews in which some, most visibly the left-wing Meretz Party, attack the new legislation as “undemocratic and racist”,⁷³ while others characterise such criticism as that of a waning elite that is “panicking people” to prevent a democratically elected majority from implementing its vision of Israel’s Jewish character.⁷⁴

II. POLITICAL TRENDS AMONG PALESTINIANS IN ISRAEL

A. BOYCOTTING THE POLITICAL SYSTEM

Until the late 1990s, the Palestinian minority’s participation in national elections was characterised by two chief features: a consistently high turnout;⁷⁵ and pronounced support for Jewish-Zionist parties, particularly Labour, and their associated “Arab lists”.⁷⁶ But with growing social alienation and political marginalisation, more and more Palestinians have dissociated themselves from national politics over the past decade. Many appear to doubt their ability to influence Israeli decision-making and argue – like a student from Haifa – that “Arab members of Knesset can do little more than fill up a chair”.⁷⁷ The number of Palestinian citizens casting a vote in national parliamentary elections dropped from 75 per cent in 1999 to an all-time low of 53 per cent in the last election, in 2009.⁷⁸

Tellingly, the 2006 election saw the establishment for the first time of a Popular Committee for Boycotting the Knesset Elections. The committee represents a loose coalition of independent academics and political activists from Abnaa al-Balad (Sons of the Village), a small secular nation-

⁷⁵ Turnout exceeded 70 per cent of the Arab electorate on all but one occasion, www.idi.org.il/sites/english/ResearchAndPrograms/elections09/Pages/ArabVoterTurnout.aspx.

⁷⁶ Mapai, the forerunner of Labour, refused to allow Arab citizens to join the party until 1970, when the door was opened but only to those who had served in the security services. All restrictions were dropped in 1973, and Labour, along with the other major Zionist parties, cooperated with local Arab leaders in establishing satellite lists. As’ad Ghanem, *The Palestinian Arab Minority in Israel, 1948-2000* (SUNY, 2001), pp. 40-41. The Arab list system ended following the 1977 election, though Zionist parties continued to attract between 40 and 50 per cent of the Arab vote until the 1996 election, when support dropped to 32 per cent.

⁷⁷ Crisis Group interview, Haifa, January 2011.

⁷⁸ The tide turned noticeably in 2001, when the Arab leadership launched its first organised boycott – although this election was for prime minister only. (In 1996, 1999 and 2001, Israel held separate direct elections for prime minister; the first two were parallel to Knesset elections. The arrangement was abandoned on the grounds that it failed to produce more stable governments.) The vote developed into a direct contest between the former Labour prime minister, Ehud Barak, and Likud stalwart Ariel Sharon. Barak was punished for his handling of the second intifada – more specifically the October 2000 riots; the Arab turnout fell to 18 per cent, a third of whom cast a blank ballot, www.idi.org.il/sites/english/ResearchAndPrograms/elections09/Pages/ArabVoterTurnout.aspx. Muhammad Kanaaneh, Abnaa al-Balad leader, called this “a reaction to the brutal Israeli response to the second intifada. We simply couldn’t vote for Ehud Barak, the man who led Israel through this period”. Crisis Group interview, Arraba-Batuf, March 2011.

⁷² Other bills currently under consideration would reserve wide-ranging benefits in education, land and housing solely for discharged soldiers, thus discriminating against the vast majority of Arabs (and ultra-orthodox Jews), who do not serve in the military; give discharged soldiers priority in public-sector appointments; create a new defamation offence against anyone slandering the state of Israel or its institutions; strengthen the government’s ability to oversee and restrict the residency rights of non-Jews; charge homeowners of unlicensed buildings for the enforcement of demolition orders, which are disproportionately enforced against Arabs; and emphasise Israel’s status as “the national home for the Jewish people” while dropping Arabic as an official language. See “Summary of the Knesset session – Summer 2011”, Association for Civil Rights in Israel, www.acri.org.il/en/?p=3100.

⁷³ Knesset Member Zehava Dalon, Meretz, public talk at the Herzliya Conference, 2 February 2012.

⁷⁴ Dani Dayan, Yesha Council chair, public talk at the Herzliya Conference, 2 February 2012.

alist party that has long campaigned against Arab participation in national elections. It also called for the creation of a directly-elected Arab parliament in Israel.⁷⁹ Some Arab parties repeated calls for an Arab boycott in the 2009 elections, which almost immediately followed Operation Cast Lead.⁸⁰ While Arab participation decreased to its lowest level, fear of the growing strength of the right wing – especially Yisrael Beiteinu – appears to have prevented an even more dramatic drop in Arab votes.⁸¹

The Arab electorate also gradually has turned away from Jewish-Zionist parties.⁸² This has most markedly affected Labour,⁸³ which used to win a sizeable share of the community's vote. The especially sharp decline in support for Jewish parties in the 2009 election reflected at least in part

⁷⁹ www.mossawa.org/files/files/File/Reports/2009/Israel%202009%20election%20paper.pdf.

⁸⁰ The calls came principally from Abnaa al-Balad and the Islamic Movement's northern branch, the two Arab political organisations that refuse to participate in national elections. The lowest turnout, 36 per cent, was recorded by the Bedouins, among whom the northern Islamic Movement is reported to be increasingly influential www.geog.bgu.ac.il/members/yiftachel/new_papers_2009/JPS%20Yiftachel%202009.pdf.

⁸¹ Crisis Group interviews, Arab Knesset members, Jerusalem, November 2010 to March 2011. Arab Knesset parties, worried by the boycott threat, directed much of their energy into warning about this danger, as evidenced by a general campaign slogan: "Vote to stop Lieberman!" According to Muhammad Kanaaneh, a member of Abnaa al-Balad, "The Arab parties systematically used Lieberman in their propaganda, proclaiming that a boycott would effectively strengthen the Israeli extreme right. In order to secure votes for themselves, they stirred up a lot of fear in the community". Crisis Group interview, Arraba-Batuf, March 2011.

⁸² While 31 per cent of Arab voters supported Jewish parties in 1999, by 2009 only 18 per cent did. In the Arab Triangle – an area in Israel adjacent to the northern West Bank – support for Jewish Zionist parties dropped to virtually nothing; voting for Jewish and Zionist parties was strongest among the Druze and Bedouins of the Galilee. Efraim Lavie and Arik Rudnitzky, "Arab Politicians in Israel and the 18th Knesset Elections", Moshe Dayan Centre, at the Tel Aviv University/Konrad Adenauer Stiftung (2009).

⁸³ According to Raleb Majadele, an Arab Knesset member from the Labour Party, "it is not only a question of Arab voters leaving Labour, but even more that Labour is leaving the Arab voters. This process has been personified by Ehud Barak, who initiated wars that were particularly unpopular with the Arab electorate – like Operation Cast Lead. More than anyone, Barak has turned away the Arab citizens of Israel, pushing them to adopt more rejectionist views, which is not something most Arabs want". Crisis Group interview, Jerusalem, February 2011. Between 2006 and 2009, Labour's share fell from almost 13 per cent to just over 4 per cent. www.mossawa.org/files/files/File/Reports/2009/Israel%202009%20election%20paper.pdf.

anger among Palestinian citizens at Operation Cast Lead.⁸⁴ This shift helped the three Arab or Arab-dominated parties in the Knesset – Raam-Taal, Balad and Hadash – make up for the overall drop in Arab participation;⁸⁵ as a result, their total number of seats grew from ten to eleven.⁸⁶ According to a Hadash official, "this resulted in the paradoxical situation in which Arab parties appeared successful in the elections, although fewer Arabs voted than ever before".⁸⁷

These three parties all vocally oppose a boycott and share the central belief that, despite their lack of a significant legislative role or participation in government, the Knesset is a useful platform for highlighting systematic and institutional discrimination against the Arab minority and promoting a long-term civil and national rights struggle.⁸⁸ The chief distinction between them is in their views of the Arab minority's political future. All favour a two-state solution, as well as radical reforms of Israel to transform it into a binational state. The Islamist-dominated coalition, Raam, additionally emphasises religious rights and the need for Arab control of Islamic holy places. Hadash, a coalition of communist and socialist groups, stresses Jewish-Arab solidarity and class-based struggle for the Arab minority to overcome discrimination. Balad campaigns for national rights for the Arab minority on a par with those enjoyed by the Jewish majority. It eschews most joint Jewish-Arab activism, arguing that the Arab community cannot struggle hand in hand with Jews until it has created its own national institutions and secured cultural and educational autonomy.

⁸⁴ Crisis Group interviews, political analysts, June to September 2011.

⁸⁵ Knesset member Afu Aghbaria (Hadash) said, "the equation is clear: When the Zionist parties were almost completely driven out, the strength of the Arab parties increased I think that national emotions were inflamed following the massacre committed by the occupation forces in Gaza. It is very natural when a certain minority under threat adheres to a clear national line. Here we notice a rise in the strength of the Arab parties, and especially of Hadash". *As-Sinara* [Nazareth], 13 February 2009.

⁸⁶ Raam-Taal and Hadash secured four seats each, while Balad won three. One of Hadash's four parliamentarians, Dov Hanin, is Jewish. In the current Knesset, there are also three Druze lawmakers – one each representing Kadima, Likud and Yisrael Beiteinu – as well as an Arab Muslim representing Labour.

⁸⁷ Crisis Group interview, Jerusalem, March 2011.

⁸⁸ Crisis Group interviews, Arab party officials, June-October 2011. According to Knesset member Haneen Zoubi, "Our role is really to make our policy loud, to make a statement, to raise public awareness and to give a model to our society on how to challenge this", www.bitterlemons.org/inside.php?id=170. Hadash's Jewish Knesset members, particularly Dov Hanin and former Knesset member Tamar Gozansky, have been more active in the legislative process than other Arab party representatives.

B. THE ISLAMIC MOVEMENT

Established by Sheikh Abdullah Nimr Darwish in 1971, the Islamic Movement in Israel came to prominence in the mid-1980s, chiefly at the local level. It aimed to promote social and welfare activities as well as raise funds for local infrastructure projects such as building mosques, improving roads and creating pavements.⁸⁹ During the 1990s, it took control of a number of local municipalities. In the 1996 election, the movement split over whether to participate in Israeli national elections:⁹⁰ the northern branch,⁹¹ headed by Sheikh Raed Salah, opposed participation,⁹² whereas the southern branch, led by Darwish, supported it. Since that time, the southern branch has participated in all Knesset elections as part of the United Arab List (often referred to by its Hebrew acronym, Raam). Currently, the movement has two parliamentary seats,⁹³ including one held by Sheikh Ibrahim Sarsour, who succeeded Darwish as leader of the southern branch from 1999 to 2010.⁹⁴ Salah not only rejects participation but also actively discourages people from standing or voting in national elections:

Arab representation in the Knesset does not bring any qualitative changes. At best, the Knesset is a stage to voice Arab-Palestinian protest, nothing more. Yet there is a price for that, since it provides the Israeli establishment with a cover, as the Knesset appears to be a

⁸⁹ See David Grossman, *Sleeping on a Wire* (New York, 1993), chapter 14.

⁹⁰ “The direct cause for the split was that one faction wanted to run for the Knesset. But the split also was fuelled by the Oslo Accords, which the southern branch supported and the northern branch opposed”. Crisis Group interview, northern Islamic Movement official, Umm al-Fahm, March 2011. Jaafar Farah, of Mossawa, noted that the southern Islamic Movement’s participation in national elections reflected its agreement to a two-state solution. Crisis Group telephone interview, January 2012.

⁹¹ The names of the two wings reflect the geographic bases of their respective leaders: Darwish comes from Kafir Qassem, at the most southern point of the Little Triangle, whereas Salah lives in Umm al-Fahm, its northern tip. This has sometimes led to confusion among observers. Thus, the southern branch is strong in the northern city of Nazareth, whereas the northern branch is strong among Negev Bedouin in the south of the country.

⁹² Despite his opposition to national elections, Salah has supported Arab participation in municipal elections. From 1989 to 2001, he served as mayor of Umm al-Fahm.

⁹³ Since 2006, the United Arab List (Raam) has been in alliance with Ahmed Tibi’s Taal Party. The Islamic Movement’s southern branch is the strongest force not only in the United Arab List but also in the Raam-Taal coalition. It holds three of the top five positions on the coalition’s electoral list and five of the top ten.

⁹⁴ Sarsour was replaced as head of the southern branch by Sheikh Hamad Abu Daabis but continues to lead the United Arab List.

democratic institution, which is not the case. It remains one of the foundations of the Zionist enterprise.⁹⁵

Representatives of both branches of the Islamic Movement have tended to downplay the importance of the split.⁹⁶ Yet, divergent views on electoral participation mirror differences in attitudes toward the State of Israel and its relationship with the Palestinian minority. The southern branch, like other Arab parties represented in the Knesset, officially recognises Israel, supports a two-state solution and separates the Arab struggle for equal rights in Israel from the wider Palestinian quest for statehood in the West Bank and Gaza.⁹⁷ In contrast, the northern branch does not recognise Israel,⁹⁸ which it essentially views as a temporary entity.⁹⁹ In this regard, it echoes a number of Hamas’s

⁹⁵ Crisis Group interviews, Umm al-Fahm, January 2011.

⁹⁶ According to Salah, “the two branches are based on the same ideology and agree about all fundamentals. They disagree merely on tactics”. Crisis Group interview, Umm al-Fahm, February 2011.

⁹⁷ As’ad Ghanem, a politics professor at Haifa University, observed that the southern Islamic Movement largely followed Fatah’s lead on questions related to the peace process and Palestinian national strategy, as compared with the northern wing’s identification with Hamas. Crisis Group telephone interview, January 2012. Darwish has said of the southern branch’s positions: “Whoever establishes a movement that is based on violation of the [Israeli] law, does not represent us. However, in the West Bank and Gaza there is no rule of law, there is an occupation which must be eliminated, and not a state which must be respected. Therefore, I understand the Palestinians or the Lebanese, which are rising up in any way they can If I were being occupied, I too would rise up, but the moment that I decided that I was a part of the state [of Israel], [and] as long as I am within the borders of the Green Line, I obey the law, together with my representatives in the Knesset, and this is proof that I do recognise the State of Israel”. See Eti Abramov. *In the Name of the Qu’ran* (Iton Tel-Aviv, 2001), in Hebrew.

⁹⁸ This is rarely spelled out by the northern branch because, in the words of a representative, “such statements are against Israeli law and would lead to our arrest. We have to be pragmatic insofar as much is at stake. Besides our role as a political movement, we also run schools, health clinics and Islamic information centres, and we don’t want to jeopardise that”. Crisis Group interview, Umm al-Fahm, March 2011. In a Crisis Group interview, Umm al-Fahm, February 2011, Salah was adamant that there could be no reconciliation with the state of Israel. Hamed Igbaria, editor-in-chief of *Sawt al-Haqq*, the northern branch’s weekly newspaper, made no distinction between Israel and the West Bank: “As we see it, the Green Line means nothing, and there is no difference between Umm al-Fahm and Jenin [situated a few kilometres to the southwest, on the other side of the Green Line]. We all live under occupation, and our struggle is essentially the same”. Crisis Group interview, Umm al-Fahm, March 2011.

⁹⁹ According to Professor As’ad Ghanem, the northern Islamic Movement’s ultimate vision for historic Palestine remains ambiguous. “Raed Salah essentially views Israel’s Jews as a new kind of invader – like Romans, Crusaders or Brits – who eventually will be pushed out of the area. The southern branch deals

views¹⁰⁰ although it does not condone violent struggle.¹⁰¹ Salah also gives greater emphasis than the southern branch to the Arab minority's Palestinian – as well as Islamic – identity and accuses Israel of carrying out policies designed to ensure “the completion of the ethnic cleansing of Palestinians which started in 1948”.¹⁰²

In May 2011, the two branches of the Islamic Movement announced their reconciliation.¹⁰³ The move appeared motivated by several factors, including Salah's enhanced stature among the Muslim community in Israel, the growing appeal of his argument against participating in the Knesset, the Fatah-Hamas reconciliation agreement¹⁰⁴ and empowerment of Islamic forces region-wide as a result of the Arab Spring. Claims of unity notwithstanding, the deal almost immediately broke down. Divisions centred on

with Israel as if it is here to stay”. Crisis Group interview, Shefa-Amr, October 2010.

¹⁰⁰ “Ideologically, we are on the same page as Hamas, although the context forces us to struggle through other means. Ask our followers: ‘Who is the leader of the Islamic resistance?’ They will answer: Sheikh Raed Salah on the local level and Ismail Haniya and Khaled Meshal on the international level”. Crisis Group interview, northern branch official, Umm al-Fahm, March 2011. A huge picture of Hamas founder Ahmed Yasin adorns the office of the editor-in-chief of *Sawt al-Haqq*. Crisis Group observation, Umm al-Fahm, March 2011. That said, the northern branch generally avoids direct contact with Hamas officials, fearing this would trigger severe Israeli reactions. A Hamas official said, “we don't have much direct contact with the Islamic Movement, as many of its representatives feel uncomfortable meeting us. We respect that, as it could cause serious legal repercussions for them”. Crisis Group interview, Muhammad Totah, Hamas Palestinian Legislative Council member, Jerusalem, October 2010.

¹⁰¹ The movement does not have an armed faction. A forerunner organisation set up by Darwish in the late 1970s, Usrat al-Jihad (the Family of Jihad), was a clandestine paramilitary movement. In 1981, Israel accused it of planning armed activity and arrested Darwish as well as other senior members. Darwish was released in 1985.

¹⁰² See *Middle East Monitor*, 14 June 2011. In the same interview, Salah accused Israel of seeking “to dismantle Palestinian society, so that it becomes a pool of individuals and nothing else”.

¹⁰³ According to both northern and southern branch officials, reconciliation talks took place on and off for many years but were hampered by Salah's repeated arrests. Crisis Group interviews, Umm al-Fahm/Kafr Qassem, September 2011.

¹⁰⁴ The Islamic Movement announced its reconciliation on 4 May, the same day Hamas and Fatah leaders signed their accord in Cairo. See *Haaretz*, 4 May 2011. Ibrahim Sarsour, former head of the southern branch, attributed the event to both the Arab Spring and the Fatah/Hamas unity deal. “We cannot ask Palestinians to make unity when we don't have unity ourselves. It is a religious, logical, mental, practical requirement for us to unite”. Crisis Group interview, Kafr Qassem, September 2011.

how to deal with Israel on sensitive religious matters, such as the treatment of cemeteries and mosques¹⁰⁵ and – arguably of greater importance – reflected continued reluctance by some southern branch leaders to boycott national elections.¹⁰⁶

Overall, both factions acknowledge that the balance of power has shifted in favour of the northern branch,¹⁰⁷ as Salah's rejectionist stance resonates with a growing segment of the community.¹⁰⁸ While the Arab public as a whole is considerably more ready for compromise with Israel than Salah, his provocative style is gaining allure, given that Palestinian citizens believe that even the most conciliatory Arab views are met with Jewish hostility. “The northern Islamic Movement”, said an Arab analyst, “benefits from being intransigent because Israel is too. It would have to be more realistic if Israel were to make significant concessions. But now Arab politics remain stuck in confrontation mode”.¹⁰⁹

Indeed, Salah's grass roots mobilisation capacity is unrivalled among Arabs in Israel.¹¹⁰ While the southern branch

¹⁰⁵ Sarsour criticised Saleh: “We believe we must adopt a smart policy. Confronting Israel will not be to the benefit of the Islamic Movement or the holy sites”. Crisis Group interview, Kafr Qassem, September 2011.

¹⁰⁶ Islamic Movement officials from both branches admitted to continuing disagreements over participation in national elections, though they have shied away from discussing details. According to several political activists outside the movement, Sarsour, leader of the United Arab List, was reluctant to commit not to stand in the next Knesset elections. Crisis Group interviews, Nazareth/Haifa, July to September 2011. Sarsour alluded to this: “The united Islamic Movement can agree that as an Islamic Movement we will not participate in the Knesset but also that we will not prevent any of our members from doing so individually. Anyone who wants to participate has the right to do so. This would mean, for instance, that the United Arab List, of which I am the head, will continue participating as an Islamic party but not as a political branch of a united Islamic Movement”. He said this mirrored the approach of the Egyptian Muslim Brotherhood, which founded the separate Justice and Development party to compete in elections. Crisis Group interview, Kafr Qassem, September 2011.

¹⁰⁷ Crisis Group interviews, Islamic Movement officials, Jerusalem/Nazareth/Umm al-Fahm, December 2010 to March 2011.

¹⁰⁸ According to a 2009 poll, over 40 per cent of Palestinians in Israel support boycotting the Knesset, up from 33 per cent in 2003. See Smooha, op. cit. Sarsour cited “pressure” exerted by Salah as the principal reason for the low turnout on behalf of the United Arab List in 2009. Crisis Group interview, Kafr Qassem, September 2011.

¹⁰⁹ Crisis Group interview, Nazareth, January 2012.

¹¹⁰ A Hadash official said, “traditionally, the communists used to have the greatest capacity for mass mobilisation among Arabs in Israel, but over the last two decades the Islamic Movement increasingly has challenged their hegemony. Today, I think Raed Salah can get more people on the streets than any

channelled its efforts toward the official Israeli political arena, its northern counterpart was developing a “civil society empire”¹¹¹ that “affects the lives of tens of thousands of Muslims in Israel”.¹¹² From his headquarters in Umm al-Fahm, Salah controls an extensive network of 27 associated organisations that run schools, health clinics, welfare centres and Islamic information centres.¹¹³ The northern branch’s most high-profile activity relates to Salah’s call to protect Jerusalem’s Islamic sites – notably the Al-Aqsa Mosque – from what he describes as “intensified Jewish efforts to challenge Muslim ownership of the sites”.¹¹⁴ Through its “Al-Aqsa is in Danger” campaign, the northern branch has organised free trips to the mosque for tens of thousands of Arab Muslims in Israel.¹¹⁵

other political faction, including Hadash, and he can do it faster”. Crisis Group interview, Haifa, February 2011.

¹¹¹ Crisis Group interview, northern branch official, Umm al-Fahm, March 2011. Virtually all branches of Salah’s civil society network have grown substantially over the last several years. “There has been a massive growth and some of the organisations have doubled their size since 2005. Al-Bayariq Masirat [the Journey of Banners], the organisation offering free trips to Al-Aqsa Mosque for Arab Muslims in Israel, started with one bus a few years ago. Today, it owns a fleet of fifteen buses, all of which are on the road more or less every day”. Crisis Group interview, Hamed Igbaria, editor-in-chief of *Sawt al-Haqq*, Umm al-Fahm, March 2011. The exception, Igbaria said, is *Sawt al-Haqq* itself, whose 10,000 distribution is slightly lower than five years ago as a result of increased competition from free newspapers.

¹¹² Crisis Group interview, northern branch official, Umm al-Fahm, March 2011. A resident of Baqa al-Gharbiya related: “The sheikh’s efforts to strengthen the local community’s social services are valued by most, irrespective of political affiliation”. He also pointed out, however, that the Islamic Movement sometimes uses public funds for partisan benefit. Even where the movement controls the municipality, public funding is often presented as charity provided by the sheikh, “which people ought to be thankful for – rather than taking for granted”. Crisis Group interview, March 2011.

