

**The Arabs in Israel –  
Three Years after the Or Commission Report**

Judge Hashim Khatib

## **The Konrad Adenauer Program for Jewish-Arab Cooperation**

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**The Arabs in Israel**  
Editor: Elie Rekhess

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## **Introduction**

The government resolution of November 8, 2000 which established an official commission of inquiry to investigate the events of October 2000, granted a rather broad mandate to the commission, which later became known as the “Or Commission”. On one hand, this mandate permitted the commission to focus its inquiry on the occurrence of the violence and their immediate antecedents, and to draw conclusions concerning the conduct of the Police and other factors during the events. On the other hand, this very mandate granted the commission license to delve deeply in its investigation, and also track the deep-rooted causes that made a significant contribution to the occurrence of those violent events in early October 2000.

The commission was granted a historical opportunity to conduct a thorough investigation of the State’s attitude toward its Arab citizens, and the effect of this attitude on the development of conditions and climate that facilitated, and even contributed, to the eruption of the violent events of October 2000. The commission members felt that, if they succeed in identifying the deep-seated causes and factors that contributed to the events, and prudently present to the government worthy recommendations whose implementation could defuse these deep-rooted causes, the commission had an opportunity to influence the joint future of Jews and Arabs in the state. Not only would this prevent a recurrence of similar events in the future, it would moreover generate a fundamental change in the State’s attitude towards its Arab citizens, a change in the attitude of the Arab citizens to

the state, and a change in the relationship between the Jewish and Arab populations in the state. Ultimately, this would make a profound positive contribution to the joint future life in the state, and to the quality of that life.

The commission was aware of the deep rift and crisis of trust dividing the state's Arab and Jewish citizens in the wake of and as a result of these events, and to the grave harm this could have on the future of the joint life of Arabs and Jews in the state, as well as on the quality of life in the State of Israel. The commission was also conscious of the risk inherent in the widening of the schism and the possible repetition of violent events in the future. The commission rose to the challenge and adopted the more difficult course, which entailed a thorough and painstaking investigation of what had occurred, not only to examine the immediate causes of the outbreak of the violent acts, but also the deep-seated causes and fundamental factors that made a significant contribution to the violence that erupted on an unprecedented extent and ferocity.

The Or Commission found, and stated in its report, that one of the important deep-rooted causes that contributed to the outburst of the violence events was the discriminatory attitude of the State and its institutions against its Arab citizens, on the basis of their Arab identity, and the discrimination from which the Arab population has suffered since the establishment of the state to the present day.

The Commission found that injustice applied by the State to its Arab citizens, and the discrimination against them in all areas of life produced pent-up rage and frustration that created a convenient climate and atmosphere for the outbreak of those violent events. The violent explosion of the frustration and rage lacked only the spark to ignite the flame. Such a spark was provided by the visit of then MK Ariel Sharon to the mosques on the Temple Mount in late September 2000, and the violence that occurred the next day which caused the death of seven Palestinians and injuries to many others, and the death of many Palestinians on the following day. The violence was also fanned and aggravated by the death of the child Muhammad Al-Dura in front of TV cameras, and the repeated broadcasts of this tragic drama on many TV networks.

In my opinion, the inequality, prejudice and discrimination practiced by the State against its Arab citizens since its establishment was not only a fundamental and significant deep-seated factor, it was the dominant factor which even though didn't cause the violent events themselves, at least it contributed to their broad extent and intensity.

Since the establishment of the state, the Arab public in Israel has suffered from inequality and discrimination on the part of the state authorities in every area of their lives. The level of rage and frustration of Arab citizens rose as the policy of discrimination against the state's Arab citizens continued: the explosion of those emotions of rage and frustration in the form of violence was merely a matter of time.

It should be noted that a number of security agencies were aware of this danger, and considered the discrimination and prejudice to be a ticking time bomb. They voiced their warnings repeatedly to generations of Israeli prime ministers, but unfortunately their admonitions fell on deaf ears. Over the years, one after another, government administrations failed to address this issue or to initiate a policy of equality toward the state's Arab citizens, and thereby they failed to defuse the time bomb which ultimately erupted as the violent events of early October 2000.

