

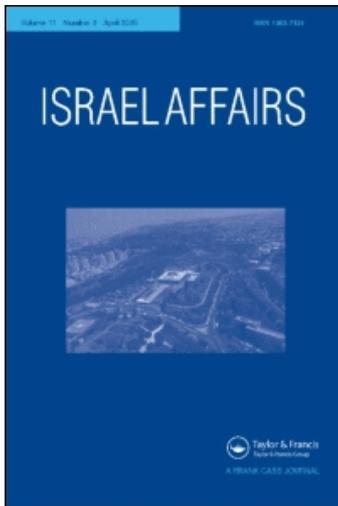
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# The Final Settlement of the Palestinian Issue and the Position of the Israeli Arab Leadership

ALEXANDER BLIGH

One day in 1991 Mr Yitzhak Shamir, the then prime minister of Israel, instructed his Arab affairs adviser to cooperate with the political officer at the US embassy in preparing the annual report on human rights. That was an extraordinary instruction. For the first time ever Israel agreed to act jointly with a US representative preparing a report dealing with what had been hitherto an Israeli domestic affairs issue. Indeed, there was a price tag attached to that Israeli agreement: the American officer had to come to the office of the adviser in East Jerusalem, a rather unusual venue for a US–Israeli policy discussion. The sensitive nature of the meeting and the *quid pro quo* asked of both sides prevented them both from making it public. However, as of 1991 the US Department of State Report on Human Rights Practices, released by the Bureau of Democracy, Human Rights, and Labor, includes a chapter on Israel *propre* which is not totally without some Israeli input. It also marks the first time that the government of Israel, no less than under the Likud bloc, recognized that the problems associated with the Arab minority in Israel are no longer only domestic. With that the leadership of the Israeli Arabs celebrated yet another political accomplishment. That success along with others, to be detailed later on, is an outstanding example of the use of humanitarian issues for political gain. The term ‘the leadership of the Israeli Arabs’ refers in the following pages to three layers:

1. Arab members of the Israeli parliament (Knesset), who represent at the moment two Arab parties, and Arab members of Zionist parties.  
Two self-proclaimed Arab bodies:
2. The Monitoring Committee – established in 1982 as a political leadership for the Israeli Arabs; its structure has never been clearly defined, and its members, though elected to other public positions, have never been elected to serve in the committee. It is a fluid body, which usually includes Arab members of Knesset (MKs), leading municipal figures and leading members of the trade unions. However, other participants have often taken part in the committee’s deliberations with no clear criteria for their inclusion.

3. The committee of the heads of local councils – established in 1974 as a lobby on municipal issues, but it shortly afterwards adopted the ‘Arab lands’ issue as its main banner, and began to use national slogans in support of more comprehensive Palestinian issues.

Members of these political bodies claim to be the national leadership of the Israeli Arabs and, concurrent with the activities detailed in this article, have established a foreign relations system, which has carefully bypassed the official Israeli system.

About the time the Palestinian uprising (*intifada*) began, more specifically in early 1988, the leaders of the Israeli Arabs realized that their contribution to the Palestinian cause would be mainly political, in contrast to the armed struggle of their Palestinian brothers in the territories. If during the first 40 years of the state of Israel all public strata in Israel used the term ‘bridge for peace’<sup>1</sup> in the meaning of helping Jews and Arabs to find common ground, this concept was changed during the *intifada*. From that time on the Israeli Arab leadership emphasized its role as using its impact on the Israeli political system and other bodies in the international arena to promote Palestinian causes. This leadership, which refrained from claiming the right to participate in any Israeli foreign and security public or political discussion, very much in line with the policy of all Israeli governments since 1948, began to voice a public stand.

This article analyses the growing involvement of the leaders of the Israeli Arabs in the Palestinian dimension of the diplomatic process in the Middle East and their interests once a conclusion of the process is reached. The main thesis of the article is that the *intifada* in the territories reinforced the bond between the Israeli Arabs, who began to identify themselves as Palestinians living in Israel, and the Palestinians in the territories. This attachment grew stronger with the establishment of the Palestinian Authority (PA). This symbol of the beginning of institution-building processes placed the Israeli Arab leadership in the eye of the storm. However, in spite of the emotional relations and the political coordination, the Israeli Arabs have their own political agenda in relation to Israel and the Palestinian entity.

The national Israeli Arabs’ predicament has several components. The creation of the PA was carried out in accordance with the political philosophy of the Palestine Liberation Organization (PLO) (as will also be the case, if it should happen, with the establishment of a Palestinian state). Its platform is as stated in the Palestinian National Charter, articles 1 and 2: ‘Palestine is the homeland of the Arab Palestinian people; it is an indivisible part of the Arab nation’; and: ‘Palestine, with its boundaries it had during the British Mandate, is an indivisible territorial unit’.<sup>2</sup> This document, which has served as the ideological basis for any Palestinian political and military activity since 1968, is rather problematic for the

Israeli Arabs.<sup>3</sup> Since they have identified themselves as Palestinians they are supposed to recognize the PLO as their representative, but with that they might renounce all their political leadership's political assets in Israel acquired during 50 years of intensive political struggle. However, considering the political and public relations advantages offered by the Israeli system a *modus operandi* has emerged in the last decade. It consists of several elements, never declared, but apparently recognized: no violence would be used inside Israel and this leadership would do its utmost to influence the outcome of any regional diplomatic process, all that without recognizing the right of the PLO to represent the Israeli Palestinians. This determination of the Israeli Arabs to become part of the final settlement of the Palestinian issue, without asking for any PLO representation, dates back to the early stages of the *intifada*. This Israeli Arab approach concentrated mainly around their interpretation of the term the 'right of return'. In the years since the uprising the meaning of the term has been transformed, from the old idea of illegal building<sup>4</sup> and the capture of land by political and physical means, into the aim of eventually changing the nature of the Jewish-Zionist state into another Middle Eastern nation. The element of resisting any take-over of land by Israel, for whatever purposes, has already served in the past to unite the Israeli Arabs. During violent demonstrations against the confiscation of land in 1976, later known as 'Land Day', six Israeli Arabs were killed, and became the first national martyrs for land of the Israeli Arabs.