¹¹³ Crisis Group interview, Hamed Igbaria, editor-in-chief of *Sawt al-Haqq*, Umm al-Fahm, March 2011.

¹¹⁴ Crisis Group interview, Sheikh Raed Salah, Umm al-Fahm, February 2011. Arab politicians in Israel mostly confine their activities to Israel proper, if only to avoid challenging the PLO’s role as the sole legitimate representative of the Palestinian people and its claim to the holy sites in occupied territory. But due to Israeli restrictions, the PLO largely is absent from East Jerusalem. In contrast, Salah enjoys freedoms provided by his Israeli citizenship and thus has stepped into the political vacuum in Jerusalem.

¹¹⁵ The northern branch also organised trips to West Bank cities like Hebron and Nablus. A businessman from Hebron praised Salah for “not only bringing 1948 Arabs to conduct their shopping in the city, thus supporting the local economy, but also for bringing us into contact with Arab businessmen from the other side of the Green Line”. Crisis Group interview, February 2011.

In part because of such high-profile activities, the northern movement appears to be well endowed. Although information about its finances is unreliable and hard to obtain, both supporters and foes point to its robust funding. An Islamic Movement official asserted that its “economic situation had improved over the last decade”,¹¹⁶ likely a result of the organisation’s control over local *zakat* (charity) committees and, to a degree, of donations from abroad, chiefly from the Gulf.¹¹⁷ This has allowed Saleh to make inroads with the secular public as well. He often uses Palestinian nationalist rhetoric and invokes issues with particular significance for the secular community – notably the fate of Palestinian refugees.¹¹⁸

Nonetheless, the support for his branch of the party should not be overestimated. Despite investing its energies at the local level, the northern Islamic Movement has control of only one municipality, Umm al-Fahm, its leader’s home town, and has signally failed to displace the traditional domination of clans (*hamulas*) in local politics.¹¹⁹ The northern branch’s leader is not without his detractors, of course, as many deplore his traditional views on social

¹¹⁶ Crisis Group interview, Umm al-Fahm, March 2011. According to an Umm al-Fahm resident, many local northern branch leaders are among the richest people in the city, “controlling some of the city’s key businesses and driving some of the city’s most expensive cars”. Crisis Group interview, March 2011.

¹¹⁷ Crisis Group interview, northern branch official, Umm al-Fahm, March 2011. A resident added: “Everyone in the city knows that the movement is supported by funds from the Gulf. It might not be something the movement talks about openly, but it is common knowledge”. Crisis Group interview, March 2011. A former Israeli Security Agency official commented: “The local Muslim community in Israel is not rich enough to generate Salah’s wealth. It is a function of support from abroad”. Crisis Group interview, Jerusalem, October 2005. Political opponents complain that they cannot compete with his financial backing. A Hadash official related that his party “has to survive on very limited resources, generated from party membership fees. Our financial assets are simply a drop in the bucket compared to those of Raed Salah, who is the only local Arab leader generating significant funds from abroad. He has managed to build a name abroad, not least through his frequent exposure on Al Jazeera, and is often portrayed as the most prominent defender of Al-Aqsa. That’s why he receives support”. Crisis Group interview, Jerusalem, March 2011.

¹¹⁸ “With regard to Muslim holy sites in Jerusalem, Raed Salah speaks beyond his constituency, since this is an issue that most Muslims in Israel feel strongly about”. Crisis Group interview, Mtanes Shihada, researcher, Mada al-Carmel Arab Centre for Applied Social Research, Haifa, March 2011.

¹¹⁹ Crisis Group telephone interview, Asad Ghanem, politics professor at Haifa University, January 2012. Jafaar Farah, director of the Mossawa Centre, estimates that Salah’s faction represents at most 20 to 25 per cent of the community. Crisis Group telephone interview, January 2012. That said, gauging Salah’s overall support is virtually impossible because of the nature of his platform, which calls for boycotting national elections.

and religious issues, especially regarding women.¹²⁰ Even so, public criticism has tended to be muted, if only because “people don’t want to undermine him when he is already under attack from Israel”.¹²¹

More broadly, he has filled a political void, making up for the failure of traditional politicians to deliver benefits through Knesset activity and refusing to be intimidated by Israel’s security services. His repeated arrests and jailings, detailed below, for what Palestinians consider legitimate political activity, have won him many admirers, even among political foes. His credentials appear only to have been bolstered by his fight through the British court system against a deportation order following his 2011 arrest in the UK for entering in violation of a government exclusion order.¹²² In the words of a secular human rights activist, “Raed Salah is the most credible political figure among the Palestinian public in Israel. He’s seen as incorruptible and absolutely committed to the fight for justice”.¹²³

¹²⁰ A Hadash activist argued that he had “fallen into a trap set by Israel by portraying our conflict not as a national but as a religious one. That strengthens Israel and ultimately weakens us”. Crisis Group interview, Nazareth, November 2011. She added: “Both wings of the Islamic Movement have no clear stance on a range of important social issues, such as violence against women, honour killings, polygamy and child marriages. They also make demands about wearing the *hijab* and showing modesty that take decisions away from individual women”.

¹²¹ Crisis Group interview, Arab analyst, Haifa, November 2011.

¹²² The UK government seeks to deport Salah on grounds his presence is “not conducive to the public good”. Salah, who was arrested in June 2011, is fighting his case in UK courts. An immigration tribunal ruled in favour of the deportation order in October 2011; Salah appealed to the Upper Immigration Tribunal. Sheikh Saleh Lutfi, the northern branch’s spokesman, said, “we are fully convinced in our community that the party that stood behind his arrest was Israel”. Crisis Group interview, Umm al-Fahm, September 2011. The northern Islamic movement believes Israel, working through friends in the UK, hatched the plot to undermine Salah abroad and thereby strengthen the government’s hand against him when he returns. Salah and his supporters argue it is important to fight this case to protect his reputation, www.electronicintifada.net/content/raed-salah-deportation-case-disintegrates-uk-court-verdict-still-follow/10935. With many Palestinians remembering the British as the colonisers who facilitated Jewish immigration in the early twentieth century, a victory in UK courts could further bolster his reputation.

¹²³ Crisis Group interview, Mohammed Zeidan, director, Arab Association for Human Rights, Nazareth, November 2011. Amal Jamal, professor of politics, Tel Aviv University, said Salah offered a “warm, spiritual, inclusive” interpretation of Islam that even secularists do not find threatening; alone among community leaders, he is capable of “electrifying” his public, “a charismatic leader who has proved he is willing to pay a price for his beliefs. His position contrasts strongly with that of Knesset members who enjoy parliamentary immunity. Other politicians

This rapid growth in Salah’s stature, along with escalating disillusionment with Israel’s political institutions, has led increasing numbers of Palestinian citizens to disengage from electoral politics. Instead, they appear to be investing their energy in international and domestic advocacy; litigation; strengthening their ties with the Western and Arab worlds; participating in domestic and international protests, such as the *Nakba* marches and the aid flotillas to Gaza; and promoting greater economic development and self-sufficiency – what one academic described as a “gradual increase in extra-parliamentary activity”.¹²⁴ The goal, according to an Islamic Movement official, is not only “to strengthen self-reliance of the Muslim community in Israel” but also to “fight integration into the Israeli system”.¹²⁵ The expression of such a concern indicates that even as the appeal of boycotting the Israeli system might be growing, others within the Arab minority are yet to be convinced.

C. THE SECULAR PARTIES

Two parties dominate secular Arab representation in the Knesset: Hadash¹²⁶ (a Jewish-Arab coalition of communist and socialist groups, albeit dominated by its Arab membership)¹²⁷ and Balad,¹²⁸ a nationalist party.¹²⁹ Rivals for the

don’t dare attack him because of his personal integrity and because they fear the backlash from the religious community. They would legitimise themselves”. Crisis Group interview, Nazareth, September 2011.

¹²⁴ Crisis Group interview, professor, Shefa-Amr, October 2010. This trend is widely acknowledged by those working within the system, including Arab Knesset members. Crisis Group interviews, Jerusalem, October 2010-March 2011. According to Hadash chairman Muhammad Barakeh, “this development has in part been fuelled by Raed Salah’s growing revenues”. Crisis Group interview, Jerusalem, March 2011.

¹²⁵ Crisis Group interview, Umm al-Fahm, March 2011.

¹²⁶ For many years Hadash (preceded by its forerunner, Rakah) was the only non-Zionist, secular political faction allowed to stand for parliament. (Certain Jewish ultra-Orthodox parties have long been ambivalent or hostile towards Zionism.) As a result, it became the main voice of Arab political dissent at both national and local levels. It reached its peak in the 1977 Knesset elections, when it won half the community’s vote, outpolling for the first time the combined tally of the Zionist parties and their Arab satellite lists. Since the 1980s, its primacy has been eroded by the emergence of nationalist and Islamic parties.

¹²⁷ Jews are estimated to constitute about a fifth of the activists working for the party. In recent national elections, slightly less than 10 per cent of Hadash votes were from Jews. By contrast, Dov Hanin, the only Jewish Knesset member for Hadash, polled strongly in Tel Aviv’s mayoral election in 2008 when he stood for the party, with 34 per cent, second to the Labour candidate.

¹²⁸ Balad was founded in 1995 by former Hadash activists and nationalist intellectuals, some of whom left a small Arab nationalist party, Abnaa al-Balad (Sons of the Village), which boycotts national elections. Balad’s leader, Azmi Bishara, ran on a

same general constituency, their competition has sharpened significantly over the past decade even as their relative strength has remained roughly unchanged since 1999.¹³⁰ Both parties have weathered difficult circumstances of late; whereas Hadash has had to contend with rising Jewish-Arab polarisation, which hampers its message of inter-communal coexistence,¹³¹ Balad has suffered from the loss

joint list with Hadash in the 1996 election before setting up a brief alliance with Ahmed Tibi's Taal party in the 1999 elections. Since then, Balad has run on its own. Knesset members have sought to ban the party from recent elections, and Bishara has been in exile since 2007, accused of money-laundering and treason during the 2006 Lebanon war. See below.

¹²⁹ Balad officials are keen to distinguish their brand of nationalism from ethnic nationalism. As they see it, their stance is premised on the need for Palestinians in Israel to express and exercise their national or collective identity in order to lead meaningful, autonomous lives. According to this view, ensuring Palestinian educational and cultural autonomy as well as building Palestinian national institutions are preconditions for equal citizenship. Crisis Group interviews, Nazareth, July–October 2011.

¹³⁰ What minor changes have taken place largely reflect shifting electoral alliances. Ahmed Tibi's Taal party – a secular, socially conservative movement almost exclusively identified with its leader – joined with Balad in the 1999 elections, with Hadash in 2003 election and with Raam in 2006 as well as 2009. Raam-Taal currently holds four seats, Hadash four and Balad three.

¹³¹ Raja Zaatty, a political commentator with the Communist party's *al-Ittihad* newspaper, said, "promoting a common Jewish-Arab future – or a binational agenda – faces new challenges because both the state and the Islamic Movement are serving each other's goals. The state's discriminatory policies force the Arab population to find refuge in theological solutions and identities, while the Islamic Movement's approach helps justify the state's hostile policies towards the minority". Crisis Group interview, Haifa, November 2010. A Hadash official added: "In our dialogue with Balad and Raam-Taal, we are often challenged on this point [of a common Jewish-Arab future]. Within the Arab minority, it's become harder to sell the concept of co-existence. This is probably why Balad and the Islamic Movement have captured significant support among the youth". Crisis Group interview, Jerusalem, April 2011. That said, some Palestinians argue that the extent of intercommunal polarisation may be provoking a backlash, with some Arabs turning to Hadash precisely in rejection of it. A party official said, "many Arabs are genuinely worried about worsening relations with the state and the Jewish population at large. We have to protest discrimination against us, but not in a way that strengthens the divide between the two groups". Crisis Group interview, Haifa, April 2011. Khuloud Badawi, a Hadash official and former leader of the National Union of Arab Students in Israel, asserted: "A huge segment of the Arab population is not interested in a wider conflict with the state. Many simply want to live a normal life and not contribute to a process that might lead to events similar to those of 1948. Many of those people see both Balad and the Islamic Movement as too radical, while Hadash is a moderate alternative. Additionally, the failure of the national Palestinian movement on the other side of the Green Line – that is, both Fatah and Hamas – also strengthened Hadash,

of the charismatic Azmi Bishara atop its list since his effective exile in 2007. Indeed, with neither party able to deliver tangible results for their constituents, both have lost prestige in the eyes of their diminishing number of voters.¹³²

Apart from a brief and uncomfortable partnership for the 1996 election, the two parties have resisted repeated calls to form a broader electoral alliance,¹³³ arguing that their differences remain too wide.¹³⁴ These relate in particular to Hadash's insistence on Jewish-Arab partnership and the need for joint institutions and decision-making,¹³⁵ a stance Balad rejects on the grounds that the Palestinian community should emphasise self-reliance and autonomy; it believes Palestinians should work only with the handful of Jews committed to its nationalist program. Though both parties are publicly committed to the right of return for Palestinian refugees, Balad has adopted a more vocal position on this and other issues seen as controversial or sensitive for Israeli Jews, whereas Hadash has tended to abstain from controversy that risks becoming an obstacle to Jewish-Arab cooperation.¹³⁶

which works to improve the lives of Palestinians within Israel, without living on false dreams about the Arab world coming to the rescue". Crisis Group interview, Jerusalem, April 2011.

¹³² An analyst commented: "In terms of setting up NGOs, framing the political debate, and shaping the ideological outlook of 1948 Palestinians, Balad has been very successful. But in terms of tangible results, the party has nothing to show, and the voters know it. Not that the other Arab parties have anything to boast about either". The analyst also noted the sharp drop in funds that has affected Balad since Azmi Bishara's resignation, as well as its inability to deliver patronage to its constituents, as the Arab lists of the Zionist parties had been able to do until the late 1990s. Crisis Group interview, Nazareth, January 2012.

¹³³ Ibrahim Sarsour, head of the United Arab List, said he believed Arab parties could win fifteen or sixteen seats and reverse the growing trend toward boycott were they to unite. Crisis Group interview, Kafr Qassem, September 2011.

¹³⁴ Crisis Group interviews, Hadash/Balad/Raam-Taal officials, Jerusalem/Nazareth/Haifa, November 2010 to April 2011.

¹³⁵ Even within Hadash, Jewish-Arab cooperation is weak. A party activist commented: "There's no real partnership. They [Jews] do their thing, and we [Arabs] do ours. It's really more like two parties sheltering under one umbrella". Crisis Group interview, Nazareth, August 2011. This was especially evident during Israel's Operation Cast Lead, when Hadash's Arabic site quoted a party official saying, "we are with the resistance everywhere", words absent from the Hebrew version. *Haaretz*, 23 January 2009.

¹³⁶ A Hadash official lamented his party's inability to speak more forthrightly on such issues: "We are constrained by the need to win agreement of our Jewish members. Balad says things more loudly and clearly than we do, because our Jewish leaders are afraid of alienating potential Jewish voters". Crisis Group interview, Nazareth, July 2011.

A related disagreement pertains to how Palestinians should organise themselves within Israel. Balad demands cultural and educational autonomy as a way to strengthen the minority's Palestinian identity and develop itself.¹³⁷ Along with the Islamic Movement's northern branch, it also favours the establishment of a directly elected Arab parliament; Hadash, by contrast, opposes both cultural autonomy and a separate parliament.¹³⁸ "Balad's approach creates a ghetto for us", said a former Hadash local councillor. "We're seeking joint sovereignty here, to become equal partners with Jews. We can't isolate ourselves from the state".¹³⁹

Part of the justification for rejecting an alliance derives from the parties' very different histories and the political exigencies that led to their creation. Hadash emerged out of the Communist Party, which originally favoured the creation of a Jewish state, in line with the Soviet Union's position.¹⁴⁰ Hadash developed the key elements of its platform in the 1970s and 1980s, before the Oslo Accords were signed, and when a joint Jewish-Arab struggle for civil equality appeared the most pressing need. The party largely ignored the question of Israel's character, not least to avoid potential splits between its Arab and Jewish members.

Balad, by contrast, was established in large part in reaction to the Oslo process, which severed the minority's future from the wider Palestinian national movement and left it vulnerable, party supporters felt, to Israel's Jewish majority.¹⁴¹ With the election of a right-wing government under

¹³⁷ "The danger for us [the Palestinian minority] has always been that, if we do not organise on a national basis, it will be easy for Israel to scatter us, to divide us into factions. It's Israeli policy to regard us primarily as Muslims, Christians, Druze and Bedouins. Remember that even in the 1990s Hadash refused to describe us as Palestinians. They would pull down a Palestinian flag if it was raised at a demonstration. Balad changed that perspective – we not only say we are Palestinians, but we refuse to say it in a whisper". Crisis Group interview, Tareq Berekdar, Balad spokesman, Nazareth, September 2011.

¹³⁸ A Balad official described this as the "core" dispute between the parties. Crisis Group interview, Haifa, August 2011. Direct elections to an Arab parliament are also favoured by Abnaa al-Balad. Raam-Taal's position has been less consistent.

¹³⁹ Crisis Group interview, Abir Kopty, Nazareth, September 2011.

¹⁴⁰ A switch by the Soviet Union from opposing Zionism to backing the 1947 UN partition plan, thus creation of a Jewish state in part of Palestine, led to a similar volte-face by both Jewish and, later, Arab members of the local Communist Party. See Johan Franzen, "Communism versus Zionism: The Comintern, Yishuvism, and the Palestine Communist Party", *Journal of Palestine Studies*, vol. XXXVI, no. 2, Winter 2007.

¹⁴¹ An analyst involved in the party's founding noted two other factors behind Balad's establishment: collapse of the Soviet Union and the consequent weakening of Hadash, with its Communist heritage; and the increasing acceptance worldwide of a

Benjamin Netanyahu in 1996, Balad concluded that Oslo's two-state model, rather than fostering a new civic discourse of Israeliness that included both Arabs and Jews, was in fact entrenching an ethnic Jewish nationalism for which the Palestinian minority was a threat.¹⁴² Balad challenged this by highlighting what it saw as the contradictions between the state's Jewish and democratic elements. Its solution was to demand that the state become ethnically neutral and guarantee both national groups in Israel, Jews and Palestinians, collective rights.¹⁴³

Over the past decade, Hadash's program has moved much closer to Balad's. The trigger appears to have been its poor performance in the 2003 elections, when it allied with Ahmed Tibi's Taal party to try to bolster its popularity. Hadash won only two seats in the Knesset (losing its sole Jewish representative), compared to Balad's three seats. Subsequently, Hadash has been downplaying its traditional civil rights agenda in favour of a more nationalist program that in many respects echoes Balad's. A political analyst observed: "Hadash has been trying to take back the political initiative ever since",¹⁴⁴ an effort that has not gone unnoticed by Israel's Jewish community. In the aftermath of the 2003 result, an Israeli newspaper commentator complained that Hadash had chosen:

... a rearguard battle for the survival of the party, in the framework of which they are fortifying a more nationalist position at the expense of social-economic issues. In back rooms, a few of them also refer to the Jewish-Arab partnership as an obstacle in the struggle for the Arab vote.¹⁴⁵

minority-rights discourse. Crisis Group interview, Raef Zreik, Nazareth, January 2012.

¹⁴² A former Hadash activist observed: "Hadash's problem, which only becomes clearer as the Israeli right takes over, is that its program, unlike Balad's, doesn't offer a clear message about how the Palestinian minority can be protected from the Jewish majority. After all, their program is predicated on joint action with Jews". Crisis Group interview, Nazareth, September 2011.

¹⁴³ Crisis Group interviews, Balad party officials, Nazareth, August-November 2011.

¹⁴⁴ Crisis Group interview, Haifa, December 2011. A Hadash activist was critical of how slow the party was to respond to the new discourse introduced by Balad. "We have a lot of history and ideological baggage, and as a result, we move very slowly. In many ways Balad outmanoeuvred us." Crisis Group interview, Nazareth, August 2011.

¹⁴⁵ *Haaretz*, 22 July 2004. Another columnist, Avirama Golan, a disillusioned Jewish Hadash supporter, argued: "As Hadash has chosen to slam the door in the face of anyone who is not capable of being a Balad enthusiast, it has lost a large public, which is seeking and not finding elsewhere a home on the militant economic and social left. In so doing, the party is not only thinning its ranks and becoming marginal and negligible, it is

The change of strategy appears to have paid off, at least for the time being, as Hadash has succeeded in having it both ways: rallying to the cause of Jewish-Arab partnership while at the same time demanding an end to Israel's Jewish character. Hadash won four seats in the 2009 election, against Balad's three.

With Hadash now opposing the Israeli state's Jewish identity and incorporating national rights into its program, Balad is tentatively signalling that it may go a step further and abandon the two-state solution.¹⁴⁶ In the past few years, the party has moved closer to a position in which territorial division would be a temporary stage in preparation for the creation of a single secular democratic state.¹⁴⁷ Yet the differences between the two parties often seem more a matter of "sensibility"¹⁴⁸ than actuality, leaving their activists with little justification for their frequent sniping.¹⁴⁹

also playing into the hands of the right and strengthening its anti-civic, nationalist agenda". *Haaretz*, 11 December 2007.

¹⁴⁶ Crisis Group interviews, Balad party officials, Nazareth, August 2011. This also reflects Balad's greater pessimism regarding the possibility of a peace agreement. "Oslo complemented Hadash's worldview. The two-state model assumed that Palestinian citizens were, and would continue to be, part of Israel. Balad objects to this view, believing the Palestinians are one people". Crisis Group interview, Professor Amal Jamal, Nazareth, September 2011.

¹⁴⁷ In particular, that view has won support from Balad's youth wing at recent conventions. Officials, however, have been reluctant to adopt it out of what one characterised as a "tactical" consideration: concern it would lead the authorities to ban the party at the next election and that the courts this time would condone the move. Crisis Group interview, Tareq Berekdar, Balad spokesman, Nazareth, September 2011.

¹⁴⁸ Crisis Group interview, legal scholar Raef Zreik, Nazareth, January 2012.

¹⁴⁹ Balad tends to play up statements from Hadash's Jewish leaders that speak of "two states for two peoples" – a suspicious phrase for Balad's partisans, since it could imply endorsement of a Jewish state – and continues, even now, to bring up chanting by Hadash members, Jews and Arabs alike, of this slogan at rallies in the 1990s. Arab Hadash activists point out that the party's Arab leaders increasingly downplay this formulation. In a recent Nazareth municipal election, activists left in their boxes posters sent out by head office that included the phrase in Arabic and Hebrew. An Arab party official said, "the slogan has become an embarrassment. No one wants to use it anymore". Crisis Group interview, Nazareth, November 2011. Hadash often makes use of Balad's central slogan – that Israel must become "a state of all its citizens" – to accuse the party of prioritising individual rights at the expense of ending historic discrimination based on class and nationality. (Tibi, leader of Taal, exploited such criticisms to good political effect by terming his vision of a reformed Israel "a state of all its nationalities".) That said, Balad's platform of a state of all its citizens is complemented by the party's parallel demand for national rights through cultural and educational autonomy. Crisis Group interview, Awad Abdel Fattah, Nazareth, September 2011.