## **The Or Commission Recommendations**

The work of the Or Commission continued for over two years, during which thousands of documents were submitted and testimonies were heard from hundreds of witnesses. In itself this attests to the Commission's difficult task and its thorough efforts. On September 1, 2003, the Commission submitted its report to the government of Israel, in which it addressed, among other issues, the causes and factors that led to the violent events – the immediate causes and the more remote causes, as well as the deep-rooted causes that require the most attention in the future. The Commission summarized its conclusions and set forth its recommendations in a report covering several hundred pages.

The Or Commission recommendations, the focus of far-reaching public attention, also bore the brunt of considerable criticism from many parties, both from the Jewish population and from the Arab population. It is not my intention to tire you by reviewing the criticism expressed by both sides of the fence against the Or Commission recommendations. Nevertheless, I believe that it is accurate to say that the severe criticism and mainly irrelevant criticism voiced against the Commission and its recommendations was, over time, replaced by relevant criticism that spoke to the heart of the matter, and by expressions of hope that the Or Commission recommendations would create a fundamental change in the relationship between the state and its Arab citizens.

Today, three years after the publication of the Or Commission Report, it seems to me that public attention should, for the most part, not be directed to the criticism against the Report, but rather to the execution and implementation of its recommendations and to the actions taken in this matter. This is so because of the great importance and impact the execution of the Commission's recommendations will have on how life is lived in the state. Apparently, many people viewed the Commission's recommendations and the implementation of these recommendations as a light at the end of the tunnel, especially the recommendations relating to the issue of equality, elimination of discrimination and resolving the disparities between the Arab and Jewish sectors. Therefore it is distressing that the actions taken until now on this issue have caused the disappointment – if not

despair – of broad sections of the Arab public. What is important today is to take action in any possible way to implement the Commission’s recommendations, drawing them forth from theory to practice.

We cannot underrate the significance of the recommendations pertaining to the performance and conduct of specific officials, or the enormous public significance of the implementation or non-implementation of these recommendations by the government. However, I believe that the major part of the efforts and campaign should now be directed to the execution of the recommendations regarding equality, elimination of discrimination and resolution of the disparities, recommendations which may be coined ‘systemic’ or ‘institutional’ recommendations, due to their great impact on the joint lives of Jews and Arabs in the state, as well as on life in the state and the quality of this life in general.

In its published Report, the Or Commission addressed the right to equality as a fundamental constitutional right, the normative foundation that entrenches this right, and the significance of equality for the existence of a democratic regime. The Report noted that equality is at the foundation of our social existence, and constitutes one of the pillars of democracy. The Commission discussed the nature of equality and the adverse repercussions of discrimination.

In this context, the Commission cited the following statement by Justice Aharon Barak:<sup>1</sup>

Equality is a fundamental value for all democratic societies [...] it is based on considerations of justice and equity [...] equality protects the government from arbitrariness. Indeed, there is no factor more destructive to society than when its sons and daughters have a feeling that they are being treated unequally. A sense of unfairness is one of the most unbearable of all feelings. It undermines the forces that consolidate society. It erodes people’s self-identity.

And regarding the right of minorities to equality, the Commission discussed the problematic aspects of majority-minority relations and the difficult task imposed on the State and its institutions to counter-balance the minority’s vulnerability created by its inherently inferior status. This is what the Commission stated in its report:<sup>2</sup>

Minority-majority relations are problematic everywhere, and are especially so in a state that defines itself according to the nationality of its majority. In practice, there are no perfect solutions to the resulting dilemma in such a state, and some even claim that the principles of a sovereign nation-state and the principles of liberal democracy create an inherent contradiction. In any case, establishing reasonable harmony in majority-minority relations is a difficult task, and one which is imposed on all sectors of society. This task requires special efforts on part of the state

institutions that represent the hegemony of the majority, in counter-balancing the minority's vulnerability created by its inherent inferiority in size and influence. Avoiding or investing inadequately in such efforts creates among the minority a sense of injustice, and a reality of discrimination, which may be aggravated over time. These factors also apply to the situation of the Arab minority in Israel, which is the object of discrimination from many aspects. Moreover, in the case of the Arab citizens of Israel, several unique factors exacerbate the problematic aspects of their socio-political status in the state even further.