The transformation of the 'right of return' from meaning the old struggle for land, into a new improved meaning, shows intensive use of the double meaning of language. A very common phrase, 'a country of all of its citizens', for instance, refers to the desire of many, if not all, Israeli Arabs to replace the current 'Law of Return' allowing all Jews to find a haven in Israel by a law allowing Arabs to emigrate to Israel and start a process which would upset the demographic balance. Within this context, the Arab Israelis' interpretation of the 'right of return' is a necessary step in implementing their vision for Israel. One way of bringing about some support from outside the Arab and Palestinian spheres for their political goals is through the usage of universal human values. Even if this tactic did not bring about that support it would embarrass Israel, lessen its international legitimacy and contribute indirectly to the Palestinian cause. This has also become the main weapon in the international arena, and is far from being exhausted. The US interest in the Israeli Arabs is only one early indication of the way the future lies if the Israeli Arab leadership have their way. One step, considered time and again, but kept as a weapon of last resort, involves calling on the United Nations to take care of the Arabs of Israel.

## THE BEGINNING OF THE POLITICAL PROCESS IN THE MIDDLE EAST AND THE INPUT OF THE ISRAELI ARAB LEADERSHIP

In the wake of the 1991 US–Iraqi war all parties to the conflict in the Middle East began their preparations for the US-sponsored forthcoming peace negotiations. There are many indications of coordination meetings between the leaders of the PLO side in the Madrid negotiations and Israeli Arab MKs.<sup>5</sup> These preparations marked the first time that the PLO leadership and Israeli Arab leadership began publicly to share responsibilities. The make-up of the participants in a symposium held in Nazareth and commemorating the 24th anniversary of the June 1967 war strongly suggests that it was used for that purpose.<sup>6</sup> The participants included Haydar ‘Abd al-Shafi, the would-be head of the Palestinian delegation to the Madrid conference, along with other Palestinian dignitaries on the Palestinian side. The leading figures on the Israeli Arab side included the heads of the New Communist List as well as the representatives of the Nazareth municipality (controlled by the Front for Peace and Equality, a communist organization). Israeli Arab leaders began their involvement in the process on both substantial and ceremonial levels all throughout the Madrid conference. On the eve of the conference the Israeli MK, ‘Abd al-Wahab Darawshe<sup>7</sup> (Arab Democratic Party) met with Faysal al-Husayni, a leading member of the Palestinian side (even though, as he was a resident of Jerusalem, Israel objected to his inclusion as a formal member of the Palestinian delegation). Later, in December 1991 the Arab Democratic Party held a gala reception in Nazareth for the Palestinian delegation. These few examples, and others, serve to indicate the close intricate relations between the Israeli Arab leadership and their counterparts in Palestinian leadership positions, both inside the territories and within the PLO hierarchy. All Arab MKs, regardless of their political affiliation, saw themselves as true partners with the PLO in an attempt to influence the outcome of the diplomatic process.

The first instance when this leadership demonstrated to the general public its interest in influencing the final outcome of the diplomatic process was, obviously, the 1991 Madrid conference. The then MK, Muhammad Mi’ari<sup>8</sup> (Progressive List for Peace; the acronym PLP was intended to call the attention of the Arab voter to the similarity with the PLO) attended the conference on his own without being invited and without receiving any formal invitation from any of the parties. Mi’ari’s participation in a conference relating directly to the final status of the Palestinians is extraordinary: his claim to publicity stems from being a former member of al-Ard. That movement was outlawed<sup>9</sup> in the mid-1960s by the Labour<sup>10</sup>-led government after the courts decided<sup>11</sup> that its activity endangered the Israeli democracy by using its own tools in order to bring about the downfall of Israel. Years later in 1984, after a long legal

battle, his slate of candidates was approved by the Supreme Court and he along with another member of his party won their seats in the Knesset (out of 120).<sup>12</sup> In 1988, during the *intifada*, Mi'ari managed to be re-elected, this time as a single representative of his party, and served until 1992. Thus, his being removed from mainstream Israeli politics for his entire personal and political career, and his participation in activities considered hostile by Israeli courts, made for a total lack of any political significance while attending the Madrid conference. However, it signalled a change in the status of the Israeli Arab MKs: no longer silent dignitaries, but rather full participants representing the Israeli constituent of the Palestinian people.

#### THE POLITICAL GOALS IN THE CONTEXT OF THE FINAL SETTLEMENT OF THE PALESTINIAN ISSUE

Within this framework, the leaderships of all political persuasions began discussing (mainly in private) the possible outcome of an Israeli–Palestinian settlement. The issue was the need to redefine future relations between the Arab citizens of Israel and the government of the Jewish state once an agreement had been reached between the two peoples. About that time the term ‘Israeli Arabs’ disappeared almost overnight from their terminology to be replaced by the term ‘Palestinians living in Israel’. The implications of this new term are crystal clear: as long as there is a Jewish state the Arabs are present on its soil, but definitely (without committing any criminal acts) using its political institutions for the benefit of the Palestinian people. Moreover, one day, under a different set of political circumstances, the Arabs of Israel would lead the way in changing the Jewish–Zionist nature of the country into something more acceptable to the Palestinians.