An analyst observed: "Given the growing [Arab] boycott of elections, the two parties are fighting over a shrinking pool of voters. Neither wants to admit that their separation may be increasingly irrelevant. Instead each one treats the other as a threat".¹⁵⁰

Tensions between Balad and Hadash have spilled over into the minority's highest political body, the High Follow-Up Committee for Arab Citizens in Israel.¹⁵¹ Traditionally hampered by a lack of resources and Israel's refusal to recognise its political authority, the committee has been further weakened in recent years by internal feuds, notably between the two secular parties. Its current leader, Muhammad Zidan, a political independent and former mayor of the Galilee village of Kafr Manda, was appointed in 2009 as a compromise candidate proposed by the northern Islamic Movement after Hadash and Balad failed to agree.¹⁵² In the brouhaha, a subsidiary body of the High Follow-Up Committee – the National Committee for the Heads of Arab Local Authorities in Israel – split off under the leadership of Ramez Jeraisy, a Hadash party leader and mayor of Nazareth.

The result has been the further weakening of the Follow-Up Committee, which has descended into what a political activist described as "near paralysis"; power appears to have shifted significantly to the Committee for the Heads of Local Authorities. Abir Kopty, a former Hadash local councillor, said, "there's no one, least of all the Follow-Up Committee, articulating a vision of what we want as a community".¹⁵³ The weakness of the community's main quasi-collective institution has bolstered Balad's and the

¹⁵⁰ Crisis Group interview, Nazareth, December 2011. A human rights activist made much the same point: "Both Hadash and Balad have at different times made electoral pacts with Ahmed Tibi's party. It's difficult to see that they really share more in common with him than with each other. To a degree, the dispute has become territorial". Crisis Group interview, Nazareth, November 2011.

¹⁵¹ Founded in 1982, the committee is comprised of local mayors, Arab Knesset members (albeit not from Zionist parties) and representatives from political parties and national student bodies. Its Central Committee meets monthly, or ad hoc, to discuss political issues concerning Palestinians in Israel; it also issues political statements, declares general strikes and organises protests, such as the annual Land Day commemoration. All Arab parties, religious and secular, participate.

¹⁵² See *The Daily Star* [Beirut], 25 July 2009.

¹⁵³ Crisis Group interview, Nazareth, September 2011. Kopty added: "There's a vacuum at the national level. Ramez [Jeraisy] has stepped in to fill the vacuum, but the mandate of his group means we have wound up concentrating on the battle over local authority budgets rather than larger national questions".

northern Islamic Movement's campaign to replace the Follow-Up Committee with an elected Arab parliament.¹⁵⁴

D. FILLING THE VACUUM: EXTRA-PARLIAMENTARY ORGANISATIONS

The vacuum in secular Arab national politics has been filled in part by the flourishing of Arab non-governmental organisations dedicated to political, legal and human rights issues.¹⁵⁵ Their approach – initiating legal challenges or advocating their causes in international bodies – both exemplifies and intensifies Palestinian disengagement from the formal political process. The most prominent and active among them typically were inspired or influenced by the same ideological outlook that fuelled Balad's establishment in 1995;¹⁵⁶ they see their mission as fostering a new civic and national agenda that largely mirrors the party's demands for cultural autonomy.¹⁵⁷ Likewise, Bishara's opposition to Israel's Jewish identity and call for a "state of all its citizens" appealed to many Palestinian intellectuals and the small but emerging middle class.¹⁵⁸

In this spirit, the human rights NGOs quickly adopted the assumptions underlying the demand for a "state of all its citizens", pushing to end institutional discrimination; enact minority protections; acknowledge and redress the injustices suffered by the refugees from their 1948 dispossession; and implement affirmative action in land, housing, social benefits and employment. Unsurprisingly, these issues were at the heart of a series of "Vision Documents"

¹⁵⁴ "Future of the High Follow-Up Committee", Mada al-Carmel Arab Centre for Applied Social Research, December 2009. They have faced opposition from Hadash, both on ideological grounds and because it wishes to maintain its position in the Follow-Up Committee, where it historically has been dominant. Hadash's position is backed by many mayors who fear that a nationally elected Arab parliament would reduce their influence.

¹⁵⁵ The Arab Association for Human Rights, the first major political NGO, was established in 1988. Most of the other influential Arab NGOs – including Adalah, Mossawa, Mada, Ilam, and Dirasat – were created in the late 1990s or in more recent years.

¹⁵⁶ Mohammed Zeidan, director of the Arab Association for Human Rights, said, "Balad created a small number of prominent NGOs that have been very successful in advancing its political line, especially on the issue of collective minority rights". Crisis Group interview, Nazareth, November 2011.

¹⁵⁷ Ilan Pappe, *The Forgotten Palestinians* (New Haven, 2011), pp. 218-219.

¹⁵⁸ A young Hadash leader said, "Balad is a relatively new movement and realised the importance of branding itself and its ideology. The encouragement of sympathetic political NGOs was a good way to do it. Our party is not only much older, but it's stuck in very traditional ways of thinking. We're still debating whether NGOs are a good idea". Crisis Group interview, Nazareth, August 2011. The only major Arab political advocacy NGO identified with Hadash is the Mossawa.

unveiled by Arab civil society groups in 2006 and 2007. The most notable, the "Future Vision of the Palestinian Arabs in Israel" (2006),¹⁵⁹ was published by a group of academics, politicians and NGO leaders under the auspices of the National Committee for the Heads of the Arab Local Authorities in Israel.¹⁶⁰ It arguably is the nearest secular Palestinians have come to a consensual political manifesto.¹⁶¹

The Future Vision and other documents, notably the Haifa Declaration,¹⁶² partly were reactions to intensified efforts in the mid-2000s by Jewish organisations, backed by a Knesset committee, to draft an Israeli constitution.¹⁶³ As it

¹⁵⁹ See www.adalah.org/newsletter/eng/dec06/tasawor-mostaqbal.pdf.

¹⁶⁰ The Future Vision was initiated by Shawki Khatib, then head of the Follow-Up Committee. Because of opposition from the northern wing of the Islamic Movement, he was unable to secure its formal adoption by the Committee by consensus, as required by its rules. It was adopted instead by the National Committee for the Heads of the Arab Local Authorities, which Khatib also chaired. Crisis Group interview, Jaafar Farah, Crisis Group telephone interview, January 2012.

¹⁶¹ The northern Islamic Movement was invited to participate in formulating the Future Vision but withdrew early on, with the exception of Sheikh Hashem Abdelrahman, then Umm al-Fahm's mayor. Raed Salah claimed he would have participated had the process been more clearly linked to the High Follow-Up Committee. Crisis Group interview, Umm al-Fahm, January 2011. This was challenged by other participants, who asserted that the movement withdrew in protest of the document's social agenda, promotion of gender equality. Crisis Group interviews, Haifa/Jerusalem/Nazareth, November 2010-February 2011.

¹⁶² The Haifa Declaration (2007) was formulated by a group of academics and intellectuals in a project led by the Mada al-Carmel Arab Centre for Applied Social Research in Haifa. Also published in 2007 were the Democratic Constitution, prepared by Adalah, an independent legal NGO loosely affiliated with Balad, and "An Equal Constitution for All?", formulated by the Mossawa Centre, an independent political advocacy NGO informally affiliated with Hadash. The two latter documents were intended, in the words of an Adalah official, as "blueprints for an ethnically neutral constitution for Israel". Crisis Group interview, Haifa, March 2011.

¹⁶³ The drafting process was spearheaded by the Israel Democracy Institute (IDI), encouraged by the Knesset's Constitution, Law and Justice Committee. Its proposed constitution – termed a Constitution by Consensus – was finalised in 2006. The IDI's Ofer Konig said, "various groups within Israel were invited to provide input to the process, including Arab politicians and civil society leaders. Although no Arab belonged to the inner core of the process – ie, the working group at the IDI – Arabs were represented at various public council meetings. Their main objection was related to the identity of the Israeli state: they rejected the definition of Israel as a 'Jewish state', advocating instead a binational state, or 'a state for all its citizens'. However, they found themselves unable to influence the process on this point and, regrettably, withdrew from the process some time in 2004". Crisis Group interview, Jerusalem, March 2011. An Arab human rights activist commented: "The constitutional pro-

were, the Palestinian documents offered the outlines of a counter-constitution, defining the Arab minority's identity, mapping its relations to the state and articulating its political aspirations.¹⁶⁴ The Future Vision and Haifa Declaration assert that Palestinians in Israel are “the indigenous people of the country”, whose land has been subjected to colonial takeover and whose rights have been systematically infringed upon since Israel came into being. Both identify the primary source of discrimination as Jewish ethnic hegemony over the state as manifested by the Jewish component of the state's official definition.¹⁶⁵

The remedy proposed is to transform Israel into what the Future Vision characterises as a “consensual democracy”, in which Jews and Arabs enjoy full equality in all matters related to the state – including land allocation, immigra-

cess – and the new focus on the identity of the Israeli state – was the direct reason for the formulation of the Vision Documents”. Crisis Group interview, Haifa, March 2011.

¹⁶⁴ A political analyst noted that the Haifa Declaration more closely articulated Balad positions, whereas the Future Vision was to a large degree an attempt to create common ground between Balad and Hadash. Crisis Group interview, Nazareth, November 2011. A number of differences in terminology between these documents reflected some of the main ideological conundrums facing the community's secular politicians and indicated that political compromise – even within the Arab minority itself, to say nothing of reaching agreement with the Jewish majority – is liable to be fraught. First, the Future Vision restricts its sphere of concern to Israel's traditional borders, whereas the Haifa Declaration also deals with the Occupied Territories. As a result, the latter explicitly claims a right of return for all refugees, while the former refers solely to the rights of Palestinians internally displaced by the 1948 war. Secondly, the Haifa Declaration reserves the right of self-determination in Israel to “the Israeli-Jewish people”, not the wider Jewish diaspora; by contrast, the Future Vision suggests that the whole of the Jewish people are to be considered a “national group”. This implies a possible acceptance of Israel's Law of Return, though elsewhere the document suggests immigration policy would not be discriminatory. The muddle appears to reflect Hadash's traditional evasiveness on questions of the state's character. Similarly, the Future Vision characterises Israel as a “homeland for both Palestinians and Jews”, thereby apparently recognising the Jews' historical connection to the land; the Haifa Declaration refers to the “Palestinian homeland” without mentioning a Jewish historical link, thus in effect rendering Israeli Jews immigrants, though immigrants with a right to national self-determination.

¹⁶⁵ Israel's early laws, as well as its Declaration of Independence, defined its character as a “Jewish state”. In a 1985 amendment to the Basic Law, the Knesset revised this to a “Jewish and democratic state”. Regarding the state's character, the Future Vision holds that “full change towards implementing real equality for the Arabs in Israel … is connected to a change of the objectives of the State and its identity as a Jewish State”.

tion policies¹⁶⁶ and public spending.¹⁶⁷ Moreover, they demand that Palestinians obtain collective rights as a “homeland minority” – including greater cultural autonomy¹⁶⁸ – and call for a democratic system that ensures not only full Arab participation in decision-making but also a right to veto major decisions affecting the community.¹⁶⁹ A participant in drafting the Future Vision said, “Our demands are revolutionary. Just like the crowds at Tahrir Square in Cairo, we also call for toppling the regime. However, it's important to stress that we don't want to see Israel disappear but rather change into something else”.¹⁷⁰

The documents explicitly seek to reach out to the Jewish majority and generate intercommunal dialogue.¹⁷¹ The Haifa Declaration in particular points out that any historic reconciliation will require Palestinians and Arabs “to recognise the right of the Israeli Jewish people to self-determination and to live in peace, dignity, and security with the Palestinian and the other peoples of the region”.¹⁷² The documents likewise call for recognition of Palestini-

¹⁶⁶ This would be likely to affect the Law of Return, which gives any Jew living outside Israel the right to immigrate there.

¹⁶⁷ According to the Haifa Declaration, the “vision for the future relations between Palestinian Arabs and Israeli Jews in this country is to create a democratic state founded on equality between the two national groups. … In practice, this means annulling all laws that discriminate directly or indirectly on the basis of nationality, ethnicity, or religion – first and foremost the laws of immigration and citizenship”. The documents also demand equality with regard to the state's cultural symbols – such as the flag and national anthem – and propose that Hebrew and Arabic be assigned equal status.

¹⁶⁸ According to the Future Vision, Arabs in Israel “aspire to attain institutional self-rule in the field of education, culture and religion that is in fact part of fulfilling their rights as citizens and as part of the Israeli state”.

¹⁶⁹ The Mossawa-drafted constitution explains: “Real influence must be assured for the Arab representatives on resolutions adopted in public institutions; otherwise they may find themselves always on the losing side, being a numerical minority. Such real influence can be enabled by means of granting a veto right to the Arab representatives as part of the decision-making process on those matters that have a profound effect on the Arab population”.

¹⁷⁰ Crisis Group interview, Haifa, March 2011.

¹⁷¹ In its preamble, the Haifa Declaration states its aim is to “spark a democratic, open, and constructive dialogue within our society and with the Israeli-Jewish society, one that might enable us to work together towards building a better future between our peoples”.

¹⁷² According to Nadim Rouhana, Tufts University professor and director of Mada al-Carmel (Arab Centre for Applied Social Research), such an acknowledgment from the Arab community in Israel was all but unprecedented. Crisis Group interview, Haifa, January 2011. Jaafar Farah added that this particular sentence “had faced opposition in the working group, but had eventually been pushed through”. Crisis Group interview, Haifa, December 2010.

an citizens as “a minority”, implicitly acknowledging the reality of a Jewish majority in Israel. Furthermore, the Future Vision recognises a Jewish connection to the land, urging the state to “acknowledge that Israel is the homeland for both Palestinians and Jews”.

Yet if the goal was to start a productive conversation, it largely failed.¹⁷³ Instead of stimulating debate, the documents caused outrage among Jews, with some labelling them “a declaration of war”.¹⁷⁴ Even many among the Left were unsympathetic.¹⁷⁵ Most troubling in their eyes was the overt challenge to the Jewish character of the state,¹⁷⁶ which led many – including within the security apparatus

– to regard the documents as organised subversion. Israeli Jews were equally incensed by descriptions of Israel as a colonial project,¹⁷⁷ claims that Israel is not a democracy,¹⁷⁸ demands for a right of return for Palestinian refugees and calls for Israel to acknowledge its responsibility in the historic injustice suffered by Palestinians.

Still, in light of ongoing controversy between Israel and the PLO concerning acceptance of Israel as a Jewish nation-state, other elements of these statements are noteworthy and potentially a useful contribution to a wider debate. In particular, the Future Vision’s refers to the “Jewish majority” as a “national group”,¹⁷⁹ and the Haifa Declaration, as noted, speaks of an “historical reconciliation” that “requires” Palestinians and Arabs, to “recognise the right of the Israeli Jewish people to self-determination”. The Arab public was not included in discussions,¹⁸⁰ but opinion polls suggest the demands presented in the documents are backed by an overwhelming majority of Palestinians in Israel,¹⁸¹ and they arguably stand as the most comprehensive account to date of their aspirations. The Future Vision, in particular, was accepted by all the Arab parties that participate in the Knesset, representing the community’s main political streams – the Communists, nationalists and Islamists.

¹⁷³ Several participants described the negative response as disappointing and surprising. Crisis Group interviews, Haifa/Nazareth/Jerusalem, November 2010-March 2011. While noting that the documents were seen by most Israeli Jews as “an expression of extreme positions aimed at erasing the Jewish character of Israel”, a team of academics and former government officials at the Jerusalem Institute of Israel Studies (JIIS) – a liberal policy think-tank – produced a sympathetic, albeit belated, response in 2011. It made several proposals considered far-reaching by many Israeli Jews, including that the Palestinian minority be offered collective rights, thereupon assuming also certain civic duties. “Towards Inclusive Israeli Citizenship”, JIIS, 2011.

¹⁷⁴ Anat Reisman-Levy, deputy director, Citizens’ Accord Forum, said, “among the Israeli Jews who read the documents and commented on them in the media, most regarded them as a declaration of war – confirming their perception of Israeli Arabs as disloyal and subversive to the Israeli state. Seen from a mainstream Jewish Israeli point of view, the Vision Documents simply added to the polarisation”. Crisis Group interview, Tel Aviv, November 2010. Some Arab politicians distanced themselves from the documents. Hanna Sweid (Hadash) explained that he was “not a great fan of the documents. The confrontational language, and the emphasis on Israel as a colonial state, was unnecessary, counterproductive if dialogue was indeed the intention, and contributed to further Jewish-Arab polarisation”. Crisis Group interview, Jerusalem, January 2011.

¹⁷⁵ In an article in *Maariv*, Amnon Rubinstein, a law professor and former Knesset member from the left-wing Meretz party, called the Future Vision’s language “so shameless that readers are surprised that it contains no explicit mention of [the notorious anti-Semitic forgery] the Protocols of Zion”. Aryeh Carmon, head of the Israel Democracy Institute, wrote that the document “subverts the aspiration to create a joint foundation of mutual respect and good will. It will be an obstacle to the legitimate demands of the Arab public”. See www.dayan.org/kapjac/future_vision_2007_update_eng.pdf.

¹⁷⁶ According to Jaafar Farah, “When we presented the Mossawa constitution to the Knesset’s Constitution, Law and Justice Committee, many of the actual demands were possible to digest, or at least discuss, for a majority of committee members. However, the discussion derailed because of our objection to Israel as a Jewish state. In other words, it was precisely our core demand for equality that caused an outcry, as this would have undermined the Jews’ privileged position”. Crisis Group interview, Haifa, December 2010.

¹⁷⁷ The Haifa Declaration states: “Towards the end of the nineteenth century, the Zionist movement initiated its colonial-settler project in Palestine. Subsequently, in concert with world imperialism and with the collusion of the Arab reactionary powers, it succeeded in carrying out its project, which aimed at occupying our homeland and transforming it into a state for the Jews”.

¹⁷⁸ The Future Vision asserts: “Israel [cannot] be defined as a democratic State. It can be defined as an ethnocratic state”.

¹⁷⁹ A drafter of the Future Vision document explained that this language was a “fudge” to accommodate both Hadash (which, for the most part, accepts Jews as a national group) and Balad (which does not, though it does see Israeli Jews in this light). He added that most of the drafters – as can be seen from the context in which the “national group” reference appears – believed that they were referring to Israeli Jews. “The issue of the Jewish diaspora and its relation to state would need to be part of a big compromise, balanced against the rights of Palestinian refugees both inside and outside Israel”. Crisis Group interview, Haifa, December 2011.

¹⁸⁰ According to a survey conducted by the Adenauer Foundation at Tel Aviv University, some 84 per cent of Palestinians in Israel had not heard about the documents. Of the remaining 16 per cent, only 35 per cent had read it, see www.dayan.org/, op. cit. An Hadash party official complained: “We did nothing with the Future Vision. We published it, and then forgot about it. We should have held public debates within the community; we should have tried to explain it to the Jewish public, and we should have used it as the basis of outreach to the international community. Instead it was left on the shelf”. Crisis Group interview, Jerusalem, July 2011.

¹⁸¹ On Arab popular support for the Vision documents, see www.dayan.org, op. cit.

The main dissenting party was the northern Islamic Movement, which dropped out of the drafting process early on.¹⁸² Its chief objections to the finished document were that, contrary to its own platform, it recognised Israel and advocated a separation of state and religion.¹⁸³ While its withdrawal was a blow to the drafters, many analysts contend that it would be unable or unwilling to oppose a compromise along the lines proposed. Indeed, particularly since the outbreak of the Arab uprisings, it has signalled a desire to be in tune with the public mood.¹⁸⁴ That said, the northern Islamic Movement presents unique challenges to intercommunal reconciliation. Its concentration on extra-parliamentary activities, lack of outreach to the Jewish population, belief in bottom-up political activity and empowerment at the local level and burgeoning ties with regional Islamic movements all contribute to a perspective that it is less engaged with local questions or the immediate future of the state. “The movement thinks time is on its side”, said an academic. “The Zionists are seen as just

¹⁸² The small nationalist party Abnaa al-Balad also rejected the document on the grounds that the party opposed historic Palestine’s partition. Among other non-Islamist groups, those who express reservations focus more on tone than content. A Hadash Knesset member said, “I was not so enthusiastic about these documents, because they contribute to polarisation. In this sense, they did more harm than good, although the intentions were good. Talking about Israel as a colonial entity is not right. The average Israeli Jew is not going to respond well to that. We don’t have to be reflexively antagonistic just because the Jewish right is. The real soul of these documents is coexistence, but that didn’t come through”. Crisis Group interview, Jerusalem, November 2010. Druze, by contrast, for the most part do not think that the documents represent them. “The Druze tend to be relatively happy about their situation, and there is a strong tendency to be obedient to the state – not to mention a lot of distrust of Muslim Arabs”. Crisis Group interview, Druze human rights lawyer, Jerusalem, November 2010.

¹⁸³ Crisis Group telephone interview, Jafaar Farah, a drafter of the Future Vision, January 2012.

¹⁸⁴ The Future Vision was adopted by the National Committee for the Heads of the Arab Local Authorities – in which the northern Islamic movement sits – on the basis of consensus and supported by the northern Islamic Movement’s mayor in Umm al-Fahm. Asad Ghanem, a politics professor, observed that since the vision documents’ publication, the northern wing had been undergoing a process he termed “deradicalisation”. He argued that this trend had been spurred in large part by regional developments, particularly the Arab Spring, which reportedly has led Kamal Khatib (Salah’s deputy) to tell the movement’s youth groups that they must respect democratic values lest the movement lose supporters. Ghanem concluded: “Increasingly, you see the [northern] Islamic Movement discourse moving toward support for a civic rather than a religious state. They have toned down their rhetoric and want to show, like many other Islamic movements in the region, that they are responsible. The northern Islamic Movement wants to be at the heart of the consensus of the Palestinians in Israel”. Crisis Group telephone interview, January 2012.

another occupier whose rule will pass. The Islamists think they can wait them out”.¹⁸⁵

E. CONFRONTATION LINES

Over the past decade, growing Arab disaffection with the Israeli parliamentary scene, the dramatic rise in NGO activism, the increasing ties between Palestinian Knesset members and Arab states, the marginal but highly visible involvement of the Arab minority in aiding terrorist activities and the solidifying Arab political consensus against acceptance of Israel as a Jewish nation-state have raised tensions between state authorities and the two perceived chief architects of these developments: the northern Islamic Movement and Balad.¹⁸⁶ Both parties have come under sustained surveillance; their activists and officials are regularly interrogated and in some cases arrested; and their leaders are widely suspected by officials and public opinion of involvement in subversive activities. Although Israeli officials invoke security concerns,¹⁸⁷ there is virtual unanimity across the Arab political spectrum that the real motivation is political.

The northern branch of the Islamic Movement has been under pressure since its founding. Its ideological affinity with Hamas and strident activism at the Haram al-Sharif/Temple Mount have antagonised the Jewish public, politicians and Israeli security services alike.¹⁸⁸ Its charitable

¹⁸⁵ Crisis Group interview, Haifa, November 2011.