In its Report, the Commission stated the following with regards to the discrimination which the Arab citizens of the state experience, and discrimination as a fundamental factor affecting the friction and clashes that erupted between Arab citizens and the authorities: <sup>3</sup>

The state's Arab citizens live in a reality in which they are the object of discrimination based on their identity as Arabs. Inequality has been documented in a large number of professional studies and surveys, has been confirmed in judicial decisions and government resolutions, and also has found expression in reports of the State Comptroller and other official documents. Although awareness of discrimination by the Jewish majority is frequently rather low, the experience of discrimination plays a central role in the emotions and attitudes of the Arab citizens. Many individuals, in and beyond the Arab sector including official assessment agencies, believe that it constitutes a major cause of agitation. This is also true of various spheres of life in which insufficient action has been taken to resolve the unique hardships of the Arab sector. Therefore, these phenomena should be viewed as underlying factors that form the backdrop to the friction and clashes that erupted between members of the Arab sector and the authorities.

The Or Commission extensively reviewed the discrimination experienced by the Arab population in each sphere of life, and addressed the prejudice and inequality practiced by the State and its agencies toward the Arab citizens of the state. This is evident, for example, in the allocation of state lands to Arab citizens for residential construction, or in the allocation of government budgets and resources in various areas such as development, employment, education, religion and welfare. The Commission also addressed the issue of adequate representative of the Arab population in the civil service, or more precisely, the lack of proper representation of this population in the state's civil service, and came to the following unequivocal conclusion:<sup>4</sup>

A major goal of the State's operations must be the achievement of genuine equality for the state's Arab citizens. The right to equality of the state's Arab citizens stems

from the very democratic nature of the State of Israel, as a fundamental right for all citizens. Discrimination contradicts the fundamental right to equality which is, as believed by many, rooted in the right to individual dignity. This is even more so in the context of discrimination based on race or nationality. It is, therefore, in the state's interest to take action to eradicate the stain of discrimination against its Arab citizens, in all forms and aspects.

The Or Commission did not contend itself with these general statements, but rather discussed each and every area, and noted the discrimination practiced by the state and the state authorities against Arab citizens, and submitted specific detailed recommendations to the government to eliminate the stain of discrimination and injustice, and attain full equality among all the state's citizens.

Thus, on the shortage of land for construction in the Arab sector, for example, and the issue of allocating state lands for this purpose, the Commission stated in the summary and conclusion section of its Report as follows:<sup>5</sup>

The issue of land is very important when addressing the Arab sector. This issue increasingly resonates to struggles that have lasted one hundred years or more. It is difficult to disregard the ardent emotions that are associated with this issue. The emotional baggage and national contexts should not, however, detract from the state's duty to treat its Arab citizens according to the worthy principles of distributive justice. The Arab sector has legitimate needs that stem from natural population growth, among other things. The State must allocate land to this sector based on the same patterns and principles as it does to other sectors. In principle, impartiality in favor of or against the Arab sector relative to the accepted treatment of other sectors, is untenable.

Regarding the need to resolve the disparities between the Jewish and Arab populations, the Commission stated:<sup>6</sup>

In this context, the State should initiate, develop and activate plans to resolve the disparities, with an emphasis on budgetary items related to all aspects of education, housing, industrial development, employment and public services. Special attention should be directed to the living conditions and privation of the Bedouins. Ignoring or marginalizing this issue can no longer be justified. Through its senior ranking officials and agencies, the State must take clear decisive action to eliminate the differences as soon as possible, by setting clear, tangible goals and specific timetables.

## Implementing the Recommendations

No matter how good or important the statements, conclusions and even recommendations may be, their practical import and impact on citizens' lives is tested through their implementation and results.

The Or Commission Report was submitted to the government on September 1, 2003; it seemed that everyone who held dear the principle of equality and for whom the future life in the State of Israel was important, was pleased to hear that the government decided to adopt the Commission's recommendations on as early as September 14, 2003. Unfortunately, however, it quickly became apparent that this sense of satisfaction and contentedness was premature; even a review of the government's resolution raised serious concerns over the actual implementation of the recommendations, especially those pertaining to equality and reducing the discrepancies.