It is rather rare to find open expressions by leading Arab figures regarding their interests once the Palestinian issue is resolved. Clearly, there is a solid consensus among this one-fifth of the Israeli population that a Palestinian state must be established. Thereby, this minority in the Jewish state would pay back its dues to the large Arab population surrounding Israel. The Arabs at large have looked down on the Israeli Arabs for not participating in the long Arab–Israeli dispute. Still, no Israeli Arabs have ever publicly voiced a desire to move to such a Palestinian state once it is established. Thus, the most important question on their agenda is twofold: how to contribute to the accomplishment of this goal and how better to serve the Palestinian cause without giving away their actual presence in their current locations.

These goals have dominated the activities of the representatives of the Israeli Arab population since the beginning of the *intifada*. There are three overlapping elements:

1. Using all public Israeli forums to promote the just causes of the PLO.
2. Engaging in a very careful discussion of the final status of the Arabs in Israel; usually taking the form of autonomy within the 'Green Line' (pre-1967 borders of Israel).
3. Building a strong infrastructure for the implementation of a new version of the right of return into the territories of Israel.

The first element is beyond the scope of this article and will not be discussed here. However, the issue of autonomy connects very well with the notion of taking over land and territory. Obviously, the combination of a Palestinian state and autonomy for Arabs in Israel, based on taking over large parts of Israel, might prove crucial to the final settlement of the Palestinian issue in the way the PLO would like to see it. The notion of autonomy for the Arabs in Israel surfaced for the first time in late 1989 during the *intifada*,<sup>13</sup> but the banner bearers were mainly silenced by other Arab figures.<sup>14</sup> However, although Arab leaders, with a few exceptions, would not profess their belief in the need for autonomy, they would try through a long and gradual process to delay any Israeli opposition to a future change in their status, whatever the formal name might be. This way, and without any public announcements, a phased solution, Israeli Arab style, has been introduced: acquiring maximum land and influence on the Israeli political system and public opinion so that no opposition to structural changes in the Israeli system would emerge.

In line with these tactics, the late 1980s saw the Israeli Arab leadership beginning the promotion of a new interpretation of the right of return. While enjoying the benefits of schools, running water and other basic humanitarian needs all over the Arab towns and villages in Israel, they began a public campaign alleging that these benefits were denied to some of the Arab citizens of Israel. A special Arab public body was established in 1988 calling for these basic needs to be met for Arabs living in what they termed 'unrecognized villages'. In reality these were small pockets of a few families, in many cases with no planning and no reason to claim these specific locations. However, in many of those 'villages' Arab villages had existed before 1948. This public demand put Israel in a painful situation in which distinguishing between cynical political exploitation of the misery of people and their true humanitarian needs was not possible. Under these conditions, granting the obvious universal rights in the demanded present locations would mean that those areas in which Arabs lived illegally would serve as the basis for the redrawing of the pre-1948 map in Palestine. In many cases the benign call for education and running water anticipated an attempt to reconstruct the pre-1948 villages, contrary to any Israeli political and planning thinking. On the other hand, these Arabs were Israeli citizens, and denying them their basic rights ran against all universal humanitarian values – especially those of a country

established by victims of ethnic persecution. Thus, in the mind of the Israeli Arab leadership, whatever the result of their demands, Israel would be harmed and they would benefit. Either they would get, through a gradual process, the chance to rebuild Arab presence all over Israel, with the hope of eventually changing her very nature, or at least they would manifest the racist nature of the Jewish state in line with the PLO-advocated infamous 1975 UN Resolution.<sup>15</sup>

These political activities, begun around the 40th anniversary of Israel, are geared *inter alia* to demonstrate the anti-humanitarian nature of Israel and its continued defiance of the international consensus. Thus, a direct line connects these activities with past UN resolutions. Since the UN General Assembly passed Resolution 194 in December 1948 calling for the return of the Palestine refugees, all Arab countries have used it as a basis for their right to flood Israel with returning Arab refugees. All Israeli governments have resisted this demand for a radical change in the Israeli demographic balance.

No observer of the Palestinian issue has so far discovered that a new political reality has emerged under which the Israeli Palestinians have their own distinct role. Even the PLO, so long dedicated to the destruction of the Jewish state, realized that it was impossible to demand the implementation of Resolution 194. Thus, since 1987 Palestinian activity towards the final solution has been for all practical purposes twofold: the PLO, in line with the phased solution attitude, would agree to a territorial solution in the territories and would mainly promote the cause of 1967 refugees, while the Israeli Arabs would take care of Israel *propre* and would concentrate on the 1948 issues. These two activities are closely connected, at least on the ideological level. The possible establishment of a Palestinian state would undoubtedly reinforce the activity of the Israeli Arabs in this respect.

Three processes have combined since 1987 to change the nature of the right of return in the eyes of the Israeli Arab citizens who identify themselves as Palestinians living in Israel in the following respects:

1. The gradual disappearance of the original generation of Palestine refugees.
2. The integration of Israeli Arabs into the Israeli political system.
3. The *de facto* division of responsibilities between them and other Palestinian players.