¹⁸⁶ Some observers have commented on the two groups’ growing ideological affinity. Professor Amal Jamal described both as “identitarian movements”. Crisis Group interview, Nazareth, September 2011. A Balad official commented: “On some issues it’s easier for us to work with Sheikh Raed Salah than with Hadash. He is readier to talk about our Palestinian national identity, more supportive of increased autonomy for our community and more prepared to speak out against the Jewishness of the state”. Crisis Group interview, Nazareth, July 2011.

¹⁸⁷ A representative sample of this can be found in the 2003 Or Commission report, which singled out Raed Salah and Azmi Bishara in relation to the outbreak of riots of October 2000. It accused Salah of creating an “inflammatory atmosphere regarding the sensitive issue of the Al-Aqsa Mosque”; during preceding years, he had communicated a message that “negated the legitimacy of the existence of the State of Israel and present[ed] the state as an enemy”. It likewise blamed Bishara for “transmitting messages supporting violence as a means of achieving the goals of Israel’s Arab sector”.

¹⁸⁸ The Islamic Movement’s removal and disposal of massive amounts of earth below the Holy Esplanade in order to construct the Marwani Mosque, particularly in the absence of archaeological cooperation with Israel, have been seen by Israeli Jews and within the archaeological community writ large as an intentional erasure of evidence of an historical Jewish presence on the site. Salah also has claimed that Israel is promoting excavations under the Haram al-Sharif that threaten the foundations of the Al-Aqsa Mosque and that the government wishes to

organisations have been routinely monitored and some closed.¹⁸⁹ Israel imposed an extended travel ban on Salah in 2002 on the grounds that his visits abroad risked endangering state security.¹⁹⁰ The confrontation intensified the following year when Salah, along with fourteen other senior Islamic Movement officials, was arrested on charges of funnelling money to Hamas-affiliated groups in the Occupied Territories.¹⁹¹

After eighteen months in prison, he entered a plea bargain pursuant to which he admitted contact with a foreign agent and providing services to outlawed organisations in return for serving only an additional six months. Palestinians denounced the outcome but Salah's reputation as a dangerous subversive was sealed among the wider Jewish public.¹⁹² He subsequently has been arrested several times, typically for involvement in demonstrations against what he describes as Israeli violations of Islamic sovereignty over the al-Aqsa Mosque compound.¹⁹³

As Salah's reputation among Jews plummeted, his standing among his constituency soared. Playing up the personal aspect of his clash with the authorities, he has asserted on many occasions that the security services want him dead – a claim that, however outlandish to Jews, has gained

rebuild the Jewish Temple there. See Ynet, 17 June 2009. No evidence for this was found. The PLO refrained from making similar accusations.

¹⁸⁹ The Islamic Movement's central welfare charity was shut down by the Israeli Security Agency in 1995, 1997, 2002 and 2008. See, eg, *Haaretz*, 1 August 2003; *The Jerusalem Post*, 29 June 2010; Ynet, 24 August 2008.

¹⁹⁰ See www.adalah.org/eng/features/sheikhraed/casesummary.htm.

¹⁹¹ At the time of the arrest, government ministers strongly implied – wrongly, as it later emerged – that Salah's movement had been directly funding terror operations. *Haaretz*, 13 May 2003.

¹⁹² Moshe Arens, a former defence and foreign minister, termed Salah "dangerous": "The watchdogs over Israel's democracy, the government, the Knesset, the High Court, seem to have fallen asleep while Ra'ad Salah continues with his nefarious activities inciting against the State of Israel – sowing seeds of dissent between Israel's Arab and Jewish citizens, providing support to Israel's enemies and attempting to undermine the very foundations of the state". *Haaretz*, 7 December 2011. Isi Liebler, a columnist for *The Jerusalem Post*, asserted that Salah "calls for the overthrow of the Jewish state, openly supports Hamas, incites hatred and continuously issues treasonable proclamations". *The Jerusalem Post*, 26 January 2011.

¹⁹³ Salah has been the subject of several additional investigations, including for incitement, rioting and anti-Semitism. He was jailed once again in July 2010, this time for five months, after being found guilty of assaulting a police officer during a February 2007 protest against construction work by Israel at the Mughrabi Gate, an entrance to the Haram al-Sharif.

much credibility among Arabs¹⁹⁴ – or otherwise removed from the political scene.¹⁹⁵ Palestinians harbour similar feelings regarding the treatment of Balad and its leader, Azmi Bishara. The highest-profile Arab politician in Israel for much of the last decade, widely seen on all sides as a champion of Palestinian nationalism, Bishara has courted notoriety by calling for Israel's transformation into a bi-national "state of all its citizens".¹⁹⁶ As mentioned, he was tried in 2002 on charges of visiting enemy states and making controversial speeches; he seldom has been out of the headlines since. As in Salah's case, Palestinians by and large view charges against him and attempts to ban his party as targeting the community as a whole.¹⁹⁷

¹⁹⁴ Two events bolstered this conviction. First was an erroneous report that Salah had been shot and possibly killed on the *Mavi Marmara*, the ship that sought to reach Gaza in breach of Israel's blockade in May 2010. See *The Jerusalem Post*, 1 June 2010. Speaking of the episode, he said, "the soldiers tried to kill me. They shot in the direction of someone they thought was me". *Haaretz*, 3 June 2010. The second incident was the July 2010 revelation that, as part of an operation by the Israeli Security Agency designed to persuade a Jewish terrorist suspect, Chaim Pearlman, to incriminate himself, an undercover agent proposed that he assassinate Salah. *Haaretz*, 16 July 2010.

¹⁹⁵ There have been intermittent calls to ban Salah's branch of the Islamic Movement. United Press International, 6 October 2009.

¹⁹⁶ Crisis Group interviews, Balad and Hadash officials, Haifa/Jerusalem/Nazareth, November 2010-April 2011. Bishara has been described as a "towering political figure and highly respected intellectual", even by Palestinian political opponents. Crisis Group interview, Hadash official, Jerusalem, April 2011.

¹⁹⁷ The Central Election Committee (CEC), a body chiefly comprising representatives of the main Knesset factions, disqualified Bishara and Balad – as well as Ahmed Tibi, leader of the Taal party – in the run-up to the 2003 election. They were accused of having violated a 2002 amendment to the Basic Law on the Knesset allowing such action in the case of parties that support terrorist organisations, sympathise with Israel's enemies or deny Israel's existence as a "Jewish and democratic state". The CEC reached its decision after receiving a recommendation from the attorney general backed by classified Israeli Security Agency information. Bishara's speeches in support of "resistance" to the occupation were cited as violating the first provision. The Israeli Security Agency viewed his program calling for radical political reform as tantamount to rejecting Israel's character as a Jewish state. See *The Washington Post*, 10 January 2003. State prosecutors told the CEC: "You have been flooded with a great deal of material which can be interpreted as saying that Bishara denies Israel's right to exist as a Jewish state. But beyond that, a picture takes shape that conflicts not only with Israel as a Jewish state, but as any kind of state". *The Jerusalem Post*, 1 January 2003. The implications of Bishara's program had been analysed by an Israeli Security Agency agent known to the committee as Nadav. In his view, Balad's participation in the Knesset had allowed its ideology to "progress from the margins of Arab society (such as a limited circle of

Concerns about Balad came to a head in early 2007, in the wake of the 2006 war in Lebanon and publication of the Vision Documents. Then-Prime Minister Olmert held a closed meeting with senior Israeli Security Agency officials at which they discussed the rise of “subversive elements” within the Arab community, related to publication of the Future Vision and growing Palestinian support for the concept of a “state of all its citizens”.¹⁹⁸ In April 2007, Bishara was accused of treason and espionage for allegedly aiding Hezbollah during the war.¹⁹⁹ The Balad leader, who was out of the country at the time, denied the accusations;²⁰⁰ claiming he would not receive a fair trial, he did not return to Israel, instead resigning from the Knesset and taking refuge abroad.²⁰¹ Although Bishara was criticised by members of the Palestinian community for how he handled the charges,²⁰² the vast majority nonetheless

intellectuals who dealt with these ideas theoretically) to centre stage. Today these ideas have a discernible effect on the content of the political discourse and on the public ‘agenda’ of the Arab sector”. Quoted in “The ongoing attacks against MK Azmi Bishara and Balad”, Balad press release, April 2007 (Hebrew). The decision subsequently was overturned by the Israeli Supreme Court. The process was repeated prior to the 2009 election, when the CEC banned both Balad and the coalition formed by the United Arab List and Taal. See Ynet, 12 January 2009. Again, the Supreme Court overturned the ban after the attorney general filed a brief that called the evidence against the Arab parties “flimsy”. Ynet, 19 January 2009.

¹⁹⁸ Yuval Diskin, head of the Israel Security Agency, argued that developments among the Arab community constituted “the real long-term strategic danger to the Jewish character of Israel and indeed to its very existence as a Jewish state”. *Maariv*, 13 March 2007. In addition, Prime Minister Olmert’s office sent a letter to Ala Hlehel, editor of *Fasl al-Maqal*, Balad’s official organ, that read: “The Shin Bet security service will thwart the activity of any group or individual seeking to harm the Jewish and democratic character of the State of Israel, even if such activity is sanctioned by the law”. *Haaretz*, 16 March 2007.

¹⁹⁹ According to the Israel Security Agency, Bishara had advised Hezbollah on firing missiles; aided the movement by assessing the possibility that Israel might attempt to assassinate its leader, Hassan Nasrallah; advised it on issues related to psychological warfare against Israel; and laundered money. See *Haaretz*, 2 May 2007. Were Bishara to return and be found guilty of the most serious offence, assisting the enemy, he would face a mandatory sentence of life in prison or the death penalty. *Haaretz*, 26 April 2007.

²⁰⁰ Bishara said, “who is further from information than Israeli Arabs? We are very removed from any information that we could give”. *Haaretz*, 26 April 2007.

²⁰¹ *Haaretz*, 26 April 2007. Bishara lived in Jordan before relocating to Qatar, where he regularly appears on Arabic satellite TV as a political analyst.

²⁰² A Balad-affiliated civil society activist said, “it was unfortunate that Bishara left the country. This increased suspicions that he actually had something to hide”. Crisis Group interview, Haifa, February 2011. A Hadash official said, “despite my respect for the man, I cannot respect the fact that he ran away.

saw the case as a political witch-hunt and attempt to intimidate Arab politicians.²⁰³ A former Agency officer implicitly offered support for that view:

Israel has two ways of dealing with Israeli Arab politicians who are perceived as a threat to the system: domestication or expulsion. Either you subdue these people or you force them to abandon the stage altogether. When Azmi Bishara declared his support for a binational state, it was seen as a great threat, almost a declaration of war. After he was ostracised, his relevance quickly was reduced. He still writes for a few Arab newspapers and occasionally gives interviews on Al Jazeera, but the Jewish majority of Israel does not have to relate to him anymore. For the Israeli security establishment, the Bishara case was successfully solved.²⁰⁴

As a result of what party officials describe as “political persecution”, Balad appears to be disengaging ever more fully from the national political scene. Awad Abdel Fattah, the party’s general secretary, said Balad was considering foregoing judicial appeal should it once again be disqualified by the Central Election Committee.²⁰⁵ He argued that the “strategic environment” was changing, given the revolutionary atmosphere in neighbouring Arab states; this is leading “more and more Palestinians in Israel to refuse involvement in Knesset politics”. A disqualification “could generate a political earthquake. Would the other parties dare to run for the Knesset if we were banned? It could lead to all the [Arab] parties boycotting the elections”. In turn, he suggested this could provide the necessary momentum for establishing a directly elected Arab national parliament in Israel.²⁰⁶

What kind of signal did he send to the youth – that they should leave the country when facing problems with the Israeli state? If he had stayed in Israel, faced the accusations and eventually been convicted, he could have become a Palestinian Nelson Mandela. But he opted to flee”. Crisis Group interview, Jerusalem, April 2011.

²⁰³ According to Mossawa’s Jaafar Farah, the Bishara case was part of a comprehensive strategy to silence the Arab opposition: “The campaign has been directed toward the Arab political leadership. The case shows – and is intended to show – that if you become too vocal and if you stick your head out too far, they will find ways to take you out”. Crisis Group interview, Haifa, December 2010. Similar views were aired by Arab members of Knesset from across the political spectrum. Crisis Group interviews, Jerusalem, November 2010–March 2011.

²⁰⁴ Crisis Group interview, Jerusalem, November 2010.

²⁰⁵ A lawyer who has represented Arab parties described the appeal of the 2009 decision of the election committee as “stupid”. He said, “portraying Israel to the world as an undemocratic system that bans Arab parties would be of far greater political utility than having ineffectual Arab parliamentarians in the Knesset”. Crisis Group interview, Jerusalem, December 2009.

²⁰⁶ Crisis Group interview, Nazareth, September 2011. Some disputed the notion that Balad would forgo its place in the Knesset

III. PALESTINIANS IN ISRAEL AND THE PEACE PROCESS

The Oslo Accords, by essentially excluding Israel's Arab minority from the peace process, limited Palestinian claims inside Israel to the refugee question.²⁰⁷ Over the past several years, this increasingly has been challenged by actors on all sides, who argue that the Israeli-Palestinian conflict cannot be fully or sustainably settled unless issues pertaining to the conflict's origins – the creation of the state of Israel, its character and identity and the fate of Palestinians in both the diaspora and Israel – also are addressed. Indeed, such views more and more are espoused by both Jewish and Arab segments of the Israeli body politic, albeit for starkly different reasons, giving rise to odd bedfellows. A member of the Islamic Movement's northern branch said he "completely agrees with Avigdor Lieberman and the Israeli right" in this regard: "It's not like we agree on anything else. But unlike the Israeli left, Lieberman has understood that the Israeli-Palestinian conflict is primarily related to 1948, not 1967".²⁰⁸

on the grounds that it needs the public funding that comes with Knesset representation. Crisis Group interview, civil society activist, Nazareth, October 2011.

²⁰⁷ In October 1974, the Arab League recognised the PLO as the sole legitimate representative of the Palestinian people, but in signing the Declaration of Principles in 1993 – which delineated the final status issues and did not include a reference to Palestinian citizens of Israel – a PLO official explained, Yasser Arafat "rescinded his representative power over Arabs inside Israel". Crisis Group interview, Jerusalem, December 2010. The PLO recognised Israel in Arafat's 9 September 1993 letter: "The PLO recognizes the right of the State of Israel to exist in peace and security", www.jewishvirtuallibrary.org/jsource/Peace/recogn.html. The Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993 (the Oslo I Agreement) provides that the issues of Palestinian refugees, Jerusalem, Israeli settlements in the West Bank and Gaza, security arrangements and borders are to be covered in permanent status negotiations; Palestinian citizens of Israel do not appear on the list of concerns to be addressed before a final agreement can be signed. See the full text at www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Declaration%20of%20Principles. Per Palestinian election law, Israeli citizens are not permitted to vote in Palestinian Authority elections (Article 9).

²⁰⁸ Crisis Group interview, Umm al-Fahm, October 2010. This was echoed by a human rights activist: "Unlike many other Israeli politicians, Lieberman actually understands that the real conflict is over '48, and not '67. But, although his fundamental identification of the problem is correct, I reject his solution to the problem". Crisis Group interview, Haifa, March 2011.

A. PALESTINIAN CITIZENS AND THE ISRAELI-PALESTINIAN CONFLICT

After the Oslo Accords were signed in 1993, many Palestinians in Israel hoped that they could ride the PLO's coattails. During their "golden era", the Arab leadership was encouraged by its integration – albeit nascent and fleeting – into parliamentary politics under Prime Minister Yitzhak Rabin.²⁰⁹ No less than their brethren in the West Bank and Gaza, they expected a "peace dividend", as Knesset Member Ahmed Tibi explained:

In the 1990s, we put our hopes in the peace process and had faith it would generate a wider reconciliation. This, the argument went, would have lowered security pressure on our community since the intensity of the Israeli-Palestinian conflict would have receded. So we showed patience and held back our struggle for equal rights [inside Israel] in order to allow the peace process to move forward.²¹⁰

The positive mood, however, quickly soured. Netanyahu's first government (1996-1999) walked back some of the changes Rabin had introduced.²¹¹ The northern Islamic Movement retreated into the wider Islamic world, whereas Azmi Bishara and his Balad Party adopted an uncompromising citizenship discourse. While Ehud Barak's 1999 election initially raised hopes, he had turned his back even before the 2000 Camp David negotiation on some Israeli groups – including Palestinian citizens – who had elected him.²¹² But it was the second intifada, of course, that did the most damage to communal relations in Israel, polarising Jews and Arabs to a degree unprecedented since the Israeli government imposed a highly restrictive control regime on its Arab citizens known as the "Military Government" from 1949 to 1966.

As Israel's Palestinian minority looked to the world and the Arab region for succour, Jews looked inward. The intifada brought to power the Israeli right, under which the country moved to fortify itself, both in terms of physical security and its Jewish identity.²¹³ Likud and its coalition partners have placed considerably more weight on the character of the state than the left. It is no coincidence that it was under Prime Minister Ariel Sharon that Israel made its first

²⁰⁹ Crisis Group Report, *Identity Crisis*, op. cit., p. 6.

²¹⁰ Crisis Group interview, Jerusalem, March 2011.

²¹¹ Crisis Group Report, *Identity Crisis*, op. cit., p. 8.

²¹² Ibid, p. 9.

²¹³ An Arab analyst commented that these two concerns are closely related: "When you go into a bunker, it makes sense that you'd be nervous about who is in there with you". Crisis Group interview, Nazareth, January 2012.

public, official demand in this regard, in the form of a reservation in its acceptance of the Quartet's Roadmap.²¹⁴

Under the joint pressures of a failed peace process and growing emphasis on Israel's Jewish character, the "patience" of which Tibi had spoken evaporated. Not only did it become clear to Palestinian citizens that no independent state would be established soon, but were one to be, they felt they would be left in a state inhospitable to them. Some groups, such as Hadash and the United Arab List, remain committed to joint Jewish-Arab cooperation²¹⁵ and continue to echo Fatah's two-state political vision.²¹⁶ Balad and the northern Islamic Movement, by contrast, have adopted an approach that in some respects accords more closely with Hamas's more confrontational style. In the case of the northern Islamic Movement, Hamas offers direct ideological inspiration; Balad, for its part, emphasises identity politics, communal development and self-reliance.²¹⁷ All Arab parties, however, are united in their rejection of a Jewish nation-state and their unwillingness to defer to the PLO on the matter.

Today they are making their own demands of Israel; their agenda reflects a belief that their problems have become theirs and theirs alone and that only they can protect and promote their interests.²¹⁸ In the words of an Arab human

rights activist, "we cannot hold back in the interest of a never-ending peace process that is at any rate incapable of producing anything for us".²¹⁹ As a result, the Arab minority today feels that it has been "dragged" into the diplomatic process, if only to protect itself.²²⁰ They stress that they will not end their claims – be they recognition of the community's national rights, individual equality, or acknowledgment by Israel of its responsibility for what happened in 1948²²¹ – until they are satisfied.²²² Some analysts among the minority go so far as to suggest that they could become "peace spoilers" should their aspirations remain

were considered "legitimate representatives of the Palestinian people". One said, "they fell into a trap: they allowed Israel to dictate the framework of the negotiations according to Israel's interests". Crisis Group interviews, Nazareth/Haifa, October-December 2011. An Adalah official said, "it took some time for the Arabs in Israel to really grasp the consequences of the PLO leaving them to their own destiny through the Oslo Accords. Today, we have internalised that no one will improve our situation except ourselves". Crisis Group interview, Haifa, December 2010.

²¹⁹ Crisis Group interview, Haifa, December 2010.

²²⁰ Crisis Group interviews, Jerusalem/Haifa/Nazareth/Umm al-Fahm, November 2010 to February 2011. An Arab human rights activist lamented: "Palestinians in Israel have no wish to be part of the peace process. But with Lieberman's speech at the UN, we are most definitely becoming dragged into it". Crisis Group telephone interview, December 2010. Knesset member Hanna Sweid (Hadash) echoed this view: "As a community, we never sought direct inclusion in the peace process. But now, as we see that an eventual agreement might have serious ramifications for our community, we simply have to react. We have to make our voice heard". Crisis Group interview, Jerusalem, January 2011. As Jamal Zahalqa, a Balad Knesset member, said, "the new items on the Israeli diplomatic agenda are primarily aimed against the Palestinian community in Israel. We did not want to be involved in this process but we cannot escape the fact that we are". Crisis Group interview, Jerusalem, January 2011. Zahalqa related that he and his colleagues have been lobbying the Palestinian leadership in Ramallah not to recognise Israel as a Jewish state and to reject any outcome that would result in Palestinian citizens of Israel finding themselves part of a Palestinian state; more broadly, he urged them to "refrain from any decision that might harm the Palestinians in Israel". A senior PLO official said that the organisation could do that but no more: "The maximum we can do for them is to avoid hurting them, for instance by endorsing Israel as a Jewish state". Crisis Group interview, Ramallah, December 2010. Crisis Group interviews, civil society leaders, Haifa and Nazareth, December 2010 to April 2011.

²²¹ Crisis Group interviews, Haifa/Nazareth, January-December 2011.

²²² According to a human rights lawyer, "there will be no 'end of claims' without our goodwill and support – which is hard to imagine as long as our second-class status persists". Crisis Group interview, Haifa, December 2010. Knesset member Haneen Zoabi made a similar point: "Israel will never get 'end of claims' until it deals with '48 issues' as well. If Israel wants a lasting peace, it will have to meet our demands". Crisis Group interview, Nazareth, January 2011.

²¹⁴ Israel's sixth reservation was: "... Declared references must be made to Israel's right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel". *Haaretz*, 27 May 2003. That said, Israeli officials had privately brought up the topic earlier, for instance at the Camp David talks. Crisis Group interview, U.S. official, Washington DC, March 2009.

²¹⁵ Ibrahim Sarsour of the southern Islamic movement (part of the United Arab List) said, "I told the leader of Hadash that we don't object to a Jewish [Knesset member] from Hadash being part of our list. That is because I believe there are Jews who are interested in protecting our mutual interests. And as the weakest member of Israeli society, cooperating with those Jews will be to my benefit. That's why we participated in the latest Israeli social protests". Crisis Group interview, Kafr Qassem, November 2011.

²¹⁶ A Balad activist from Nazareth pointed out that at the outset of the Arab Spring, Hadash – which controls the city's municipal council – initially blocked demonstrations in the city in support of the Tunisian people. Only after the PA permitted a demonstration in Ramallah did the municipality permit one in Nazareth. Crisis Group interview, Ramallah, February 2012.

²¹⁷ "Balad may be secular, but its style of politics echoes that of Salah and Hamas – a strong streak of populism, an appetite for confrontation, and a rhetoric of perfect justice at the expense of all else". Crisis Group interview, political analyst, Nazareth, January 2012.