The government's resolution analyzed and effectively divided the Commission's recommendations into two groups: the series of recommendations "concerning the function, status and future of individuals and officials" was approved by the government without reservation. The second set of the remaining recommendations, which can be termed 'institutional' or 'systemic' recommendations, the main thrust of which pertains to equality, elimination of discrimination and disparities. In its resolution, the government stated that these matters "require in-depth, thorough study before they are brought before the government for a final decision." Consequently, the government decided to establish a Ministerial Commission "to study the Or Commission Report thoroughly, and submit its opinion to the government within 60 days." The resolution also provided that the ministerial commission, "at its discretion, would make additional recommendations, as necessary."

Concern over the fate of the implementation of the "other recommendations," which are in fact the very heart of the report, arises, if only due to the popular maxim – stating that there is no better way to circumvent the implementation of recommendations of a commission of inquiry than to appoint a second commission to study and submit an opinion on the recommendations of the first commission.

The concern over the implementation of these recommendations increased in view of the names of the members of the Ministerial Commission appointed by the government. The commission composed seven ministers, four of whom had voted against adoption of the Or Commission's recommendations, and some had even expressed on more than one public occasion their fundamental opposition against the very establishment of an official committee of inquiry.

On the face of it, the government resolution contained a convincing argument in support of a Ministerial Commission – the in-depth, thorough study required by “the scope of the report, its conclusions and recommendations.” However, as its resolution implies, if the government genuinely decided to adopt all the recommendations in the Or Commission Report, as previous governments of Israel had accepted the recommendations of official commissions of inquiry, why was there a need to appoint a Ministerial Commission to review those recommendations and submit an opinion on that portion of the recommendations that constitutes the very heart of the report? It would have been sufficient to appoint professional experts to study the Or Commission Report recommendations, become familiar with the situation in the field, and outline a course of action for the implementation of each and every recommendation which would include the determination of a time table and the entity responsible for implementation.

### **The Ministerial Commission Report (The “Lapid Commission”)**

The report of the ministerial commission, published seven months after the official submission date designated in the government resolution, confirmed the consternation over the fate of the “other recommendations.” The Commission’s desire to “go through the motions” with all regards to the implementation of the Or Commission recommendations is evident. A review of the Ministerial Commission report indicates that this Commission did not make a single recommendation containing specific details regarding the manner, means, budgets or schedules for implementation of any of the Or Commission recommendations related to the right to equality and reducing differences, which are the core of its report. Anyone reading the report of the Ministerial Commission recognizes the effort invested to create an impression that the Or Commission recommendations will be implemented in the present or near future. The Ministerial Commission sought out government resolutions or deeds, or resolutions to take action, containing any indication of action relating to the equality of the state’s Arab citizens or reducing the differences. The commission made an effort to identify such decisions or actions as a response to any one of the recommendations of the Or Commission. Notably, even when a resolution which the Ministerial Commission identified as a response to one of the recommendations of the Or Commission remained “on paper” and was not executed, the Ministerial Commission disregarded this fact and simply noted in its report “not executed” or “incomplete,” adopting the “excuse” for inaction provided by the entity in charge of executing the resolution, if any excuse was provided.

The Ministerial Commission report is well-known, and in any case it is available for perusal; it is not my intention to tire you by quoting from the report. Nonetheless, to

examine the reservations and criticism directed toward this report by various entities in both the Arab sector and the Jewish sector, I will refer to several statements contained in the report which, in my opinion, illustrate the absence of genuine action by the Ministerial Commission to promote, in any manner, the implementation of the Or Commission recommendations concerning equality for the Arab citizens, which had apparently been the purpose of the Ministerial Commission's establishment.

First of all, I wish to make a general comment on the entity which the Ministerial Commission proposed as responsible for the preparation of programs designed to achieve equality and reduce gaps, and for monitoring the execution of these programs (at least in the initial stage). This entity is the National Security Council. In other words, the Ministerial Commission is basically imposing on the National Security Council the formation and alignment of the policies of various government ministries toward Arab citizens, and the preparation of programs on all the topics noted in the Or Commission recommendations, even though the issues contained in the Or Commission recommendations are all civic ones. This proposal reinforced Arab citizens' belief that the Ministerial Commission, similar to consecutive Israeli governments, treated the state's Arab citizens as a security problem that must be addressed and resolved, rather than as citizens who deserve equal treatment.