These processes have since 1987–88 reshaped the term ‘right of return’ to reflect the new division between vision and reality: Israel would never agree to the return of Palestinian refugees into its territory, but might be persuaded not to resist the reconstruction of their villages. This approach magnified the role of Israeli Arabs in the attempts to force the government

of Israel to correct the 1948 Arab failure. Thus, a large part of the activity of Israeli Arab public figures since 1987 has been devoted to capturing territories within Israel, and an attempt to rebuild the villages abandoned in 1948. This way, the Israeli Arab leadership would not lose political influence, and would escape the fate of the local leadership in the territories upon the arrival of the PLO in 1993–94. Still, Israeli Arab dues to the overall Palestinian interest would be served by taking over areas in the Jewish state, legally or illegally. This redefinition of the term ‘right of return’ has manifested itself in the following ways:

1. An effort to take over strategic junctions and highways by massive illegal building activity.
2. Public campaigns in Israel and the use of international organizations to call for the reconstruction of villages abandoned in 1948.
3. Using universal humanitarian values in order to promote a right of return agenda. This is usually done in judicial forums and abroad with the aim of convincing them that denying Israeli Arabs water and education, wherever they live, is not acceptable. Every success in this respect is used to establish an Israeli Arab presence in locations not approved by the Israeli governmental planning authorities.

The implementation of these policies has not been followed in most cases by violence, and therefore, unlike the *intifada*, has not attracted much Israeli public attention. However, this activity has been intensified since the establishment of the Palestinian Authority, and is clearly intended to bring about the next stage of an Israeli–Palestinian agreement, after the possible establishment of a Palestinian state. Clearly, such a Palestinian move would not answer the needs of the Palestinians outside the territories. The Israeli Palestinians are already taking care to address this by their plans for the next stage. Since it is obvious that Israel will continue to resist the return of the descendants of the original refugees, the Israeli Arabs would opt for the next best solution. Their task would be to make sure that Jews do not find enough territory for themselves in Israel, and that the Israeli Arabs have all access possible between their areas and the Palestinian areas.

It is clear that the uprising and the political developments that followed taught the Israeli Arab leadership several lessons to be implemented concurrent with the Israeli–Palestinian political process:

1. Since Israel failed to find a military solution to the *intifada* in the occupied territories it would be totally paralysed in responding to any violence inside Israel *proprie* by Israeli citizens. The forceful response of the Israeli police to the late September 1998 events in Umm al-Fahm (see the following paragraphs) served to convey the equivalent Israeli

official reaction: Israel would spare no effort in fighting for its domestic security. This lesson, so different from previous assessments by Israeli Arab leaders, was so shocking that Israeli Arab MKs intervened to put an end to the violence, and many spokesmen on behalf of the population called for the dismissal of the commander of the police forces and the minister in charge of internal security.

2. As long as the uprising was going on, the Israeli Arabs were the only players to have access to the Israeli media and to the government of Israel. The legitimacy granted by the Oslo accords to the PLO and the direct contacts between its leaders and the leaders of Israel made the Israeli Arab leadership redundant in this respect. Their services for the Palestinian cause were no longer necessary. Furthermore, as long as the PLO leaders could not speak to the Israeli leaders, the Israeli Arab leadership could hold out the prospect of becoming the accepted speakers for all Palestinians living west of the Jordan River. With the creation of the Palestinian Authority and the moving of all internationally recognized leaders of the PLO into territories in the former Mandatory area of Palestine, they successfully claimed their right of representation, once again, making the Israeli Arabs only a marginal element within the larger Palestinian people. All these developments caused the old differences between the Israeli Arabs and the Palestinians in the territories to resurface. From an Israeli Arab point of view, the PLO is very much interested in their fate, but would not act on their behalf, at least until the territories settlement is complete.

#### THE STRUCTURAL IMPLEMENTATION OF THE 'RIGHT OF RETURN'

All the processes discussed in the preceding pages once again focused the attention of the Israeli Arabs on the old issue of land and taking over areas. Thus, transformation of the old 'land' cause into an updated version of the 'right of return' involved three interwoven courses of action:

1. Establishing a body dedicated to the issue of 'recognizing the unrecognized villages'.
2. Enlisting support from Israeli Jewish figures who would protest against the humanitarian injustice done to the Israeli Arab citizens, but would by the mere fact of expressing their position contribute legitimacy to the idea that the 'unrecognized villages' be acknowledged. Apparently, another segment of the Jewish public opinion might subscribe to this approach: ideological socialists who believe that true equality between people should ignore religion and nationality and that it should be translated in this case into full human rights whatever the minor political outcome.

3. Petitioning the Israeli courts on borderline issues when the courts are asked to choose between the humanitarian aspect and the political damage.

Since the latter two moves are the result of the first, it is the idea of the 'unrecognized villages' that should be analysed. Indeed, the slogan: 'recognize the unrecognized villages' was first voiced in 1988 with the establishment of the Association of Forty. The name of the association is derived from the fact that by that time 40 years had elapsed since the signing by Israel of the Universal Declaration of Human Rights.<sup>16</sup> In the association's opinion Israel had failed to live up to its own commitments. The main claim of the association is that in 1988 there were about 40 'unrecognized villages' in Israel. The association claimed that they were Arab villages, which the government for discriminatory considerations had refused to recognize, and consequently these villages were entitled neither to financial support nor to any social services from the central government. The number of 'villages' has grown during the years since to about 70, and the population increased from an initial estimated 10,000 people to 50,000,<sup>17</sup> and is predicted to grow to about 70,000.<sup>18</sup> One source, not necessarily considered by Arab intellectuals as 'anti-Arab' or 'pro-government', is putting the phenomenon of 'unrecognized villages' in its right historical perspective.<sup>19</sup> It states that those villages are mostly offspring of known existing villages. Some villages began to spread before the establishment of the state; in some other cases, this happened after 1948 with no official approval of their building plans. This phenomenon is only one element of a larger process of illegal building in Israel. This public and continuous violation of the Israeli law is strongly connected with Israeli Arab political considerations.