²¹⁸ Among Arabs in Israel, the Palestinian leadership in Ramallah is deeply mistrusted. A political activist called them "traitors" for what he regarded as compromises on the question of refugee rights and the 1967 borders. Others said they no longer

unaddressed.²²³ As one put it, “President Abbas can declare an ‘end to all claims’ if he likes, but its value will be undermined by the fact that the demands of the Palestinians in Israel will persist. You simply cannot solve the conflict without taking our concerns into account”.²²⁴

Disillusioned with Israeli politics, Palestinian citizens increasingly are making the trek to the West Bank.²²⁵ Many do this for economic and social reasons: weekend shopping, holiday vacations, Ramallah’s nightlife.²²⁶ For others, their agenda is rooted in politics. There has been a noticeable trend in recent years of the Palestinian minority’s young intellectuals and political activists migrating to Ramallah and East Jerusalem, where they work in Palestinian national political institutions and civil society organisations. While some of this has been driven by the lure of financial rewards and greater prestige, for others there is a sense of common cause with those who have seen their own peace agenda evaporate. This still young and inchoate alliance has its origins less in deliberate strategy than in a sense of mutual fragility, with each seeking support from their brethren across the Green Line to reinvigorate their struggle. A Palestinian from Nazareth active in West Bank politics explained:

Arabs from 1948 [that is, the “from the lands of 1948”, which today is Israel] come here to be part of the national movement. We are not here only because we feel discriminated against within [the lands of] 1948. We are here also because Oslo excluded us, so now we have to take the initiative. The leadership here says they

²²³ Crisis Group interview, Nazareth, September 2011. Arab Knesset members could, for example, vote against ratification of such a peace agreement and fight its implementation. Crisis Group interview, Jafar Farah, Haifa, December 2010.

²²⁴ Crisis Group interview, Professor Nadim Rouhana, Haifa, January 2010. Balad Knesset member Jamal Zahalqa offered a similar warning in a talk to intellectuals in Ramallah: “All of you in this room get to have an opinion about Palestinian politics. But when I, as a Palestinian from Israel, state my opinion, the leadership here tells me that I am an interloper talking about something that is none of my business. . . . But let me say this loud and clear: If there is an agreement that does not address my rights, I will be out there protesting again the very next day”. Crisis Group observation, Ramallah, October 2009.

²²⁵ Ramallah and Nazareth recently signed the first “twin cities” agreement between Israel and the West Bank. “We want to reconnect”, said an official in Nazareth. *The Economist*, 25 February 2012.

²²⁶ “I started coming here because I wanted to be in an Arab space, to feel like I was part of Palestinian community, to feel comfortable with who I am. I got tired of going out in Tel Aviv and Haifa and being warned to keep a low profile, to not let on that I’m Arab, to not speak loudly in Arabic. Here I speak with people who speak my language, and nobody tells me to keep my voice down”. Crisis Group interview, Palestinian citizen of Israel working in Ramallah NGO, Ramallah, January 2012.

do not represent us – and good, we don’t want them to. We are taking up our role here to show that we are part of the Palestinian people and in the process, to erase the stereotypes that 1948 Palestinians are somehow less Palestinians by virtue of association with Israel.²²⁷

In comparison with Israel, the West Bank is an Arab hinterland (as they are prohibited from travelling to Gaza) that offers the prospect of cooperation with Palestinian forces more powerful than their own.²²⁸

Similarly, for some West Bank elites, the appeal of a joint national front has grown as diplomatic prospects have waned. The PLO and Palestinian Authority (PA) have long interacted with Palestinian citizens as individuals— perhaps the most prominent example is Ahmed Tibi, who has served as adviser to Arafat and Abbas – but for some West Bankers, the political agendas of Palestinian citizens themselves are models to learn from and emulate.²²⁹ A Palestinian businessman and activist commented:

1948 Arabs have shown more strategic thinking in the Vision Documents than Palestinian national institutions have shown in the last 25 years. Soon, the last gasps of the old negotiating paradigm will expire, and in the huge vacuum that appears, everyone will look to 1948 Palestinians for leadership. They understand what discrimination really means from the inside. For them, it’s not whether Israel should exist or not. The diaspora tends to have fruitless debates about this question, but it misses the point. The point is that Israel does exist, and the question is how to make it a proper country. 1948 Arabs can provide the leadership and the transitional thinking as the national movement moves into a new stage. They have a deeper understanding of coexistence, or what it will take to get to coexistence, than we do. We live in a bubble.²³⁰

²²⁷ Crisis Group interview, Palestinian citizen of Israel and political activist Najwan Berekdar, Ramallah, February 2012.

²²⁸ According to a young activist from Haifa who works in the Palestinian Authority, “in Ramallah, there is a sense of release from the stifling conditions of our political life [in Israel]. It’s not that politics in Ramallah is more enlightened or visionary; it’s not. It’s just that the horizons seem to open up again. I feel unambiguously Palestinian, and the bigger picture comes a little more into focus”. Crisis Group interview, Haifa, October 2011.

²²⁹ A Ramallah civil society activist commented: “We are living their experience. Right now there is one power from the sea to the river. That power is herding us into cantons [in the West Bank] just like 1948 Palestinians were herded into a small number of villages and towns in Israel”. Crisis Group interview, Ramallah, January 2012.

²³⁰ Crisis Group interview, Ramallah, February 2012.

Interest of this sort in Ramallah has grown over the past several years,²³¹ but so long as the current leadership of the Palestinian national movement remains what it is, it is unlikely that Palestinian citizens will transcend the still marginal, if expanding, role that they currently play. Indeed, not everyone is happy with what cross-fertilisation might yield, particularly should it wind up challenging a two-state agenda. At a recent conference in Ramallah, a participant sharply challenged a speaker for promoting a joint national struggle across the Green Line. “You are pulling us back 50 years”, she said, “and undermining the international legitimacy on which the Palestinian struggle is based. If we start talking about the occupation of 1948, forget it, we’re finished”.²³²

B. ISRAEL’S JEWISH CHARACTER

Over the past decade, the contest over the identity of the State of Israel has intensified. At one level, Israeli-Jews deliberate the kind of character their state should have, with differences about the relationship between religion and state and – to the extent that the two are intertwined – whether Orthodox Judaism should retain its centrality. In parallel, Israel’s Jews and Arabs dispute the extent to which Israel should maintain its Jewish character and, more specifically, how its character affects Arab rights. The latter debate has seen sharp escalation. Alienated, Palestin-

ian citizens increasingly are advocating Israel’s transformation into a binational state; resentful, Jewish citizens have insisted all the more on the state’s Jewish identity. The dual trends are mutually reinforcing: the more Palestinians challenge the notion of a Jewish nation-state, the more they exacerbate Jewish fears and the more Israel’s Jewish citizens insist on it; the more Israeli Jews insist on such a state and legislative initiatives target those who oppose it, the more Palestinians reject it.

It is in this context, at least in part, that one should understand Prime Minister Netanyahu’s insistence on Palestinian acceptance of Israel as a “Jewish state” – or rather, as “the nation-state of the Jewish people”, which government officials consider more accurate because it clarifies that the aim is not to enshrine a Jewish theocracy, but rather to secure the right of the national majority to determine the character of its state.²³³ At times, this demand has been presented as an indispensable component of any putative agreement,²³⁴ at others as a quid-pro-quo for possible Israeli concessions.²³⁵ Although some have

²³¹ At a recent strategy conference where a number of Palestinian citizens were present and presented papers, a speaker observed that two years ago, “such a presence of 1948 Palestinians and 1948 concerns would have been unimaginable”. Crisis Group observation, Jericho, 22 January 2012. Asked how the panel was conceived, a conference planner commented: “It wasn’t an accident. There is a popular demand in the West Bank to be in touch with 1948”. He added that this was the case especially among the older generations, “who still feel connected to 1948, and for them, at moments of crisis, you go back to basics”. But for West Bank youth, he added, who have been cut off from Israel for a decade or more, their familiarity with, and consequently their interest in, the experience of Palestinian citizens is much lower. Crisis Group interview, Ramallah, February 2012.

²³² Crisis Group observation, Jericho, 22 January 2012. A Fatah leader was critical of the political style of certain Arab Knesset members, particularly those from Balad: “I try to talk to them and get them to tone it down. You can’t have any influence if you are so provocative”. Crisis Group interview, Ramallah, January 2012. Balad has a history of tension with the PA and the PLO. Balad leaders such as Azmi Bishara and Haneen Zoubi have been outspoken in their criticism of the Palestinian leadership in Ramallah. Zoubi, for instance, said, “it’s time for Palestinians to say enough to the PA, enough to their Oslo agreement which deepened the occupation, expanded settlements and isolated Gaza. The PA has the responsibility for the daily services of occupation while Israel continues to expand, taking our land, water and resources”. *Palestine Monitor*, 12 July 2010.

²³³ After President Abbas, in his September 2011 UN speech, refused to endorse Israel as a Jewish state on the logic that it would transform the conflict into a religious one, a senior Israeli security official commented: “In his own speech, Netanyahu should have included a line in Arabic, ‘Ihna shaab’, ‘We are a people’. The demand to recognise the Jewish character of the state has nothing to do with religion. Jews are a people, and as such, we insist on our right to national self-determination”. Crisis Group interview, Tel Aviv, November 2011.

²³⁴ In his 2009 speech at Bar Ilan University, Netanyahu said, “even the moderates among the Palestinians are not ready to say the … simplest things: The State of Israel is the nation-state of the Jewish People and will remain so.... The fundamental condition for ending the conflict is the public, binding and sincere Palestinian recognition of Israel as the nation-state of the Jewish People”. *Haaretz*, 14 June 2009.

²³⁵ A senior Israeli official quoted Netanyahu as having told U.S. Envoy George Mitchell, “Israel expects the Palestinians to first recognise Israel as a Jewish state before talking about two states for two peoples”. Another official said that it was “a crucial element in moving forward with the political dialogue”. *Haaretz*, 16 April 2009. This was viewed by some as setting a precondition for talks. In response to U.S. disapproval, the Israeli government clarified its position. *Haaretz*, 19 April 2009. “We never really meant it to be a precondition”, an Israeli official in the strategic affairs ministry said, “we were trying to make the point, perhaps not in the most successful way, that if the Palestinians set preconditions for negotiations, we can too”. Crisis Group interview, Jerusalem, May 2009. In October 2010, Netanyahu said recognition of Israel as a Jewish state was a quid-pro-quo for Israel accepting an additional settlement moratorium: “If the Palestinian leadership will unequivocally say to its people that it recognises Israel as the national state of the Jewish people, I will be ready to convene my cabinet and ask for another moratorium on building”. BBC, 11 October 2010. At the time, a strategic affairs ministry official said that the

branded the demand a “cynical ploy”²³⁶ – a means used by his government to ensure there will be no progress in talks – it resonates deeply with Israeli Jews and reflects Netanyahu’s deeply-held belief that the question of Palestinian recognition of the Jewish character of the state lies at the core of the conflict. One of his advisers said:

The fundamental conflict here is about the Jewish state. Some say that Palestinians cannot be Zionists – but they will have to become Zionists if Zionism means that Jews have a right to be here. In Israel, with the exception of some marginal elements, there is recognition of the Palestinian and Arab claim and the question is how to share a piece of territory that we both consider our house. But on the Palestinian side, there is no such thing. Instead there is a “triangle of denial”: of Jews as a people; of Jewish history; and of the Jewish political state. This is the core of the conflict: Palestinians cannot accept the fact that Jews have a legitimate claim here.²³⁷

This denial – present among the Arab minority in Israel and Palestinians more broadly – has implications not only for the political negotiations but, Israeli officials say, for the country’s security as well. As another adviser put it, “security has three components: the demilitarisation of the Palestinian state; Israeli security arrangements in the West Bank; and Palestinian acceptance of the Jewish state. Of the three, the last arguably is the most important”²³⁸ since it could minimise future risks by making it more likely

demand again “has been misunderstood as a precondition for talks. It is not. It is an indication that if the Palestinians set preconditions, we can set them too”. Crisis Group interview, Jerusalem, October 2010. According to a U.S. official, Netanyahu in July 2011 was prepared to accept President Obama’s proposal that the basis for negotiations be the 1967 lines with agreed territorial exchanges, as long as Palestinians accepted – or made clear that, as part of a final settlement, they would accept – Israel as a Jewish state. Crisis Group interview, Washington, July 2011. This trade-off was a key element of the deal that the U.S. tried to broker via a Quartet (U.S., Russia, EU, UN Secretary-General) statement before President Abbas’s September 2011 speech at the General Assembly. It failed, partly over the other Quartet parties’ reluctance to include a reference to the Jewish state. See Crisis Group Middle East Report N°112, *Curb Your Enthusiasm: Israel and Palestine after the UN*, 12 September 2011, p. 6.

²³⁶ Crisis Group interview, European diplomat, Brussels, October 2011.

²³⁷ Crisis Group interview, Jerusalem, August 2011. See also Tal Becker, “The Claim for Recognition of Israel as a Jewish State: A Reassessment”, www.washingtoninstitute.org/template_C04.php?CID=338, and Yosef Kuperwasser and Shalom Lipner, “The Problem is Palestinian Rejectionism: Why the PA Must Recognize a Jewish State”, *Foreign Affairs*, November–December 2011.

²³⁸ Crisis Group interview, Tel Aviv, December 2011.

that a political agreement will hold and reduce the risk of future irredentist claims.²³⁹ The above-mentioned adviser to the prime minister said, “a conflict can end with two scenarios. First, in such a total defeat of the enemy that the price of ever returning to war is just too much. This is what the U.S. did to Japan. Israel has never inflicted that level of defeat on its enemy. Secondly, if you have justice. If your opponent believes that there is some justice to your cause, the peace can hold”.²⁴⁰

The PLO has resisted repeated Israeli and U.S. requests to advance such recognition. Although there is some precedent for acceptance of Israel as a Jewish state – including, implicitly, the 1988 Palestinian Declaration of Independence, as well as statements by Palestinian leaders²⁴¹ – the PLO has hardened its opposition as the issue has come to the fore. A PLO official dismissed the possibility, arguing it would prejudice negotiations over refugees and compromise the position of Palestinian citizens of Israel.²⁴² Members of Israel’s Arab community are, if anything, more adamantly opposed to recognising the state’s Jewish character, although as seen above, they have been more flexible regarding alternatives that Israelis view as falling short, such as the Haifa Declaration’s acceptance of national self-determination for Israeli Jews.

²³⁹ An Israeli official said, “the concern was that once there was a Palestinian state, Bedouin in the south, or Israeli-Arabs in the Galilee, would possibly start movements to link up with the new state. Accepting Israel as a Jewish state would not only put to rest the dreams of Palestinian refugee return, but any possible future irredentist claims as well”. *The Jerusalem Post*, 20 September 2011.

²⁴⁰ Crisis Group interview, Netanyahu adviser, Jerusalem, August 2011.

²⁴¹ The Declaration of Independence reads: “Despite the historical injustice inflicted on the Palestinian Arab people resulting in their dispersion and depriving them of their right to self-determination, following upon UN General Assembly Resolution 181 (1947), which partitioned Palestine into two states, one Arab, one Jewish, yet it is this Resolution that still provides those conditions of international legitimacy that ensure the right of the Palestinian Arab people to sovereignty”. www.al-bab.com/arab/docs/pal/pal3.htm. In 2004 Yasser Arafat, in commenting on refugees, said Israel “definitely” would remain Jewish in the context of a future diplomatic agreement, a position that he backed by reference to the Arab Peace Initiative. *Haaretz*, 18 June 2004. Some suggest as a solution putting the discussion of Israel’s character at the end of negotiations once other outstanding issues have been resolved. See Tal Becker, op. cit.

²⁴² Crisis Group interview, Ramallah, December 2010. On Dream2 TV (Egypt), Abbas was unequivocal: “They started talking to me about the ‘Jewish state’ only two years ago, discussing it with me at every opportunity, every forum I went to – Jewish or non-Jewish – asking: ‘What do you think about the “Jewish state”?’. I’ve said it before, and I’ll say it again: I will never recognise the Jewishness of the state, or a ‘Jewish state’”. www.memritv.org/clip/en/3163.htm.

In Arab eyes, agreeing to a Jewish state could imply endorsement of various manifestations of unequal status.²⁴³ approving the legitimacy of unrestricted Jewish migration into Israel while maintaining restrictions on Palestinian Arab migration; retroactively justifying large-scale land confiscation under the Absentee Property Law; downgrading Arabic as an official language; and condoning restrictions that prevent Palestinian citizens from bringing a spouse from the West Bank or Gaza into Israel.²⁴⁴ At a symbolic level, Palestinians in Israel believe recognition under virtually any guise would constitute an act of communal self-negation, potentially stripping their presence in Israel of legitimacy and heightening their political vulnerability.²⁴⁵

Indeed, PLO endorsement of Israel as a Jewish state, or Jewish nation-state, would face fierce opposition from large segments of Israel's Palestinian community. Tellingly, PLO Secretary General Yasser Abed Rabbo's October 2010 statement suggesting the organisation eventually might recognise Israel as a Jewish state provoked an outcry from the Arab community.²⁴⁶ In response, Jamal Za-

halqa, a Balad Knesset Member said, "neither Yasser Abed Rabbo nor anyone else has the right to sell the rights of the Palestinians in the interior [Israel's 1948 borders], or to waive the rights of the refugees abroad or to confer legitimacy for that by recognising Israel as a Jewish state".²⁴⁷ In a letter sent by the High Follow-Up Committee during the Abbas-Olmert negotiations in 2008, Israel's Arab political leadership urged the PLO leader to reject any agreement acknowledging Israel as a Jewish state.²⁴⁸

The interests and rhetoric of Palestinian citizens of Israel and of refugees in the West Bank, Gaza and the diaspora increasingly coincide with respect to the symbolic dimensions of recognising Israel as a Jewish state. Palestinian Israeli attorney Hassan Jabareen's assertion that doing so would be "to declare their surrender, meaning to waive their group dignity by negating their historical narrative and national identity"²⁴⁹ was largely echoed by Palestinian refugee Ahmed Khalidi, who wrote: "For us to adopt the Zionist narrative would mean that the homes that our forefathers built, the land that they tilled for centuries, and the sanctuaries they built and prayed at were not really ours at all and that our defense of them was morally flawed and wrongful: we had no right to any of these to begin with".²⁵⁰

It is not surprising, then, that Palestinian citizens have stepped in to champion their brethren in the diaspora.²⁵¹ In the process, the Arab struggle for rights inside Israel

²⁴³ The Future Vision document states: "The official definition of Israel as a Jewish State created a fortified ideological barrier in the face of the possibility of obtaining full equality for the Palestinian Arab citizens of Israel". Knesset member Haneen Zoubi added: "It is the crux of the matter, from which all discriminatory legislation and practices derive. All aspects of our treatment as second-class citizens ultimately derive from this principle". Crisis Group interview, Nazareth, January 2011. Hassan Jabareen, director of Adalah, noted that the Arab leadership's refusal to recognise Israel as a Jewish state was not the same as denying Israeli Jews' right to self-determination: "This explains why Palestinian citizens of Israel who recognise the right of Israel to exist and the right of self-determination of Israeli Jews, as it is expressed in the Arab 'Future Vision' documents ... can still strongly resist the exclusiveness embodied in the definition of Israel as a Jewish state". *Haaretz*, 9 February 2011.

²⁴⁴ Two amendments, in 2003 and 2005, to the Citizenship and Entry into Israel Law severely restrict the right of Palestinian citizens to live in Israel with a Palestinian spouse from the occupied territories or an Arab spouse from an enemy state. In January 2012 a Supreme Court majority upheld the constitutionality of the law, chiefly on grounds of Israel's security, though some justices suggested it also served a demographic purpose, protecting Israel's future as a Jewish state. *Haaretz*, 15 January 2012; Adalah press release, 12 January 2012.

²⁴⁵ "It opens the door for people like Lieberman to contest our status as citizens". Crisis Group interview, Mohammed Zeidan, director of the Arab Association for Human Rights (HRA), Nazareth, September 2011. President Abbas made the same point in his recent Arab League speech, when he said that recognising Israel as a Jewish state would be tantamount to recognising that the "1.4 million Palestinian Arabs in Israel have no value". *Al-Quds Al-Arabi*, 13 February 2012.

²⁴⁶ Abed Rabbo said, "it is important for us to know where the borders of Israel are and where are the borders of Palestine. Any formulation the Americans present – even asking us to call

Israel the 'Chinese State' – we will agree to it, as long as we receive the 1967 borders". *Haaretz*, 13 October 2010.

²⁴⁷ The Palestine Information Centre, 13 October 2010.

²⁴⁸ Crisis Group interview, Awad Abdel Fattah, Balad's secretary general, who was among those who drafted the letter, Nazareth, November 2011.

²⁴⁹ *Haaretz*, 2 September 2011.

²⁵⁰ "The Palestinians cannot be Zionists", Middle East Channel, 15 June 2011.

²⁵¹ The Arab community has cultivated a new role as the "guardian" of the refugees' interests by fighting for the right to access and protect hundreds of Palestinian villages destroyed during and after the 1948 War. Organisations such as Adalah have drawn attention to what they term "abuses" of the refugees' legal rights to their property, including Israel's recent efforts to privatise and sell off refugee lands. See www.adalah.org/eng/pressreleases/pr.php?file=09_06_22. In addition, new groups have been established to organise mass events in support of refugee claims. Arab activists – sometimes in tandem with Jews, for instance in the organisation Zochrot – have organised trips and marches to destroyed Palestinian villages. These actions have attracted media coverage from Arab television stations, as well as opposition from Israeli authorities and the Jewish public. Arab activists also played significant roles in organising the 2011 marches of refugees from Syria and Lebanon to Israel's north. A political activist said the Arab minority saw its role as defending against the "expected attempt of Palestinian negotiators to trade away the right of return". Crisis Group interview, Nazareth, November 2011.

has been aligned with the refugees' fight for return and restitution, forming what a former Hadash local councillor hoped would be a "blocking majority".²⁵² A Balad official said, "if the Palestinian leadership thinks it can sell out more than a million Palestinians in Israel and millions more refugees by recognising Israel's Jewishness, it is seriously misreading the situation. They can do it, but it will explode in their – and Israel's – faces".²⁵³ This united front, an analyst asserted, cannot be ignored: "Abbas cannot just say and do as he pleases. The refugees and the Palestinians in Israel have very similar concerns, and neither side will accept a de-nationalisation of their problem".²⁵⁴

C. POPULATED LAND SWAPS

Over the past decade, some Israelis have proposed that the territorial swaps contemplated in a final status agreement in order to include settlements in Israel, also should include Arab-populated areas of Israel, thereby altering the demographic balance and ensuring a more solid Jewish majority.²⁵⁵ Such a land exchange would involve transferring the Arab Triangle, situated next to the northern West Bank,²⁵⁶ to the future Palestinian state.²⁵⁷ Formally it has

²⁵² Crisis Group interview, Abir Kopty, Nazareth, September 2011.

²⁵³ Crisis Group interview, Haifa, August 2011.

²⁵⁴ Crisis Group interview, Professor Amal Jamal, Nazareth, September 2011.

²⁵⁵ While all proposals mentioned in this section were for "populated land swaps" (*hilufi shtachim meuchlasim* in Hebrew), some use the ambiguous and potentially misleading term "population swaps" (*hilufi uchlusin*). Proponents of the former object that the latter misrepresents their intention, which is to redraw the border as opposed to physically relocating the population. For many Palestinians – mindful of the *Nakba*/1948 War, when over 700,000 Palestinian Arabs were displaced from the territory that today is Israel – this distinction does not make the proposal acceptable.