The case of the Ein Hud village provides a significant test case in studying the sources of the 'unrecognized villages' phenomenon and its possible effect on future land disputes within the pre-1967 borders of Israel. The original village of Ein Hud on Mount Carmel was destroyed during the 1948 war since it hosted armed people who threatened traffic on the main highway connecting Tel Aviv and Haifa, two major metropolitan centres. When the Association of Forty was established in 1988 by a resident of Ein Hud, the basic demand by him and his colleagues was that they would be allowed access to the old cemetery which had been abandoned in 1948 along with the rest of the village. Meantime, during the first years of the state the abandoned village was turned into an artists' and painters' village. Since the remains of the village were already reconstructed by the current residents, the former Arab residents who had not left Israel during the 1948 fighting took over parcels of land within a nearby national park, and began building a new Ein Hud. Since they had no building permits, and since that particular part

of the old village was not allocated for new building, the illegal 'returning residents' had neither running water nor any electricity. In the late 1980s they began enlisting support for their cause claiming that the government of Israel was denying them their basic rights within their (illegal) settlement.

The call for provision of suitable living conditions for the people in Ein Hud did not receive a sympathetic ear from the Likud-led coalition government that was at the time in power. However, after the change in government in 1992 and the subsequent policy of making major political concessions for the Palestinian community, the issue of the 'unrecognized villages' was no longer ignored. There were two main reasons for the change in policy.

First, for years there have been symbiotic relations between the minister of interior and the Arab sector in Israel. This minister controls practically all governmental budgets allocated to the Israeli municipal sector. Usually, the party of this particular minister gets a high vote among the Arabs compared with other Jewish parties since most of the income of the local councils originates from the ministry (the municipal tax collection among Israeli Arabs is usually low). This tendency feeds in turn a more conciliatory approach to the needs of this population. Moreover, in Israeli coalition terms there are many similarities in the way the ultra-religious members of Knesset operate and the *modus operandi* of their Arab counterparts. Therefore, even while the Likud coalition was in power, the minister of interior – a member of an ultra-religious party – while realizing the pivotal role of the Arab vote promised to recognize some of these villages.

Second, the ideology of the new government (1992) called for greater openness in respect of the rights of the Arabs in Israel, ignoring altogether the Likud Party's point of view that it was the beginning of a new revised version of the right of return.

The illegal village of Ein Hud was eventually recognized in early 1995, at the exact location where the village existed until 1948.<sup>20</sup> By that recognition a precedent was set, and a notion of the 'internal right of return' was in effect established; in short: it was the first time ever that a village had been allowed to be reconstructed in its pre-1948 location. That act could not change the fact that the reconstructed village was built within the perimeter of a declared national park on state-owned land.<sup>21</sup> This village was not alone in being recognized by the 1992–96 coalition government. Eight villages altogether were recognized, none of them as result of a planned policy aiming at finding a historical reconciliation between Jews and Arabs in Israel in the wake of the euphoric days of the Oslo accords. Thus, the recognition given to all of the villages is living proof that, with the right political constellation, the advancement of the 'internal right of return' is possible. Moreover, even the coming of a new

coalition to power in 1996, one which was dedicated to combating these Israeli Arab policies, did not cause a change in the official Israeli attitude. In spite of public desire to reverse the decisions of the previous government,<sup>22</sup> no coalition would dare do it for fear of losing even the insubstantial Arab votes for its member parties.

Similar considerations led successive Israeli governments to turn a blind eye to the widespread Arab illegal building all over Israel, mainly on state land. Only seven per cent of all land in Israel is privately owned. About four per cent is owned by Arabs, who account for about one-fifth of the total population, and three per cent by Jews. The remaining 93 per cent is managed by the Israel Lands Administration (ILA) for a variety of public owners, the largest of them being the state of Israel.<sup>23</sup> This concentration of land in the hands of the state enables Israel to plan for the future and to be able to implement large-scale planning schemes for the generations to come. Considering the small size of Israel any illegal building and taking over of state-owned or administered land is damaging to the idea of planning for all present and future citizens. It is extremely threatening when the take-over of land is in line with a different political agenda. This distribution of land makes no difference to the Jewish population of Israel since their violation of building regulations is usually on an individual basis, that is, adding a room or a fence to an already existing structure. In the Arab case it is mostly the take-over of state-owned land for the purpose of bridging over privately owned Arab land. In many cases this is land earmarked for planning purposes. Arab representatives usually justify such moves by their opposition to 'Judaization of the Galilee'. This expression is the 'red rag' provoking any Arab citizen of Israel into an emotional reaction. Whether the confiscation of land is for security purposes (see below the analysis of the September 1998 events in Umm al-Fahm), for the continuation of public building in Israel, or for the building of new roads, it is always something to resist since the decision is made by the Zionist government. Thus, it is typical that during the first visit of the (then) new deputy minister of agriculture, Walid Sadiq, in July 1992 at the Druze village of Yanuh he answered a plea by the Arab MK, Tawfiq Zayyad, and promised to give top priority to the issue of the expropriation of land.<sup>24</sup>

Illegal building by Arabs in Israel should be analysed in the same vein. Three inter-departmental committees, all appointed by Israeli cabinets, came to the conclusion that the phenomenon of Arab illegal building is widespread and continuing. The last of these, known as the Markovitch Commission after the name of its chairman, pointed out in its report the lack of enforcement agencies to act within the Arab sector in Israel.<sup>25</sup> It also underlined the lack of master plans for the future development of the Israeli Arab settlements. Clearly, the report did not condone the continued violation of laws in the Israeli Arab sector. However, the phenomenon of

illegal Arab building continues to this day. Each attempt by Israeli law enforcement agencies to destroy such building is countered by local and national Israeli Arab leaders who remain steadfast on what they consider their national land. In their opinion, the government of Israel does not have the right to carry out court-approved eviction and demolition orders. This, in spite of their petitioning the courts on these same issues and the (obvious) insistence on the implementation of sympathetic decisions.<sup>26</sup> They believe, and so far rightly so, that the Israeli and world public opinion would deter the government from carrying out inhumane decisions, but simultaneously they send deeper roots into the land and by force, or the threat of using it, are already affecting the future of the land. This line of activity is usually the result of an individual encounter with the law, which results in full involvement of the Israeli Arab community.

Another avenue of resisting the central government, while promoting the idea of 'internal right of return' has to do with the 'Law of Absentee Property, 1950'. The law was passed by the Knesset in 1950, and has been amended three times since. Its main aim is to find a legal way to let the government of Israel use the land and other real estate abandoned by Arabs in the context of the 1948 war for an indefinite period of time. The main premise of the law is that the property would be held as collateral by the state of Israel until the final settlement of the financial claims of Jews against the Arab countries, which they had left in the context of the same war. Such a settlement would hopefully be found as a result of the multilateral talks resulting from the Madrid conference and devoted to refugee issues in the Arab-Israeli conflict. For years, but especially since the *intifada*, the leaders of the Israeli Arabs have called for the release of this property into their hands. In simple terms, they have got themselves into a position to claim the 1948 abandoned property. The property covered by the law is derived from three main sources:

1. Property of Arab refugees who left Israel in 1948, and never returned. The 'right of return' as recognized by UN General Assembly Resolution 194 of December 1948 refers precisely to these people. This property would in peacetime serve also as the Israeli payment for the resettlement of the Arab refugees in current locations, as much as the abandoned Jewish property in Arab countries would serve to compensate the state of Israel for their resettlement in Israel since 1948.
2. People living in the 'Triangle' area, namely residents of the areas east of the Israeli coastal section and west of Samaria. With the end of hostilities in 1948 they were under Iraqi control, but became Israeli citizens as a result of the April 1949 armistice agreement between Israel and the Hashemite Kingdom of Jordan. In many cases their land, which was found inside Israeli territory even before the end of hostilities, was taken over by Israel. Since the land was already owned,

the government was in limbo, and thus declared these landlords 'present absentees'. This category is perhaps the only one that justifies a judicial solution, which has not been found since 1949.

3. Former religious endowments property (*waqf*) which used to be administered by the former *mufti* of Jerusalem until 1937. This property consists of thousands of acres all over Israel. The mufti, Hajj Amin al-Husayni, a distant relative of Yasser Arafat, became the leader of the Arabs in Mandatory Palestine in 1922 with the blessing of the British Mandatory government. However, soon enough he began his uncompromising war against the British and the Jews in Palestine. In his activities, especially during the riots of 1936–39, he used the income from this real estate, previously endowed by the Muslim community in Palestine, for the well-being of their community. In the context of the British–*mufti* confrontation, a warrant for his arrest was issued in 1937 (but he fled Palestine without being apprehended), and the administration of the property was transferred to a committee of three. Since all three fled Palestine during the 1948 war, and became absentees under Israeli law, all former religious endowment property began to be administered by the state of Israel. Control over it would give any Muslim or Arab interested party access to a huge income and legitimacy in a bid for leadership among the Palestinians. Since some of the property consists of mosques and other religious sites a number of the very few in mostly Muslim areas have been released to the Muslim community in Israel. However, the demand to 'release' the property by Israeli Arab leaders means today *all* property, wherever it is located, and access in some cases to downtown Tel Aviv and Haifa where some of the property is located. Obviously, the public call for the 'release' of the property means the return of a Muslim presence to locations where it has long been absent. Accordingly, even the Labour-led coalition government, which in many cases preferred the humanitarian approach, compared with the Likud-led coalition, was not too sympathetic to these demands. This policy, consistent in every government since 1948, led the Israeli Arab leadership in recent years to carry out illegal annexations of former *mufti* property. In many cases they chose old mosques in areas which are no longer Muslim, since 1948, in order to claim freedom of religion and to prevent the government from any countermove. After all, whatever the legality of the claim, no Jewish authority would dare remove Muslims from a mosque. These policies by the Israeli Arab leaders and their following began with the early stages of the *intifada* and continue to this day. Still, considering the fact that they are preparing for a rather distant eventuality, certainly after the final settlement of the Palestinian issue, they are patient and careful in claiming their alleged religious rights. It is clear that this is their main claim: the right to perform their religious

duties, but the fact that they claim that right in areas devoid of Muslims for the last 50 years tells the whole story: another manifestation of the 'internal right of return'.

Two distinct organizations are active in promoting the 'internal right of return': the Association of Forty and the al-Aqsa organization. The former is demanding that the return to the unrecognized villages be legal; the latter promotes the return of former religious endowment property to the Muslims of Israel. These two demands are accepted by all Israeli Arab leaders and voiced in the Knesset by all Arab MKs. Accepting these demands would upset any planning and political considerations the government of Israel has; on the other hand, by returning these properties to Arab hands, especially in non-Arab neighbourhoods, a process of 'internal return' would commence.