²⁵⁶ There are no detailed plans or maps showing exactly which areas would be part of a swap. Those promoting the scheme have generally referred to the "Arab Triangle", which is geographically imprecise, or "Arab-populated areas close to the Green Line". The proposal is usually understood to include Arab population centres such as Umm al-Fahm, Kafra Qara, Ar'ara, Baqa-Jatt, Qalansawe, Tayibe, Kafra Qasim, Tira, Kfar Bara and Jaljulia.

²⁵⁷ Opinions differ considerably about the number of Palestinian citizens who could find themselves on the other side of the border, with estimates ranging from 130,000 to 350,000. A Yisrael Beiteinu official estimated that a swap of the Arab Triangle would mean that "300,000 to 400,000 Israeli Arabs would end up in an eventual Palestinian state. The remaining Arab community in Israel would number between 800,000 and 900,000". Crisis Group interview, Jerusalem, January 2010. This figure was challenged by a study carried out by Israeli researchers Shaul Arieli and Doubi Schwartz, which calculated that a swap of the Triangle would affect "a maximum number of 162,200

been championed chiefly by Israel Beiteinu,²⁵⁸ Israel's third-largest party, and its leader, Foreign Minister Lieberman; it has not been adopted by any other major party and has been sharply dismissed even by some on the right.²⁵⁹

Still, a Kadima official cautioned against disregarding the idea as marginal or irrelevant: "Lieberman expresses what many Israelis think but are not willing to articulate in public".²⁶⁰ Some Likud Knesset members and ministers, as well as former officials in Netanyahu's office, have endorsed it.²⁶¹ Former Prime Ministers Barak and Sharon did not discount the option,²⁶² and Tzipi Livni, leader of the

and a minimum number of 130,200 people" – or around 10 per cent of Arab citizens and 2 per cent of Israel's total population, www.fips.org.il/site/p_publications/item_en.asp?iid=751.

²⁵⁸ Its official platform promotes "the exchange of land highly populated by Arabs for land with Jewish settlements as a viable proposal for solving the Israel-Palestinian conflict". www.beytenu.org/107/2193/article.html. In several election campaigns, the party has rallied under the slogan "Umm al-Fahm First", echoing the "Gaza-Jericho first" redeployment of Israel in the West Bank and Gaza in 1994.

²⁵⁹ A Likud minister characterised populated land swaps as "ludicrous". Crisis Group interview, Jerusalem, December 2011.

²⁶⁰ Crisis Group interview, Jerusalem, January 2011. Another Kadima Knesset member, Otniel Schneller, proposed a variation on the populated land swap, arguing that Palestinians in Israel should make sacrifices for the "broader national interest" in a peace deal, just as settlers would have to do: "If for demographic separation I have to leave my house [in the West Bank], then they [Arab citizens] need to be willing to do the same thing". Crisis Group interview, Jerusalem, December 2011.

²⁶¹ In November 2010, Knesset member Carmel Shama (Likud) said, "When the State of Israel reaches an arrangement with the Palestinians, in a final-status arrangement too, we have to transfer the area of the Triangle and the area of Umm el-Fahm to the responsibility of the Palestinian Authority". He continued: "As many Arabs as possible ... need to move to live in the Palestinian Authority". *Israel Hayom*, 14 November 2010. In a 2005 interview, Uzi Arad, who later became Netanyahu's national security adviser, said, "for example, the Gush Etzion and Ariel blocs and towns in the Jerusalem district could be exchanged for the towns and surroundings of Umm El Fahm, Arara, Bartaa, Qalansuwa, Taybe, Tira, and Kfar Kassem. A land-swap plan must be part of a final status agreement between Palestine and Israel. Indeed, it appears that, without such territorial exchanges, a final agreement may not be reachable". "Trading Land for Peace", *The New Republic*, 18 November 2005. Education Minister Gideon Sa'ar is a long-time champion of swapping West Bank settlements with Arab-populated villages in Israel. In a 2002 Knesset speech, he said, "in return for the Jewish settlements in Judea and Samaria which will remain in our hands, we shall cede territories densely inhabited by Arabs living close to the Green Line, like Umm el Fahm, to the Palestinian Authority". *Maariv*, 8 December 2003.

²⁶² Ehud Barak mentioned a populated land swap in 2002 in an interview, saying "such an exchange makes demographic sense and is not inconceivable". He said it should be done "by agreement", but it was unclear if this referred to the agreement of the

centrist Kadima party, appears to have proposed limited populated land exchanges during peace talks with the Palestinians as a solution for communities divided by the Green Line.²⁶³

Palestinian citizens themselves, including the leadership, privately express great concern that Israel is contemplating not only populated land exchanges, but also forced expulsion, called “transfer” by Israeli Jews.²⁶⁴ The Arab minority points to a popular Israeli discourse in which its growth rate is presented as a “demographic time bomb”; polls that have consistently demonstrated majority support among Israeli Jews for schemes to “encourage emigration” by Arab citizens;²⁶⁵ and a secret national drill by Israel’s security forces in October 2010 that simulated riots and mass arrests in the event of a peace agreement with the Palestinians that included populated land swaps.²⁶⁶

PLO leadership or the inhabitants to be exchanged. *The New York Review of Books*, 13 June 2002. Sharon spoke of a population exchange to *Maariv* in 2004: “I asked that it be examined legally. It is a complicated problem. I don’t have an answer on the matter yet, but I am certainly checking it”. One of Sharon’s officials later clarified to *The Jerusalem Post*: “It’s not a plan for now. It will only be on the agenda when there is an agreement between the two sides [Israel and the Palestinians]”, www.unitedjerusalem.org/index2.asp?id=402959&Date=2/3/2004.

²⁶³ Documents from the Annapolis negotiations in 2008, leaked to Al Jazeera in January 2011, showed that the Israeli delegation – led by Livni, then the foreign minister – proposed a limited populated land swap that would have included several towns next to the Green Line, in the Triangle area and in East Jerusalem. Ahmed Qurei, the Palestinian chief negotiator, responded: “This will be difficult. All Arabs in Israel will be against us”, www.guardian.co.uk/world/palestine-papers-documents/3027.

²⁶⁴ “It may sound ridiculous to outsiders, but we live with a very real fear of expulsion. Partly it’s connected to the unresolved trauma of the *Nakba* but some of it comes from what we hear from Israeli Jews on a daily basis. I think about the day when the trucks come and I am driven to the border on more occasions than I care to admit”. Crisis Group interview, doctoral student, Haifa, August 2011. In *Let It Be Morning* (Atlantic Books, 2006), Palestinian Israeli author Sayed Kashua imagines a scenario in which his village wakes up to find that it is surrounded by tanks and the borders redrawn to move it into a new state of Palestine.

²⁶⁵ A Haifa University poll in 2004, at the height of the second intifada, found 64 per cent of Israeli Jews favoured encouraging Arab citizens to leave. *Haaretz*, 21 June 2004. The figure remained high, at 53 per cent, in a 2010 poll conducted by the Israel Democracy Institute, www.idi.org.il/sites/english/SectionArchive/Documents/Auditing_Israeli_Democracy_2010.pdf.

²⁶⁶ Israel Broadcasting Authority (Reshet Bet), 8 October 2010, www.iba.org.il/bet/?type=1&entity=680286. According to reports, “in such an event, a large detention camp for Palestinian citizens will be constructed in Golani Junction, at Israel’s north, and all illegal aliens [mainly migrant workers] will be released from prisons to make room for Palestinians”, <http://972mag.com/israeli-security-forces-practice-riots-following-population->

It fears drastic measures might be adopted, including expulsions, were the circumstances propitious, such as during a regional war.²⁶⁷

At the root of these fears sits the open wound that is the *Nakba*, which Palestinian citizens perceive not just as an historical event – the displacement that occurred in 1948 – but also as an ongoing process of dispossession. Mirroring the Jewish insecurity generated by the Palestinian refusal to recognise Israel as a Jewish state, Palestinians note that Israel has yet to acknowledge or make amends for their signal national catastrophe, which, they say, enhances the likelihood it could happen again.²⁶⁸

Lieberman explained the logic of his populated land swaps proposal at the 2010 UN General Assembly: “The guiding principle for a final-status agreement must not be land-for-peace but, rather, exchange of populated territory. Let me be very clear: I am not speaking about moving populations, but rather about moving borders to better reflect demographic realities”.²⁶⁹ (Prime Minister Netanyahu quickly distanced himself from the proposal).²⁷⁰ Adjusting the border to place Arab citizens on the Palestinian side and Jewish settlers on the Israeli side, a Yisrael Beiteinu official said, would be neither radical nor unprecedented; such approaches have been pursued in other ethnic conflicts.²⁷¹ Lieberman’s deputy, Danny Ayalon, explained that as currently devised, the peace process is “unbalanced” in that it is supposed to result in “a Palestinian state for the Palestinians, which some in Ramallah even want to be *Judenrein* [a Nazi-era term meaning Jew-free], … [while]

exchange-mass-detentions-of-israeli-palestinians. Arab politicians and citizens took the event as a warning sign. Crisis Group interviews, Jerusalem and Umm al-Fahm, February 2011. A resident of Umm al-Fahm commented: “This was the most frightening political signal to date. This drill was planned and executed by the government itself, which clearly indicates that the government considers a transfer of the Arab Triangle a possibility in the future. How can I not worry about that!” Crisis Group interview, Umm al-Fahm, December 2010.

²⁶⁷ Crisis Group telephone interview, Jafaar Farah, January 2012.

²⁶⁸ “When Israelis deny the *Nakba*, what does that lead me to think? That they believe they did nothing wrong and that they commit the same crimes again”. Crisis Group interview, architect, Nazareth, November 2011.

²⁶⁹ www.mfa.gov.il/MFA/Government/Speeches.

²⁷⁰ *The Jerusalem Post*, 28 September 2010.

²⁷¹ Lieberman has compared his approach to that taken in relation to the former Yugoslav republics, Czechoslovakia and East Timor. The *Jerusalem Post*, 28 September 2010. His deputy, Danny Ayalon, said separation according to demographic principles “would reduce the chances of future Balkanisation”. Crisis Group interview, Jerusalem, December 2011.

more than a million Arabs are supposed to remain within the borders of Israel".²⁷²

Palestinians overwhelmingly reject the proposal.²⁷³ Although the PLO has accepted the principle of land swaps in the framework of a final settlement, it insists on exchanging settlements for uninhabited swathes of Israeli land adjacent to the 1967 lines.²⁷⁴ The strongest objections come from those who are citizens of Israel. Many worry that their political, economic, and social situation would be inferior to that which they enjoy today.²⁷⁵ Others object on principle, emphasising that they take their Israeli citizenship seriously and that they are not rejecting the state but rather demanding that it treat them fairly. Still others note that the proposal would relocate them to a polity with which they lack affinity after many years of geographical

and cultural separation.²⁷⁶ Merely raising the idea, Raed Salah said, delegitimises the Arab presence in Israel: "This is a debate in which the people concerned are not even being consulted. The Israeli establishment is treating us like merchandise, not human beings, as something that can be brought to the marketplace and traded off against something else".²⁷⁷

All major Arab political movements and civil society organisations in Israel, including the High Follow-Up Committee take a similarly hostile view.²⁷⁸ They argue that populated land swaps would be "tantamount to a second Nakba"²⁷⁹ and weaken the vitality and social cohesion of the Arab community in Israel.²⁸⁰ Several Arab Knesset members maintained that the issue represents "a red line" for the community²⁸¹ and that eventual implementation would be resisted "with all possible means".²⁸²

²⁷² Crisis Group interview, Jerusalem, December 2011. A Yisrael Beiteinu official argued that the territorial exchange should address not only the total number of Arabs in Israel, but also which Arabs remain: "We are not suggesting swapping the Druze villages or the Christian population centres in the north, but rather the heartland of the Islamic Movement". Crisis Group interview, Jerusalem, March 2011. The official added: "This is not Yisrael Beiteinu's official position. You will not find this in our party program. But it is something that we have in the back of our minds". In November 2010, Knesset member Carmel Shama (Likud) referred to the notion as a way to combat "the increased strength of radical Islamic elements, such as Sheikh Raed Salah". *Israel HaYom*, 14 November 2010.

²⁷³ Survey findings vary, though all show low support. In a 2010 poll, 24 per cent of Palestinians in Israel expressed willingness to move to a Palestinian state, Smooha, op. cit.; 17 per cent were willing in a December 2011 Brookings Institute survey. www.brookings.edu/~/media/Files/rc/reports/2011/1201_israel_poll_telhami/1201_israel_poll_telhami_presentation.pdf.

²⁷⁴ Crisis Group interview, PLO officials, Ramallah/Jerusalem, November 2010 to February 2011. One formula used by Palestinian negotiators is that the swapped territories must be of equal size and value. Ibrahim Sarsour, of the southern Islamic Movement, rejected any equivalence between Israeli settlers in the West Bank and Arab citizens of Israel: "Their respective status is very different. Settlers have deliberately and illegally entered the West Bank in order to colonise it. Arabs in Israel on the other hand live where their families have lived for generations. In other words, we didn't move to Israel – Israel moved to us". Crisis Group interview, Jerusalem, November 2010.

²⁷⁵ The Arab minority expresses concern about living under the authority of a Palestinian government. A human rights activist said, "our citizenship is second-class, but at least it gives on us some rights and protections. What protection will Palestinian citizenship confer on me from Israeli bombs?" Crisis Group interview, Nazareth, January 2012. A businessman said, "we look to Fatah's rule in the West Bank and Hamas's in Gaza and don't see many grounds for hope that a Palestinian state will be a tolerant place. The scars of the occupation are deep and will take years, maybe decades, to heal". Crisis Group interview, Baqa al-Gharbiyya, December 2011.

²⁷⁶ After 60 years, many Palestinian citizens say a significant cultural gap has opened up between them and West Bank Palestinians. According to a student from Umm al-Fahm, "the Green Line represents a cultural chasm. Before the creation of Israel, Umm al-Fahm enjoyed strong social and economic links with Jenin [a few km to the south east, on the other side of the Green Line]. But after 60 years of separation, the links are largely gone and the cultural differences are significant. Although we are Palestinians, we have been hugely affected by Israeli culture – we speak Hebrew, we watch Israeli television and we participate in the Israeli public debate. My studies and future professional career are intimately tied to Israel. I would be completely lost if I were to be transferred to the PA". Crisis Group interview, March 2011.

²⁷⁷ Crisis Group interview, Umm al-Fahm, January 2011. Jamal Zahalqa, a Balad Knesset member, lamented that European diplomats sometimes asked him "whether Israeli Arabs could possibly accept any kind of population exchange in a peace deal". He said, "what worries me is the fact that they ask. It is not legitimate for this issue to even be on the agenda". Crisis Group interview, Jerusalem, January 2011.

²⁷⁸ Crisis Group interviews, Haifa/Jerusalem/Tel Aviv/Nazareth, November 2010 to February 2011.

²⁷⁹ Crisis Group interview, civil activist, Acre, February 2011. A PLO official made a similar point: "Lieberman sugars the pill by saying that this is not a transfer but rather a redrawing of the border lines. For us, the distinction is irrelevant. This would be expulsion: Palestinians in Israel will lose their current citizenship and be transferred to another political entity against their will. And we are not talking about any population, but the indigenous people of the country". Crisis Group interview, Jerusalem, December 2010.

²⁸⁰ Crisis Group interviews, Balad members of Knesset, Jamal Zahalqa, Jerusalem, January 2011; Haneen Zoabi, Nazareth, December 2010.

²⁸¹ Crisis Group interviews, Jerusalem/Nazareth, December 2010 to January 2011.

²⁸² Professor Nadim Rouhana said, "a population swap is one of the issues that could trigger unrest. If an eventual final-status agreement includes a swap of the Arab Triangle, there will

IV. CONCLUSION

A. A COMBUSTIBLE MIX: ESCALATION AND THE RISK OF VIOLENCE

For many years, international mediators avoided what they considered an internal Israeli issue – involvement in which, as an Elysée official said, could be construed as a violation of Israel’s sovereignty – and focused instead on the territories occupied in 1967, the legal status of which is much clearer.²⁸³ The assumption was that by addressing Palestinian aspirations to self-determination in the West Bank and Gaza, Israel simultaneously would in effect address the aspirations of its own Palestinian minority. In fact, it was believed that dealing with the domestic Israeli dimension would only further complicate peace efforts. Better then to leave it untouched.

This logic might have been valid in the past; it almost certainly is not today, for several reasons: because chances for a two-state solution appear distant; because Jewish-Arab tensions within Israel are growing and might dangerously flare up before that solution is achieved; and because it increasingly is apparent that any prospective resolution to the Israeli-Palestinian conflict risks doing little to satisfy the needs of Israel’s Palestinian citizens and thus, from an Israeli perspective, not meaningfully ending Palestinian claims, nor resolving the internal contestation over Israel’s identity or nature. The Arab minority would continue to clamour for its civic and national rights to be fulfilled within Israel – which “against my will”, an Arab civil society activist said, “has become my state”.²⁸⁴ PLO leaders could stand accused of having sold out a portion of their constituency.

Worse: in some ways, the expected virtuous cycle (progress toward Israeli-Palestinian peace defusing Jewish-Arab tensions in Israel) is becoming a vicious one, as ideas Israeli officials float in discussing a possible peace deal (acceptance of a Jewish state or nation-state and, possibly, populated land swaps) further poison Jewish-Arab relations. Taking steps now to mitigate tensions and improve relations has thus become a matter of some priority; what appeared at first glance to be an unwelcome encumbrance on peacemaking is now a necessity.

True, there are no signs of an imminent protest movement materialising among Israel’s Palestinian minority. In 2011, when social protests shook the country in what was dubbed the “Israeli summer”, for the first time mobilising large

probably be active resistance among Palestinians in Israel to such a move”. Crisis Group interview, Haifa, January 2011.

²⁸³ Crisis Group interview, Elysée official, Paris, January 2012.

²⁸⁴ Crisis Group interview, Nazareth, December 2010.

segments of the public on an issue unrelated to Palestinians or Israel’s Arab neighbours, Palestinian citizens were almost entirely marginalised. While the protests’ early days saw the emergence of a joint Jewish-Arab agenda for social change²⁸⁵ and some symbolic cooperation between Jewish and Palestinian citizens,²⁸⁶ the protest movement soon shifted toward Israeli-Jewish concerns. Although generally positive about the movement, Arabs viewed it at a distance, as reflected in their weak turnout whether in Jewish or mixed cities.²⁸⁷ This partly was due to decisions by the protesters themselves,²⁸⁸ which made for an unwelcoming atmosphere for Arabs, and partly due to Arab scepticism that their presence would have made a difference.²⁸⁹

²⁸⁵ Among the official demands of the protesters was recognition of most unrecognised Bedouin villages in the Negev and expansion of the municipal boundaries of Arab cities and villages so as to allow natural growth. Dimi Reider, “J14 may challenge something even deeper than the occupation”, 972 blog, <http://972mag.com>.

²⁸⁶ Protest organisers invited Palestinian Israeli author Odeh Bisharat to speak at a rally of 300,000 people.

²⁸⁷ Most demonstrations by Palestinian citizens have been limited to protest tents – a standard display of dissent in the Arab community – in the centres of Arab towns and villages. Crisis Group observation, Nazareth, Arrabe and Hurfeish, August 2011. Yousef Jabareen, head of Dirasat, a policy think-tank for the Palestinian minority, observed: “In general, the atmosphere around the protests was regarded in a positive light. There was not a strong feeling that as Arabs we were included in the protests, but at the same time at least for once we weren’t actually excluded. It was possible for us to connect to the protesters’ discourse about equality, fighting poverty and social justice”. Crisis Group interview, Nazareth, October 2011. Professor Amal Jamal described the protests as “very important” and “surprising”. Sheikh Saleh Lutfi, spokesman for the northern Islamic Movement, compared the protests in Israel to the revolts in Libya, Syria and Egypt. Crisis Group interviews, Nazareth and Umm al-Fahm, September 2011.

²⁸⁸ Mohammed Darawshe, co-executive director of the Abraham Fund Initiatives, observed: “There have been statements [by protest organisers] such as we’re all Jews, or calls to preserve the nature of the protest as civilian, political and Jewish. That created a firewall keeping the Arabs out of the protest, which is a pity, because they’re missing 20 per cent of the population, which could be a real boost”. *Haaretz*, 18 August 2011. Amal Jamal added: “Arabs were welcome only if they didn’t speak Arabic; if they weren’t visible as Arabs”. Crisis Group interview, Nazareth, September 2011.

²⁸⁹ Aida Touma-Sliman, a leading Arab feminist, said the hesitation about participating reflected a “deep disbelief within the Arab population – following decades of exclusion and discrimination – that it is capable of influencing the general Israeli agenda”. 972 Blog, <http://972mag.com>. More generally, the conclusions drawn by Arab leaders about Israel’s protest movement reflected contrasting political positions within the community. Hadash remains committed to Jewish-Arab cooperation; Odeh Bisharat, a Hadash activist and one of the few Arabs

Likewise, the Palestinian minority felt both inspired and empowered by popular uprisings in the Arab world.²⁹⁰ The events solidified the sense that Palestinians in Israel belong to a broader community, and the greater use of social media intensified contacts among disparate groups, in this case between Palestinians in Israel and Palestinian populations elsewhere in the region.²⁹¹ But there is no sense that the Arab awakenings should or could be replicated in Israel. As Awad Abdel Fattah, the Balad general secretary, said: “We are growing much more confident, even if objectively our situation is deteriorating. We do not feel under a real threat. We do not feel like a minority, because we know we are part of the larger Arab world”.²⁹² Still, few believe this new regional climate will galvanise the Arab minority into action.²⁹³

to address a mass rally, described the protests as “the glorious revolution of the young”, adding: “It’s time for this struggle to [be the] struggle of all those being exploited, Jews and Arabs”, *ibid*. Meanwhile, Balad and the Islamic Movement argued that the demonstrations only confirmed their conviction that attempts by Palestinian citizens to integrate into, or make an accommodation with, Israeli Jewish society were “futile”: “The reality, now clearer than ever to us, is that we are not allowed to wage a sustainable struggle like Jewish citizens. We cannot occupy the public square. This regime cannot be toppled so easily because it is an apartheid and colonial regime supported by the Western powers”. Crisis Group interview, Awad Abdel Fattah, Balad activist, Nazareth, September 2011.

²⁹⁰ A Hadash activist observed: “The Arab Spring gives us hope and it empowers us. We no longer feel we are living in a ghetto”. Crisis Group interview, Haifa, August 2011. This view united various political streams. Sheikh Raed Salah made a similar point: “This means that the Israeli occupation authorities know that today they are not only fighting the Palestinian people, but also the entire Arab, Islamic and humanitarian world as long as they continue to deny the rights of the Palestinians to establish a Palestinian state with Jerusalem as its capital”. *Middle East Monitor*, 14 June 2011. For Israel’s Islamist leaders – like Islamists elsewhere – the Arab revolts portend a victory for political Islam. Ibrahim Sarsour, of the southern Islamic Movement, argued: “Democratic elections will bring Islamists to power. And this will bring a certain kind of unity among Islamist countries. This will strengthen Islamic movements everywhere, including in other Arab countries, Europe and Israel”. Crisis Group interview, Kafir Qassem, September 2011.