#### PROGNOSIS AND THE FIRST GLIMPSE OF THE FUTURE

During the last days of September 1998 violent riots broke out between the Arab residents of the town of Umm al-Fahm in the 'Triangle' area and police forces.<sup>27</sup> The immediate trigger was the evacuation of a protest tent of villagers near Umm al-Fahm on land confiscated a few months earlier to allow the Israel Defence Forces to carry on its training. The size of the land was about 125 acres, and compensation of about 625 acres was offered to the villagers by the government in an area less significant for military exercises. Moreover, a larger area was confiscated from Jewish villages for the same purposes. The Jewish settlers, though not too satisfied with the decision, went along with it. The Arab peasants, for less territory and larger compensation, refused any negotiations and took to the streets. In the clashes that followed scores of people, policeman and citizens, were wounded. Even more worrying were two phenomena; first, a major highway, going through Arab areas, was blocked for about two days; second, Israeli Arab citizens threw many petrol bombs at the police forces. This violent confrontation came to an end with an agreement between government representatives and the local leaders that the local peasants would be allowed to work the land until 31 December 1998, by which time the confiscation decree would take effect.

The (temporary) end to hostilities served as a reminder of past events between Israel and her neighbours, which reflected negatively on the Arab citizens of Israel. After the Israeli evacuation of Sinai in the context of the 1979 Israeli-Egyptian peace treaty Israel was forced to build a new airbase in the Negev desert. Local Bedouins claimed ownership of the land that was used for this purpose, but mostly could not provide any documentation for their assertion. All attempts by the Israeli government to agree financial compensation failed. In late 1998 with the evacuation of

parts of Judea and Samaria complete, and other areas discussed in the framework of the second withdrawal, Israel was continuously pressed for more training areas inside the pre-1967 borders of the country. The clashes and the refusal by Israeli Arabs to give up these areas served three Palestinian national goals:

1. To take over as much land as possible within Israel, legally or not, so that the area held by the government is smaller. In this respect, the Arab leadership adopted a long time ago the pre-state position of the Zionist leadership: giving up even one-quarter of an acre will be resisted.
2. To make manifest the potential threat of the Palestinians living in Israel in the event that any Israeli–Palestinian agreement were deemed unsatisfactory. During this conflagration the prime minister of Israel stayed in the US, addressing the UN and meeting President Clinton, and the chairman of the Palestinian Authority, Yasser Arafat, for discussions on the next withdrawal in Judea and Samaria. These clashes definitely served the national Palestinian cause.
3. To ensure that the outcome of any territorial agreement between Israel and any of its neighbours is always an Israeli withdrawal from land and the elimination of training areas. Limitations on military training within the sovereign borders of Israel clearly inflict damage on the training routine of the Israel Defence Forces, and hence its preparedness for any future military confrontation.

With the advancement of any territorial agreement between Israel and the Palestinians all these elements will come into play in a more significant way. Clearly, this is only one of many Israeli Arab contributions to the overall Palestinian cause. The Umm al-Fahm event, and the subsequent wave of fires all over northern Israel, for which Israeli Arabs were blamed,<sup>28</sup> might mark a turning point in the consensus of Jewish thinking. In spite of several public expressions against police brutality by leading Jewish Israeli leaders none called for a special session of Knesset and none joined the demand by leading Arabs for the establishment of a committee of inquiry. There is obviously a clear line dividing political pleas voiced through the courts and the political system by members of known parties, from violence centred in a town led by Muslim radicals. The demands of the local residents might have gained a more sympathetic ear from all Jews who are predisposed to respond to the humanitarian despair had they been carried by other leaders.

#### CONCLUSION

Even at a time when the final outcome of the current political process in the Middle East is far from being clear, Israeli Arab representatives are far

ahead compared with the government of Israel. They have already begun a series of actions, which if successful would dramatically influence the outcome of the process. Yet, the government of Israel failed during the early days after the signing of the Oslo accords to declare and implement a coherent policy regarding the Arabs of Israel. Even the early beginnings of the 'internal right of return' could be presented within a larger framework as one element of a historic reconciliation between the return demands and the Israeli official policy. The lack of such policy and yet the accumulated concessions to the political demands of Israeli citizens is a bad omen.

On the Arab side, clearly they face a double challenge: how to identify themselves as Palestinians, contributing their share to their fellow Palestinians by using such political tools as are available to them, and yet not to acknowledge the supremacy of the PLO? Moreover, since no Israeli Arab is interested in moving into a Palestinian state, they are keen on preserving their unique identity in a way that would not cause any loss of their rights in Israel, and yet would make them trustworthy partners in deciding the future of the Palestinian people.

The arrival of the PLO leaders to the present Palestinian Authority areas might have made the Arab Israeli leadership redundant. Their direct access to the Israeli media and policy-makers became as much available to the leaders of the PLO. Consequently, the Israeli Arab leaders managed to put on the political agenda a new issue. On the theoretical level the main question they are posing now is the following: is Israel pursuing a solution of the 'territories problem', or is it interested in a comprehensive solution of the Palestinian issue? From this angle, Israeli Arabs should do their utmost to bring about the creation of a Palestinian state in order to provide for the beginning of resolving the Palestinian issue. Yet, their role only begins with the establishment of such an entity: at one end of the spectrum, there is the least promising scenario, that a much weaker Israel with a very active Palestinian minority will have to face an aggressive Palestinian state. The best scenario, on the other hand, speaks of the possibility that the establishment of a Palestinian state would add to the national pride of Israeli Arabs. Under this scenario their solidarity with their brothers in the territories would create relations similar to those which exist between Israel and the Diaspora. However, whatever scenario materializes, the Jewish state and its Arab citizens will have to redefine the nature of their relations, giving way to the national aspirations of the Arabs inside Israel.

The best scenario in the context of a comprehensive Israeli-Palestinian peace settlement in the eyes of most Israeli Arabs would be a close-knit Palestinian society ranging from the Galilee, through Judea and Samaria to the Negev desert in the southern part of Israel. That entity bound together by heritage and family ties would not have to be translated into

one single Palestinian political entity, nor would it have to be recognized internationally. Its territory would. Another element of that national vision is that the Arab leadership in Israel, while not giving away any of the economic advantages of living in Israel, would become at least equal partners in running the ultimate Palestinian entity.

## NOTES

1. Nadav Aner, 'The Arabs of Israel: Bridge for Peace between Israel and its Arab Neighbors', unpublished paper, Israel, National Security College, 1986.
2. John Norton Moore, *The Arab-Israeli Conflict: Readings and Documents*, Princeton, 1977, pp.1085-91, quoting the official PLO text of the Palestinian National Charter.
3. There was a major public debate in Israel prior to the 1996 national elections on the question whether the charter had been abrogated or not. It is clear now that since the National Congress of the PLO had never been called on a special session for the purpose of changing the charter according to its article 33, it continues to serve as the constitution of the PLO and the Palestinian Authority.
4. Uzi Benziman and Atallah Mansour, *Subtenants, the Arabs of Israel: Their Status and the Policies towards Them*, Jerusalem, 1992, p.189 (in Hebrew).
5. See for example *al-Ittihad* (Israel, Arabic, daily of the Communist Party), 27 May 1991.
6. *Al-Ittihad*, 27 May 1991.
7. Born 1943, member of Knesset continuously since 1984.
8. Born 1939, member of Knesset 1984-92.
9. Yaakov M. Landau, *The Arabs in Israel*, Tel Aviv, 1971, p.119 (in Hebrew).
10. More precisely: the Mapai-led coalition. Mapai is an acronym of the Hebrew words for the Party of the Workers of Eretz Israel, an earlier version of the current Labour party.
11. Landau, *The Arabs in Israel*, p.117.
12. Yaakov M. Landau, *The Arabs in Israel, 1967-1991: Political Aspects*, Tel Aviv, 1993, pp.84-6 (in Hebrew).
13. *Al-Arabi* (Israel, Arabic, weekly), 29 Dec. 1989, 26 Jan. 1990.
14. Yafa, MarkazYafa lil-abhath, *Nashrah lmarrah wabidah*, Nisan, 1991 (Jaffa Research Center, one-off publication, April 1991) (in Arabic); Salim Jubran's reaction to Dr Azmi Bisharah, *al-Ittihad*, 5 July 1991; two more recent expressions of Dr Azmi Bisharah advocating the idea: *al-Sinarah* (Arabic, weekly), 3 Jan. 1992; *Ha'aretz* (Hebrew, daily), 29 May 1998. Bisharah (b. 1956) is one of the most vigorous representatives of the Israeli Arab generation born into the Jewish state who made their career throughout the Israeli academic and political systems. He was elected MK in 1996 under the banner of the Democratic National Alliance, which he heads.
15. On 10 Nov. 1975 the United Nations General Assembly determined that Zionism is a form of racism. For the text of this resolution (3379, XXX) see Norton Moore, *The Arab-Israeli Conflict: Readings and Documents*, pp.1236-7.
16. Adopted and proclaimed by General Assembly Resolution 217 A(III) of 10 Dec. 1948.
17. MK 'Abd al-Wahab Darawshe, *Knesset Chronicles*, Jerusalem, 6 Jan. 1993.
18. The Association of Forty, the association for recognizing the unrecognized Arab villages, *Memorandum*, Ein Hud, 1997.
19. Benziman and Mansour, *Subtenants, the Arabs of Israel: Their Status and the Policies towards Them*, p.186.
20. Israel Kesar, minister of transportation in his speech in the Knesset, *Knesset Chronicles*, 29 March 1995; the Likud-led coalition which returned to power in 1996 adopted this recognition in spite of its past objections to the move by the Labour-led coalition. The (Likud) minister in charge of minority affairs comments at the Knesset, *Knesset Chronicles*, 15 July 1997.
21. Roni Milo, deputy minister at the prime minister's office in his answer in the Knesset to MK Edna Solodar, *Knesset Chronicles*, 21 Jan. 1987.
22. Knesset debate on the status of the Arab minority in Israel, *Knesset Chronicles*, 22 July 1996.

23. United Nations, CCPR, International Covenant on Civil and Political Rights Distribution; General CCPR/C/81/Add.13; 2 June 1998; English only/Human Rights Committee; Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Initial Report of States Parties due in 1993/ Addendum/ ISRAEL (9 April 1998); paragraph 849.
24. *Zafon 1* (local weekly, Acre, Hebrew), 21 Aug. 1992.
25. Benziman and Mansour, *Subtenants, the Arabs of Israel: Their Status and the Policies towards Them*, p.186.
26. Typical petitions before the Supreme Court are cases 48/94; 7115/97; 4671/98 and others.
27. The description of these events is based on the following Israeli newspapers: *Ha'aretz*, *Ma'ariv*, *Yediot Ahronot* (all in Hebrew), *al-Sinarah*, *Kull al-Arab* (both in Arabic), 27–30 Sept., 2 and 4 Oct. 1998.
28. *Ha'aretz*, 15 Oct. 1998.