²⁹¹ The *Nakba* Day protests – with for the first time demonstrations not just in Israel and the Occupied Territories but also on the borders with Syria and Lebanon, were organised via Facebook. Crisis Group interview, Palestinian activist, Haifa, May 2011.

²⁹² Crisis Group interview, Nazareth, September 2011.

²⁹³ Aida Touma-Sliman wrote: “Arabs in Israel also feel that while the changes in the Arab states are being generated by a great sense of ownership that the citizens there have, the Arab public in Israel feels disconnected and alienated from the rest of the population, thus being deprived of the feeling of entitlement which enabled the protests of the Arab Spring, as well as that of

Nor does there appear to be a short-term risk of significant violence. Most Palestinian citizens still vividly recall the rapid and overwhelming crackdown by Israeli security forces against protests and riots in October 2000.²⁹⁴ Moreover, despite the heated rhetoric, many see their future tied to Israel and do not want to further damage relations with the Jewish population or risk renewed boycotts of their communities. There are also widespread concerns that violence could rapidly escalate and further erode the significant social and economic benefits of citizenship.²⁹⁵

Still, it would be wrong to downplay risks inherent in the status quo. Some Arab politicians and civil society leaders worry that things could get more violent, particularly in areas like Acre, Safed, Lod and the Bedouin parts of the Negev;²⁹⁶ an Israeli security official went so far as to raise the spectre of a third intifada, this time inside Israel.²⁹⁷ Political polarisation has generated significant fear and insecurity among Palestinians in Israel, as well as anger toward the Jewish majority and the government. In addition, as discrimination persists, the new generation of Palestinians in Israel – more educated and secure in their place in Israel than their parents and grandparents – appears less intimidated.²⁹⁸

the Jewish population in Israel”. <http://972mag.com>. Balad’s Awad Abdel Fattah noted: “We are excited by the Arab Spring, but we also feel uneasy and envious”. Crisis Group interview, Nazareth, September 2011.

²⁹⁴ A political activist who participated in the October 2000 protests said, “the police and army may use kid gloves when they deal with the settlers, but in our case it’s shoot first, ask questions later. No one cares about a dead or injured Arab”. Crisis Group interview, Nazareth, November 2011.

²⁹⁵ Crisis Group interview, Haifa, December 2010. Many Palestinians in Israel also fear an extreme Israeli response that could exact an enormous cost from a population that has more to lose than its brethren in the West Bank and Gaza. “A large-scale rebellion would open the door for more extreme measures. The consequences of such an escalation could be terrible”. Crisis Group interview, Jaafar Farah, Haifa, December 2010. Similarly, Mohammed Zeidan, director of the Arab Association for Human Rights, feared a doomsday scenario: “If we as a Palestinian minority go to the streets, that means inevitable clashes. It would free Israel to do what it has wanted since 1948 – get rid of the Arabs”. Crisis Group interview, Nazareth, September 2011.

²⁹⁶ Crisis Group interviews, Haifa/Jerusalem/Tel Aviv/Nazareth/Tel Aviv/Shefa-'Amr, November 2010 to February 2011.

²⁹⁷ An Israeli security official agreed: “If there will be a third intifada in the near future, it seems more likely that it will erupt inside Israel than in the territories. Arabs in Israel are subjected to systematic discrimination, and anger is on the rise”. Crisis Group interview, Israel Defence Forces Brigadier General (ret.), Tel Aviv, December 2010.

²⁹⁸ Several Palestinians in Israel related to a new “self-awareness” within the community. A student from Umm al-Fahm said, “there is no way well-educated youth will accept what their par-

Land appropriation, identified by many as the single most important factor that potentially could spark violence,²⁹⁹ continues, as do protests by the northern Islamic Movement against Israeli policy on the Holy Esplanade; home demolitions, in particular among the Bedouin in the Negev, have been on the rise over the last few years.³⁰⁰ Moreover, for those who might opt for violence, access to firearms is significantly easier than before.³⁰¹ More broadly, the events of October 2000 – when the Arab leadership in Israel was caught off-guard by the rapid escalation in clashes between the police and Palestinian Israeli protesters – should serve as a cautionary tale.³⁰²

ents and grandparents accepted. We are not living in the 1950s or 1980s anymore. We have a much stronger sense of our rights, not just as citizens of Israel, but also universal human rights". Crisis Group interview, November 2010. According to Anat Reisman-Levy, deputy director of the Citizens' Accord Forum, "the new generation of Arabs in Israel, which is sometimes referred to as the 'stand tall' generation, has a different willingness to voice its demands compared to the parent and grandparent generations". Crisis Group interview, November 2010.

²⁹⁹ Jaafar Farah, Mossawa Centre director, argued: "While increased anti-Arab rhetoric from the Jewish Israeli right creates the foundations for violence, the real dynamite is the land issues, and continued Israeli measures to expel Palestinians from their land and demolish their homes. Verbal incitement is the context, but the actual expulsion from the land is the real catalyst". Crisis Group interview, Haifa, December 2010.

³⁰⁰ Crisis Group interview, Analyst Nili Baruch, Bimkom (Planners for Planning Rights), Jerusalem, January 2010.

³⁰¹ Several civil society leaders warned about proliferation of firearms among Palestinians in Israel. Jaafar Farah noted: "Half of the homicides in Israel result from intra-Palestinian fighting, and the police and the Shin Bet [Israel Security Agency] largely turn a blind eye to Palestinian possession of weapons as long as they are not turned against Jews. The situation is out of control". Crisis Group interview, Haifa, December 2010. A human rights activist remembered: "A few decades ago, scores of Israeli police officers would enter cities like Umm al-Fahm in order to confiscate one gun. Most of us had never even seen a gun before. Today, anyone can get hold of a gun, either in Israel or through the West Bank market". Crisis Group interview, Haifa, December 2010. Although no Arab political movement in Israel has any kind of armed wing, a few Bedouin youngsters allegedly have amassed weapons and formed militia-like groups to defend their property from demolition. Crisis Group interview, Bedouin rights activist, Tel Aviv, December 2010. There is also reportedly the emergence – still on a very small scale – of new al-Qaeda-style cells within the Muslim community. *Haaretz*, 29 June 2010; *The Jerusalem Post*, 26 July 2011 and 15 September 2011.

³⁰² Jaafar Farah said, "there is also a new preparedness for such a scenario [of large-scale violence], reflecting the negative atmosphere. In 2000, the Israeli authorities' violent response to Palestinian demonstrations in Israel took the community by surprise. We were prepared neither mentally nor physically to deal with the bloody confrontations. There was a lack of medical clinics, as Al-Haya Clinic in Umm al-Fahm was inundated

B. A POSSIBLE WAY FORWARD?

The conflict between Jews and Arabs in Israel is a conflict between members of two nationalities who hold a single citizenship. It also is, in some ways, a subset of a larger conflict, one that opposes the State of Israel to the Palestinian people as a whole – in the Occupied Territories, in Israel and in the diaspora. When it signed the Oslo accords, the PLO in effect dropped any claim to represent Israel's Palestinian citizens; but it would be illusory to imagine that meant a severing of any political relationship.

As a result, while some necessary measures – such as a reduction in the level of discrimination – could and should be implemented in the absence of a peace accord, a grand bargain between Israel's Jewish and Arab communities, difficult even under optimal circumstances, is extremely unlikely without a two-state solution. Indeed, it is all but impossible for the Arab leadership in Israel to enter a separate dialogue concluding in the endorsement of the legitimacy of a state that remains locked in conflict with its own people on the other side of the Green Line and beyond.³⁰³ Nor would it see the logic in recognising Israel's Jewish character at a time of uncertainty about whether a two-state solution will even materialise. By the same token, an Israeli government is unlikely to make significant concessions to the Arab minority in the absence of a grand bargain resolving all Palestinian national claims against Israel; such compromises arguably would merely set the stage for the conflict's subsequent re-emergence with Palestinians in a position to better press their case.

with wounded people. The civil society organisations that were supposed to document such events didn't even have cameras. It was a mess. Today, the preparedness for a worst-case scenario is much higher". Crisis Group interview, Haifa, December 2010.

³⁰³ With some Palestinian elites, in both Israel and the Occupied Territories, doubting the feasibility of a two-state solution, many in the Arab community feel that historical momentum is with them. Rather than compromising on any of their aspirations, some believe they would be better served by waiting for the political goals of Palestinians inside Israel to merge with those in the West Bank and Gaza, creating a united Palestinian front that adopts a civil rights struggle based on the objective of a single binational state encompassing Israel and the Occupied Territories. In the words of Yousef Jabareen, of the Dirasat policy think-tank, "that could lead to a unified platform for one state and one struggle, bringing together the two parts of the Palestinian people". He added: "This kind of scenario is not yet visible to the ordinary people, but it is being discussed by Palestinian elites who are thinking about what happens if there is no Palestinian state". Crisis Group interview, Nazareth, October 2011. "The PLO is no longer representative of the Palestinian people. Something new will have to come along to replace it, and it will be very different from what we have now – not least it will need to be responsive to the whole Palestinian public". Crisis Group interview, Mohammed Zeidan, director of the Arab Association for Human Rights, Nazareth, September 2011.

As a result, the most realistic path forward might entail a three-stage process:

1. Steps to Integrate Palestinian Arabs and Reduce Tensions

Israel could adopt a number of overdue measures to redress some of the more glaring economic and social inequities, which would have the political benefit of integrating Palestinians into the Israeli mainstream. It could start at the level of individual rights, notably by moving forward with its multi-year plan to eliminate discrimination in allocation of state resources to the Arab community – particularly regarding education – through legislative and budgetary means,³⁰⁴ ensuring more equitable land distribution and planning and zoning regulations; and granting Muslim and Christians access to all their holy sites in Israel.³⁰⁵ Israel also should make an effort to increase the representation of Arab citizens in the civil service, particularly at more senior levels; that said, a government push could only be successful if accompanied by increased Arab willingness to serve in such roles.³⁰⁶

In the security domain it could revoke the Citizenship and Entry into Israel Law (temporary order) of 31 July 2003, which prohibits Palestinians from the West Bank and Gaza married to Israeli citizens from acquiring Israeli residency permits and citizenship,³⁰⁷ and instead address security risks on a case-by-case basis. It should also narrow the security clearance requirements that constrain Arab involvement in the high-tech industry well beyond sensitive defence sectors.³⁰⁸ In a similar spirit, to reduce risks of violence, Israel could take steps to discourage incitement against Arabs and intensify its efforts to identify and restrain those responsible for violent (so-called price tag) attacks on Arab communities and Arab as well as Jewish activists.

Palestinian citizens have a responsibility as well to alleviate some of the fears of their Jewish counterparts: resorting exclusively to peaceful means to promote their political objectives while avoiding political and religious incitement and inflammatory language. In particular, they should shun – and, optimally, condemn – any denial of Jewish history in the region and in particular the Jewish connection to Eretz Yisrael (The Land of Israel)/historic Palestine. Going further, they could affirm the Jews' historical link to the Land of Israel – as was done in the Palestinian Declaration of Independence.³⁰⁹

³⁰⁴ The government authorised an 800 million NIS (about \$216 million) plan in 2010, as well as a program to advance Arab education, and then suspended both. Crisis Group telephone interview, Knesset member Avishay Braverman, former minority affairs minister, November 2011. An Israeli journalist who follows the issue explained why the plan was put on hold: "Arabs are not in coalition, and those who are have little to gain from putting Arabs needs first. As they say [in Hebrew], 'The poor of your own city come first'. Everyone always says that the situation of the Arab Israelis is urgent and needs to be dealt with – next week. It's something that always can be put off a little longer". Crisis Group interview, Tel Aviv, March 2012.

³⁰⁵ Arab civil society groups note that Palestinians in Israel, including internal refugees, are denied access to dozens of surviving mosques, churches and cemeteries, most of them in some of the more than 400 Palestinian villages largely destroyed during or following the 1948 War. The religious sites are often declared to be inside "closed military zones" or have been put to other uses by Jewish communities that built over the villages. See "Sanctity Denied", the Arab Association for Human Rights (Nazareth, December 2004).

³⁰⁶ "There is no way I would work for a right-wing government that doesn't want me here in the first place". Crisis Group interview, Palestinian Israeli entrepreneur, Jerusalem, February 2012. An Israeli Jewish civil servant commented that the government is having trouble filling the positions it has set aside for Palestinian citizens (and Ethiopian Jews). Crisis Group interview, Jerusalem, February 2012. Reluctance to seek state employment parallels the debate about Arab service in the Israeli army. As opposed to most Jews, Palestinian Israelis are not drafted into the Israeli Defence Forces, though they may volunteer; about 1,000 do so annually. For Arabs, the substantial benefits the state affords to those who serve amount to legalised discrimination, as they feel they are being penalised for not do-

ing what the state does not obligate them to; many Jews, by contrast, see no injustice here: Arabs have fewer obligations to the state and therefore receive fewer benefits. The debate about Arab willingness to serve the state recently flashed anew when the Supreme Court invalidated the Tal Law, which provided exemptions from service in the Israeli army for ultra-Orthodox students. In the societal debate that ensued, the question of whether Arabs should be required to participate in national service in lieu of army service was highlighted. Most refuse; to the extent they are willing, they insist on doing so in their local communities. Jaafar Farah commented: "We do not need the government to define civil service for us; we need the government to recognise the civil service frameworks we already have in our communities There are already enough ways to perform civil service within the Palestinian society in Israel, but the state will not recognise them because they want national service, which is an extension of military service". *The Jerusalem Post*, 24 February 2012.

³⁰⁷ A petition from human rights groups challenging the law recently was rejected by a narrow majority of the Israeli Supreme Court owing to ostensible security concerns. *Haaretz*, 11 January 2012.

³⁰⁸ Crisis Group interview, Israeli journalist, Tel Aviv, March 2012.

³⁰⁹ The 1988 Declaration begins: "Palestine, the land of the three monotheistic faiths, is where the Palestinian Arab people was born, on which it grew, developed and excelled", www.albab.com/arab/docs/pal/pal3.htm.

2. Internal Jewish and Palestinian dialogues

Among both Israeli Jews and Palestinians, there is a need to come to terms with fundamental questions about the nature of the state and the rights of its minorities. Neither side has yet to grapple with the basic choices each will have to make before it can enter into dialogue about them. There is no consensus among Jews as to what a Jewish state (or a nation-state of the Jewish people) would mean in practice,³¹⁰ nor is there consensus within the Arab minority as to what its demands would be, and what it would be willing to sacrifice, were the possibility of real reconciliation to materialise.³¹¹

These questions should be discussed in intra-Jewish conversations. To date, civil society organisations have done some work in this area, but fundamental questions remain. The government could now sponsor further discussions along these lines.³¹² European countries could assist in this

process by engaging Israel's government and civil society (both Jewish and Arab) about their experience with national minorities and majorities.

In parallel, Palestinians could engage in their own deliberations – on what national majority status and national self-determination would mean for Jews, particularly in the realms of immigration and public culture, of enormous importance for the entire Jewish political spectrum. This could not be done by Palestinian citizens alone, since the nature of the state has important implications for all Palestinians, not least the refugees. As a result, it could take the form of consultations within the framework of a reformed – and thus more representative – PLO, with Palestinian citizens of Israel represented by Arab Knesset members, as well as by representatives of the Higher Follow-Up Committee and civil society organisations.³¹³ A central goal would be to discuss possible language describing the minority's status in Israel to be included in a final status agreement between Israel and the PLO.

These consultations should pay special attention to formulas that stand at least some chance of being accepted in the future by the Israeli leadership; in this context, it would be useful to consider what entitlements would accrue to Jews as the national majority. Palestinians also could clarify what the Vision Documents' recognition of the need for Jewish (or, in language of the Haifa Declaration, Israeli Jewish) self-determination means in practice.

3. Jewish-Arab negotiations in the context of a two-state settlement

This is an unusual and in some ways unprecedented moment in Palestinian and Israeli history. Ever since 1948, Jewish-Arab relations in Israel have reflected, rather than shaped, the broader Israeli-Palestinian conflict. Today, by contrast, the question of the nature of the state and of Palestinian citizens' status within it weighs heavily on, and significantly encumbers, the diplomatic process. A two-state settlement, therefore, will need to take into account the concerns of both the Jewish majority and the Palestinian minority; the consultations suggested above would be aimed, precisely, at clarifying those concerns and facilitating Israeli/PLO efforts to reach a final agreement that has sufficient buy-in from Israel's Arab citizens.

³¹⁰ The Jerusalem Institute for Israel Studies undertook its report partly to answer this question. A drafter commented: "A major problem is that Israel is defined as a Jewish and democratic state without defining the terms Jewish or democratic. ... There can be endless interpretations of what a Jewish state means". Crisis Group telephone interview, November 2011. The report – proposing Israel as the nation-state of the Jewish people with a Palestinian national minority – is far, of course, from the only answer to the question; for instance, the ultra-Orthodox Shas party would give a very different answer that emphasised the importance of having "Jewish religion intertwined in the state's institutions". Crisis Group interview, Shas party official, Jerusalem, November 2010. An American *oleh* [Jewish immigrant to Israel], frustrated that he and his fellow worshippers could not obtain permission to build a neighbourhood synagogue owing to the opposition of secular Jews, commented: "After more than six decades, this country still doesn't know what a Jewish state means. What kind of Jewish state is this if you can't build a synagogue? If we could just figure out what we mean by a Jewish state, we could give up on the rest and make peace. But if we can't agree among ourselves, how are we going to agree with the Arabs?" Crisis Group interview, Jerusalem, March 2009.

³¹¹ Legal scholar Raef Zreik pointed out: "[H]istoric compromise is also a huge responsibility, and it is not at all clear whether anyone [within the Arab minority] is prepared to shoulder it. The current situation ... allows a 'guerilla' struggle where the community's representatives, insofar as their representation is localised rather than collective, do not have to commit themselves fully to a clear and final goal, either with regard to the state or vis-à-vis their constituencies. They cannot, in the current situation, formulate a vision of historic compromise, either procedurally or substantively, so they can continue to snipe at rivals and the state alike without regard for consistency". Zreik, "The Palestinian Question: Themes of Justice and Power. Part II: The Palestinians in Israel", *Journal of Palestine Studies* (vol. 33, no. 1), Fall 2003, pp. 52–53.

³¹² Various forums exist or could be created. First, the Policy Planning Division in the prime minister's office could develop an appropriate forum, for instance via the regular series of

round tables that it coordinates; expand the mandate of the minority affairs minister to encompass minority-majority relations or charge a minister without portfolio with this task; or, at a higher level, appoint a ministerial committee to take up the job.

³¹³ Israel's Palestinian leadership mostly has little trust in the PLO, as explained above, but such a dialogue could build confidence.

In the context of a two-state settlement, there are in principle three ways in which to deal with the question of Jewish-Arab relations and address grievances of Palestinian citizens. First, some of the latter could become part of the new Palestinian state via a redrawing of borders. That appears to be an unrealistic option, insofar as the overwhelming majority of Arabs oppose it – and, thus, the PLO would find it very hard if not impossible to endorse. Secondly, Israel could become a state that does not recognise collective rights and maintains strict neutrality with regard to its various national, ethnic and religious groups. That, too, is unrealistic, as Israeli Jews – with very minor exceptions – see the option as anathema, a negation of Jewish national self-determination.³¹⁴

A third option would be for Palestinian citizens to be recognised as a national minority and accorded relevant collective rights, even as Jewish citizens retained their own entitlements as a majority. Which rights and duties each community has, and how to balance them, would need to be ironed out through discussions between the state and credible representatives of the country's Palestinian community. Collective rights would not replace individual rights, which the state is obligated to afford all its citizens, but rather complement them. This would be a difficult goal to achieve, to put it mildly. But under this scenario it is at least imaginable to address Palestinian citizens' concerns without infringing upon core Israeli Jewish aspirations and needs.

Israel's Palestinian citizens generally express two basic kinds of grievances. First, they face substantial discrimination in terms of the distribution of economic resources, particularly as regards housing and land allocation; education; budgets for local authorities; the maintenance of holy places; and employment as a result of preferences given to those who serve in the army.³¹⁵ Secondly, they seek better opportunity to express their national identity in the cultural, educational, linguistic and other realms. Piecemeal steps addressing specific instances of discrimi-

³¹⁴ "Why is it that Germany, Sweden and Hungary can be nation-states but Israel cannot? They all have minorities, but no one suggests they stop being German, Swedish or Hungarian. Until they become binational states, we [Israel] will respectfully turn down the idea as well". Crisis Group interview, Israeli diplomat, Jerusalem, February 2012.

³¹⁵ See Crisis Group Report, *Identity Crisis*, 4 March 2004; "The Inequality Report", Adalah, March 2011; "The Equality Index of Jewish and Arab Citizens in Israel: 2009", Sikkuy: The Association for the Advancement of Civil Equality in Israel, December 2010, sikkuy.org.il; "The Human Rights Status of the Palestinian Arab Minority, Citizens of Israel", Mossawa Centre, October 2008. Annex 3 of "Towards Inclusive Israeli Citizenship", Jerusalem Institute for Israel Studies (JIIS), 2011, surveys the legal discrimination suffered by Israeli Palestinians and improvements to their status since the 1990s.

nation, although necessary, will not suffice. As an Arab analyst put it, Israel's Palestinian citizens are unlikely to be content with a system that is merely "a little less biased against us".³¹⁶ Indeed, there is a growing awareness, even among some Jewish Israelis, that the limited collective rights that the Palestinian minority enjoys today – including in language; education; public employment; and personal status matters³¹⁷ – should be expanded,³¹⁸ particularly as regards culture, education, religion and media.

These steps would give Arab citizens the ability to largely govern themselves in the areas that most immediately impact their lives; more broadly, they hold the prospect of galvanising "a collective sense of citizenship and social cohesiveness".³¹⁹ Tellingly, there are credible voices among both Jewish and Arab communities that have proposed such an arrangement, albeit on the basis of starkly different conceptions of minority/majority relations.³²⁰ Indeed, the untold story of the past decade is that even as tension between Jewish and Arab communities rapidly escalated, there was a parallel public, intercommunal dialogue through a process of drafting, publication, and public advocacy.³²¹

³¹⁶ Crisis Group interview, Jerusalem, November 2011.

³¹⁷ These limited rights have failed to extend sufficiently meaningful control to the Arab community. The school system is seen as poorly funded compared to the Jewish system, and the minority does not feel it has substantial control over its curriculum; though formally recognised as the state's second language, Arabic in practice does not enjoy such status in many areas of public life; and religious rights have been curtailed by the state's confiscation of most *waqf* (religious endowment) land as well as its continuing control over budgets and the appointment of clerics. "The Inequality Report", Adalah, March 2011.

³¹⁸ For a list of areas in which rights arguably would need to be expanded, see "Towards Inclusive Israeli Citizenship", op. cit., as well as the "Future Vision of Palestinian Arabs in Israel", "Haifa Declaration" and "Democratic Constitution", all op. cit.

³¹⁹ *Towards Inclusive Israeli Citizenship*, op. cit.

³²⁰ *Towards Inclusive Israeli Citizenship*, op. cit., advocates collective rights for the Palestinian national minority; appropriate representation on official bodies and in public culture; fair allocation of land and public resources; autonomous management of the Arab education system; and self-governance in matters of culture, language and religion (within a Jewish nation-state and in exchange for certain Arabs assuming civil duties, such as national service). The Vision Documents – "Future Vision of Palestinian Arabs in Israel", "Haifa Declaration", and "Democratic Constitution" – advocate these and more advantages for Arabs, without specifying any particular duties.

³²¹ According to a former Knesset member then involved in the process, after the Palestinians participating in the Israel Democracy Institute's constitution drafting exercise withdrew, the project was continued by a team comprised solely of Jews, who completed it with the intention of later consulting other communities, including the Arab minority and ultra-orthodox. Crisis Group interview, Jerusalem, December 2011. In response to the draft constitution, the Palestinian minority community prepared

Some Israeli Jewish liberals and centrists concluded that it is possible to reconcile a Jewish nation-state with Palestinian national rights inside Israel; some Arab voices accepted, if conditionally and haltingly, the principles of Jewish nationhood³²² and Israeli Jewish self-determination.³²³

Of course, such voices do not reflect a consensus on either side, and the apparent convergence conceals far deeper differences. For Jews, the solutions advanced by the Vision Documents are non-starters because they would exclude members of their diaspora from the State of Israel (Haifa Declaration); limit the scope of Jewish self-determination to those realms that concern Jews only;³²⁴ and ultimately yield a consensual democracy or binational state.

More generally, many Israeli Jews see no justification for national Palestinian rights and balk at the very notion, fearing it would dilute Jewish sovereignty³²⁵ as well as empower and embolden a minority that has not demonstrated sympathy for Jewish national concerns.³²⁶ As a result, most Israeli Jewish leaders confine their prescriptions for improving communal relations to narrower questions of economic and social conditions³²⁷ and insist that Arab national

the three Vision Documents (see above). In response to those, the Jerusalem Institute of Israel Studies prepared its report.
³²² The Hebrew version of “Future Vision” refers to Jews as a “national group”, a reference that one of the document’s drafters related was “hard-fought”; the English and Arabic versions, however, refer to Jews merely as a “group”. Both the Hebrew and English versions of Mossawa’s “Democratic Constitution” refer to Jews as a “national group”.

³²³ Haifa Declaration, in all languages.

³²⁴ Crisis Group interviews, drafters of the Haifa Declaration and Future Vision, Haifa and Nazareth, January 2012.

³²⁵ “This is a slippery slope that is likely to transform Israel to a binational state”. Crisis Group interview, former Israeli negotiator, November 2011.

³²⁶ “I have no faith in their leadership. They became radical in the last decade. Empowering them is risky”. Crisis Group interview, Likud minister, Jerusalem, December 2011. An author of the JIIS report commented that most of the opposition his proposal encountered related specifically to recognition of Arabs as a national minority. “Some see it as automatically coming at the expense of the state, that a national minority would be a fifth column, promoting irredentism and separation. But this is not necessarily the case”. Crisis Group interview, Jerusalem, December 2011.

³²⁷ “The way to get Israeli Arabs better integrated into society is to address the economic discrimination they suffer. This goes beyond employment and economic welfare – it impacts education and many other things”. Crisis Group telephone interview, Knesset member Avishay Braverman, former minority affairs minister, November 2011. Typically, at a recent Arab-Jewish forum focused on violence in Arab communities. Prime Minister Netanyahu said, “the lives of Israeli Arabs are insufferable as a result of crime and violence”. He continued: “The principal solution is the integration of Israeli Arabs in the economy and

aspirations must find expression elsewhere. Kadima head Tzipi Livni captured this sense when she said, “when the Palestinian state is created, I will be able to go to Palestinian citizens, who we call Israeli Arabs, and say to them – you are residents with equal rights, but your national solution is in another place”.³²⁸ For Livni like many others, the goal of the two-state solution is to secure a state in which Jews are fully sovereign, an outcome that could be jeopardised by granting national minority status to Palestinians.³²⁹

That said, opposition among Jews to the expansion of Arab collective rights might be attenuated were it to come as part of a package that entailed simultaneous Arab recognition of Jews as a national majority with the right to self-determination in Israel. Indeed, as noted, a number of Israeli Jewish political figures from across the political spectrum expressed readiness to consider the arrangement so long as granting national rights to the Palestinian minority would bring reciprocal recognition to Jews as the national majority. A Likud minister said:

A democratic state needs a constitution. You need to decide whether it is one that gives the state a national character or is neutral about this question, as in the U.S. In order to be Jewish and democratic – especially in the context of partitioning the land between a Palestinian and a Jewish state – Israel will need to find a solution for its minority that comprises some 20 per cent of the population. It is by recognising them as a minority with collective rights that Jews will be recognised as the majority.³³⁰

education. Simultaneously, action needs to be taken in the field of law enforcement”. *Makor Reshon*, 14 February 2012.

³²⁸ *Haaretz*, 11 December 2008.

³²⁹ Crisis Group interview, Kadima adviser, November 2011. He added: “It would be difficult enough to sell the deal [to the Israeli public] as it is”.

³³⁰ Crisis Group interview, Likud minister, Jerusalem, December 2011. A senior Yisrael Beiteinu official likewise suggested that in the context of a final status agreement with the PLO, he was amenable to mutual national recognition within Israel. Crisis Group interview, Jerusalem, December 2011. The left-wing Meretz party has long supported the idea of recognising Israel’s Arab citizens as “a national minority”, calling for the Law of Return to be the only advantage granted to Israeli Jews. Meretz Party Agenda (Hebrew), p. 18. A senior Labour party official said he is working to include a clause calling for recognition of a national Arab minority in his party’s platform as well. Crisis Group interview, Jerusalem, February 2012. A poll commissioned by Sikkuy: The Association for the Advancement of Civil Equality in Israel found that the Israeli Jewish public is evenly split on the question (48 per cent support, 48 per cent object, and 4 per cent have no opinion) whether “The State of Israel should recognise its Arab citizens as a national minority and as part of the Palestinian people”. Nohad Ali and Shai Inbar, “Who’s in Favor of Equality?: Equality between Arabs and Jews in Is-

For their part, leaders of the Arab minority evince an instinctive aversion to the notion of a Jewish state in any form, regardless of how it is caveated and even if coupled with recognition of the Palestinian minority as a national group. Of the Arab leaders surveyed by Crisis Group, not a single one was willing to embrace the Jerusalem Institute for Israel Studies' suggested language ("Israel is the nation-state of the Jewish people that recognises a Palestinian national minority"). Yet most also agreed with the Hadash leader who averred that even in the absence of a Palestinian state:

A lot of Palestinians would probably sign on, and maybe the leaderships of Hadash and the southern Islamic Movement, simply because that situation would be so much better than what they have now. But it won't fulfil our aspirations. The agreement would be half-hearted, and I think there would be a big question whether it would stick in the long run. Once we get a taste of real citizenship, let's be honest, we're only going to keep pushing the envelope, and at that point, we will have better tools with which to fight.³³¹

There is, too, the question of whether Palestinians – even assuming they could exercise group rights – would be allowed to establish an official body to negotiate core issues with the state and design policy in those areas in which they eventually would exercise self-governance.³³² Among Jews, official recognition of such a body likely would prove highly contentious. Today, the High Follow-Up Committee is unelected, riven by political squabbles and dependent on clan-based and clientelist networks; it is disparaged as "extremist" by Israel and as "feudal" by Palestinians.³³³ Two of the most important Arab communal statements of the past decade – the Haifa Declaration and the Democratic Constitution – were produced by widely consultative but in the end self-appointed NGOs, an unsatisfactory model for communal decision-making. Whether members of a reformed communal body are to be chosen by elections or through a consensus among political groups, they will need to speak credibly in the minority's name. Some efforts are

rael, an Opinion Survey" (Hebrew), Sikkuy, www.sikkuy.org.il/docs/shivion_amadot_2011.pdf, September 2011.

³³¹ Crisis Group interview, Nazareth, January 2012. A Palestinian tour guide from Nazareth confirmed this assessment when he said, "I would prefer to live in a binational state. But if we were recognised and treated fairly as a Palestinian national minority, it would be enough for me to feel that I belong. I'd even join the civil service or the army". Crisis Group interview, Jerusalem, February 2012.

³³² Hungary, Serbia, and Slovenia are examples of countries in which minorities have certain rights to govern themselves through elected bodies.

³³³ Crisis Group interview, Kadima adviser, Jerusalem, November 2011. Crisis Group interviews, Balad and Islamic Movement officials, Nazareth and Umm al-Fahm, July–September 2011.

underway to overcome Palestinian political disunity and lack of communal decision-making,³³⁴ but they are in their infancy.

Israel understandably does not relish the prospect of empowering a body that the country's leaders believe could undermine its sovereignty, facilitate collective Arab activism or strengthen Arab leaders whom the Jewish establishment generally sees as more radical than the voters they represent.³³⁵ Yet, down the road, the Jewish community arguably would reap benefits from recognising such a body, in terms not only of improved intercommunal relations but also of having a credible address for interacting with the Arab minority. In contrast, by relating to the Palestinian minority only as a collection of individuals without any communal leadership, the government ironically may be fostering the conditions for a chaotic and dangerous flare-up.

³³⁴ In particular, the Follow-Up Committee is overseeing the establishment and consolidation of a network of popular committees – modelled on similar committees in the West Bank that have been leading protests against land confiscations by Israel – that community leaders hope will be able to serve a number of purposes, including directing the style of protest. Balad's Awad Abdel Fattah said there were fifteen popular committees so far, some originally set up to tackle localised problems such as drug abuse or house demolitions. "The goal is to improve the links between them and coordinate their activities, to create a broad coalition of activists". Crisis Group interview, Nazareth, September 2011.

³³⁵ According to Yossi Alpher, an Israeli analyst, polling results "demonstrate year after year that the Israeli Arab rank-and-file is not nearly as extreme as its intellectual and political leadership"; the former, the polls show, "seeks primarily to share in Israeli prosperity and to integrate into Israeli society", www.bitterlemons.org/inside.php?id=167. An Arab civil society leader rejected that characterisation. He readily conceded that his representatives were in some ways "provocateurs", but he portrayed his vote as a strategic choice guided by the reality in which he finds himself, as opposed to indicative of a gap between him and his leaders: "Both the voters and our leaders know that the [Arab] Knesset members can have no meaningful impact on the national political arena. So we conspire in a sort of political theatre: the Knesset becomes a platform for making as much noise about our complaints as possible, denouncing the racist Jewish state and generally poking fingers into the Jews' eyes. If you want the Palestinian minority to take national politics seriously, you need to give us a reason to do so". Crisis Group interview, Nazareth, September 2011. In the same vein, an Israeli Jewish journalist described Arab Knesset members as "lobbyists for a political cause", who would do more good for their constituents "by rolling[-up] their sleeves and taking their governing responsibilities more seriously. They should be calling attention to and looking for remedies for the poor conditions of their towns and villages. They spend their time complaining about Lieberman, not about what's wrong in Umm al-Fahm". Crisis Group interview, Tel Aviv, March 2012.

The state needs an interlocutor with which to arrive at a historic reconciliation³³⁶ and mediate during periods of crisis. The absence of such a body was felt tragically in October 2000. A senior leader in the Arab community acknowledged: “There was no one in the field to direct the youth or to restrain them. Our whole approach was weak and disorganised. We were getting calls from Israeli officials demanding that we rein in the protests, but even if we had wanted to, we had no capacity to do it”.³³⁷ Similarly a Likud minister lamented the current state of affairs:

Due in part to our own mistakes, we have failed to secure an address for the Arabs in Israel. We have succeeded in creating a situation in which we have no allies within the Arab public in Israel. If you look at this through a religious prism, we have no ally in the Christian population, nor in the moderate Muslim population, and certainly not among radical Muslims. We don't even have a partner among the Bedouin who serve in the army, to say nothing of the tensions between the state and the Bedouin, which are getting worse.³³⁸

As great as these obstacles seem, others loom even larger. First and foremost the use of similar terms – Jewish self-determination and Palestinian national rights – by more pragmatic Jews and Arabs belies substantial disagreement about what those terms mean. Among Israeli Jews, recognising Palestinian citizens as a national minority means affording them extensive autonomy in specific areas and offering them a more welcoming environment in which to express their national culture within a public sphere that would remain overwhelmingly Jewish.³³⁹ Thus for Jews,

³³⁶ Raef Zreik, a legal scholar, writes: “There is no structure permitting the election of an Israeli Palestinian leadership, where the representative and the represented are both Palestinians of Israel and reflect the community as a whole. In the absence of such a structure, the Palestinian [Knesset members] have only a very limited representational power to speak on behalf of the community. Without such a body or some similar mechanism reflecting Palestinians as a distinct group, any talk about historic compromise is meaningless. A group becomes a group in the political sense only through a process of representation”, “The Palestinian Question”, op. cit., p. 52.

³³⁷ Crisis Group interview, Nazareth, September 2011.

³³⁸ Crisis Group interview, Jerusalem, December 2011.

³³⁹ As a lead author of the recent Jerusalem Institute report said, “the common interpretation [of the term Jewish state] among Arabs today is that this means preference for Jews in all areas of public life. Our report aimed to challenge this. It proposes to advance Arabs' rights as a national minority that is entitled to collective rights as such, not just as a cultural or a religious minority. We define the Jewishness of the state in terms of two key elements: the Law of Return and the dominance of the Jewish culture in the public sphere”. Crisis Group interview, Jerusalem, December 2011. The Jerusalem Institute's report recommended maintaining the Law of Return, while making immigration and naturalisation policies fairer and more transparent.

national self-determination means controlling all facets of life that affect the Jewish community while ceding only those that pertain exclusively to Arabs.

For the Palestinian minority, Jewish (or Israeli Jewish) self-determination does not extend this far; it means Jews (or Israeli Jews) would control only those facets of Jewish communal life that affect Jews alone³⁴⁰ – such as education, culture, and media – with other matters, such as immigration and national symbols, subject to intercommunal agreement within the framework of an ethnically neutral state. That Jews are the overwhelming majority would translate into few extra concrete entitlements; both communities would exercise a similar self-determination. To leave matters that affect their community in the hands of the Jewish majority, many Arab citizens feel, would be to legitimise their own disadvantage.³⁴¹ All sorts of discrimination, they believe, flow from ring-fencing issues

³⁴⁰ Jaafar Farah, who was involved in drafting the Future Vision, described the intended political arrangement as “like what they have in Belgium”: “The French and Dutch-speaking Belgians live together in the state and enjoy collective rights but neither can say this is a French or a Dutch state. The important thing is that both groups have their collective rights recognised but cannot claim the state as exclusively theirs”. Crisis Group telephone interview, January 2012. According to Haneen Zoabi, a Balad Knesset member, “the right of the Jews is not for a state of their own. It is a right for self-determination here – not as a state, but rather within a state for all its citizens. And then this state gives Israeli Jews and Palestinian Arabs collective rights”, www.israeli-occupation.org/2012-01-14/haneen-zoabi-joa-interview-challenge-zionism-demand-equality-and-co-existence.

³⁴¹ For this reason, the Haifa Declaration provides for an Arab veto over matters that concern the rights of the Arab minority. Matti Steinberg, former adviser to the Israel Security Agency head, criticised that provision: “Arabs would have a veto over any decision affecting the Palestinians in Israel. This would, in fact, apply to every decision and law made, because there can be no decision or law that does not explicitly or implicitly, affect the Palestinians in Israel. This demand in fact makes a mockery of the willingness in the ‘vision documents’ ‘to recognize the right of the Israeli Jewish people to self-determination,’ in view of the fact that granting the Palestinians in Israel the right of veto would cripple and neutralise any possibility of self-determination”. Matti Steinberg, “Diversity in Spite of Unity: The Palestinians in Israel and the Palestinian State”, in *The Influence of the Establishment of a Palestinian State on the Israeli Arabs* (Netanya, S. Daniel Abraham Center for Strategic Dialogue, 2011), pp. 34-35. Some existing models of minority rights provide a more narrowly tailored veto power. For instance the Slovenian constitution specifies: “Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities [in the National Assembly]”, Article 64.

such as immigration,³⁴² just as they assert that they could never feel part of a state whose symbols are not theirs and pointedly exclude them.³⁴³ For Israeli Jews, by contrast, such entitlements flow from their majority status and are their state's *raison d'être*. Ironically, as the two sides have crawled toward each other, the gap separating their positions has become clearer.

Imagining a fruitful Jewish-Arab dialogue is all the more difficult under current circumstances given heightened Jewish fears regarding their relative isolation in the region and the world. At home, they see themselves confronted by an Arab population that openly expresses sympathy with their enemies³⁴⁴ and by an Arab leadership that advances maximalist demands in the form of a binational state.³⁴⁵

³⁴² When Israeli Jews insist on maintaining the Law of Return, an Arab analyst said, “the message that Palestinian citizens hear is that Jews want to continue gerrymandering the demographic balance to make sure that Jews remain the majority so that they can control the state”. Crisis Group interview, Nazareth, January 2011. A Hadash political activist asserted: “It doesn’t matter what other rights are being offered if my community is denied equal rights in immigration. If the majority can only ever view me as a demographic problem to be solved, I will never be a proper citizen”. Crisis Group interview, Nazareth, November 2011.

³⁴³ Frequently mentioned in this regard is the Israeli flag, with the Star of David, and the national anthem, HaTikvah (The Hope), whose lyrics are “As long as the Jewish spirit is yearning deep in the heart/With eyes turned toward the East, looking toward Zion/Then our hope – the 2,000-year-old hope – will not be lost/To be a free people in our land/The land of Zion and Jerusalem”. The explosive nature of the country’s symbols was in evidence when Arab Supreme Court Justice Salim Jubran stood – but did not sing – during the national anthem at an official ceremony. National Union Knesset member Michael Ben Ari condemned Jubran for “spitting in the face of Israel. There are citizens who demand rights and government positions, but who scorn their national obligations with insolence and arrogance. This situation endangers the existence of the state and must be eradicated”. Israeli National News, 29 February 2012. Hadash Knesset Member Dov Khenin disagreed, saying that Jubran’s critics “should realise that Arabs don’t have a yearning Jewish soul”. *Maariv*, 29 February 2012.

³⁴⁴ A Kadima Knesset member said, “the bottom line is that today the Arab [Knesset members] are part of the conflict. They are the veritable representatives of the Palestinian people in the State of Israel as a result of their identification with the views of other [non-Israeli] Palestinians. Arab [Knesset members] espouse the views of Abbas and [chief PLO negotiator Saeb] Erekat. Indeed, some of the Arab [Knesset members] represent the Hamas leadership, and others, the various shades of regional Islam”. Crisis Group interview, Jerusalem, December 2010.

³⁴⁵ Kadima Knesset member Otniel Schneller said that a key precondition for progress in Jewish-Palestinian relations inside Israel is for the Arab community “to realise that its struggle to turn Israel into a state of all its citizens is an obstacle to achieving equality. Palestinians can have their state next door, and we

regionally, the Arab uprisings have intensified their sense of vulnerability and made them even more resistant to compromise. Feeling besieged, Israeli Jews appear to be trending in a more hostile direction, as evidenced by the recent wave of illiberal legislation.³⁴⁶

While some Israeli Jews warn that deteriorating Arab-Jewish relations could be costly in the longer term, “in terms of instability at home and increased hostility in the region”,³⁴⁷ most appear convinced that hostility toward them is irremediable, regardless of how they treat the Arab minority. Even Israelis with a more expansive vision of future inter-communal relations acknowledge that the moment is hardly propitious for progress. A former government minister, much concerned with improving the situation of

will have our state here. That would be equality. But if they push for Israel to be a state of all its citizens, that will never happen, and it will kill the two-states-for-two-peoples formula that could get them their own state”. Crisis Group interview, Jerusalem, December 2011. Knesset Member Avishai Braverman, a former Labour minority affairs minister, commented that the Arab leadership’s “discourse offends Israeli mainstream public opinion. So long as the public believes that Arab Israelis are our enemy, it will never agree to give Arabs collective rights or rights in general. If the leadership would cooperate in a way that makes clear that it has no intention to transform Israel into a binational state and instead to maintain it as a Jewish state – subject of course to repairing the disadvantages that Arabs face – then more and more Israelis could accept granting them more rights, even collective rights”. Crisis Group interview, Jerusalem, December 2011.

³⁴⁶ Avishai Braverman, the Knesset member and former Labour minority affairs minister, said, “the Jewish public is counter-attacking the Palestinians and the Arabs in a campaign to strengthen the Jewish character of the state and to undermine Arab rights. The Israeli Jewish public shifted to the right, which means being less tolerant towards minorities”. Crisis Group interview, Jerusalem, December 2011. Former Knesset member Rabbi Michael Melchior, in a Knesset discussion about Arab-Jewish relations, described an Israel that would be “Jewish like Norway is Christian” – pluralistic and welcoming to non-Jews while offering both individual and collective rights to Arabs. He distinguished this concept from a Jewish state in which Jewishness is a vector of discrimination against non-Jews, ruefully recalling that earlier in the day, he had heard a Likud Knesset member on the radio condemning “Arabs for not identifying enough with the principle of the State of Israel as a Jewish state. If they do not identify, they do not have to be here”. Public talk, Jerusalem, 24 January 2012.

³⁴⁷ “The problem is that the Israeli [Jewish] public does not see any exigency in reaching agreement on the issue. It’s the same with the secular-religious cleavage: it’s not insignificant, but it’s not urgent. Nobody can be bothered to think about such things when they have more pressing matters on their plates”. He added that Jews not only forgo engagement with Palestinians on the issue, they also do not discuss the matter among themselves. Crisis Group phone interview, Avishai Braverman, December 2011.

Arabs in Israel, ruled out recognition of national minority rights, at least for the time being, because it “would exacerbate tensions and divisions within the Jewish majority”.³⁴⁸

Within the context of an eventual two-state solution, however, one can only hope that on both sides resistance would diminish to an historic compromise pursuant to which Jews would be recognised as Israel’s national majority with a right to self-determination, while the state would officially recognise its Palestinian citizens as a national minority with equal individual rights as well as certain specified collective rights.³⁴⁹ A three-stage process entailing gestures by both sides; meaningful internal dialogue among Jews and Palestinians; and, following agreement on a two-state solution, a reasonable Jewish-Arab compromise on the nature of the state is a long shot, unquestionably. So much could go astray, beginning with the ever decreasing odds of reaching a two-state settlement itself. But after a decade in which both Israeli-Palestinian and Jewish-Arab relations have been stuck in reverse, can one seriously imagine there exists an easier, quicker or more feasible fix?

**Nazareth/Jerusalem/Ramallah/Brussels,
14 March 2012**

³⁴⁸ Crisis Group interview, Jerusalem, December 2011.

³⁴⁹ A Palestinian Israeli civil society leader said, “if Palestinian national rights were fully realised next door, a clear majority of Palestinian Israelis would accept national minority status. But in the absence of a Palestinian state, they won’t, it wouldn’t be enough”. Crisis Group interview, Nazareth, February 2012.

APPENDIX A

MAP OF ISRAEL



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 130 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

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CRISIS GROUP REPORTS AND BRIEFINGS ON THE MIDDLE EAST AND NORTH AFRICA SINCE 2009

Israel/Palestine

- Ending the War in Gaza*, Middle East Briefing N°26, 5 January 2009 (also available in Arabic and Hebrew).
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