This, in itself, evokes Arab citizens' distrust of the true intentions to achieve equality. I believe that it is important that decision making on citizenship issues involving the Arab minority will be a civic procedure imposed on the state's civic authorities that handle the same issues for the entire population. This would increase the trust of Arab citizens in the decision making process, reduce misgivings toward the intentions of various government ministries, and also increase Arab citizens' trust in equality.

From this point, let us proceed to several important recommendations contained in the Or Commission Report, and to the Ministerial Commission's attitudes and proposals concerning these recommendations.

As it noted in its report, the Or Commission determined that the main objective of state action must be to achieve genuine equality for the state's Arab citizens. The Ministerial Commission even quoted these statements in its own report. But what did it propose to achieve this goal? The establishment of civil national service for Israeli citizens who are not called up for military service – that is, the Arab citizens.

In effect, the Ministerial Commission proposed to define the obligation to perform national service as a condition for Arab citizens' right to equality. This contradicts the fundamental view of the right to equality in democratic regimes, according to which

the right to equality stems from citizenship itself and from the democratic nature of the government. It also contradicts the contents of the Or Commission Report, and the statements of the Commission on this issue which were even quoted by the Ministerial Commission itself; according to these statements, it is the State's obligation to take steps to secure equality for its Arab citizens, who are entitled to equality by virtue of their status as citizens of the state, and by virtue of the democratic nature of the state. Nowhere was it stated in the Or Commission Report or in any other statement that the right to equality is subject to a duty of some kind, as implied by the Ministerial Commission report and its above proposal. The opposite is true – making the right to equality conditional upon the fulfillment of an obligation of any kind contradicts both the contents of the Or Commission report and the fundamental conception underlying democratic government, as stated above. I believe that the Ministerial Commission erred in its proposal by linking, even implicitly, between the rights of Arab citizens to equality and the duty of national service.

Another proposal of the Ministerial Commission that generated considerable surprise is related to the Or Commission's recommendation regarding the housing shortage and the issue of illegal construction in the Arab sector. The Or Commission found two main reasons for the housing shortage and illegal construction in the Arab sector: one was the lack of master plans and outline schemes in the majority of Arab towns; the second was the shortage of land available for construction. As a result, the Or Commission recommended to accelerate the preparation of outline schemes in Arab towns, and to allocate state land to Arab citizens for construction based on the same criteria used to allocate land to the Jewish sector. In its own recommendation concerning construction in the Arab sector, the Ministerial Commission disregarded (apparently not unintentionally) the recommendation to allocate state land for construction to members of the Arab sector on an equal basis, using the criteria applied to other sectors. The Ministerial Commission chose, instead, to address the planning issue which, although important and a serious obstacle to lawful construction in the Arab sector, is not the sole issue that was addressed by the Or Commission or on which the Or Commission recommended solutions. The Or Commission also noted a second factor – the shortage of land for construction in the Arab sector – which, in my opinion, is no less significant a cause. It was for this reason that the Or Commission determined that the allocation of state land should be made according to the identical criteria applied to other sectors in the state.

As noted, the Ministerial Commission completely disregarded the Or Commission's recommendation in the matter of land allocation, and saw fit to emphasize those references in the Or Commission report that address the enforcement of the Construction

Law in the Arab sector. However, in contrast to the approach adopted by the Or Commission, which explicitly noted that enforcement relates to construction that would not be considered legal even after planning procedures in the Arab sector are completed, the Ministerial Commission separated the enforcement of demolition orders from the planning procedure issue and from the possible legitimization of such constructions in the future. The Ministerial Commission hastily recommended to increase the execution of demolition orders which, according to reports from several different sources, led to leveling of buildings in the Arab sector at an accelerated pace, exacerbating the housing shortage in this sector even more.

The severe housing shortage in the Bedouin sector, especially in the Negev, received similar treatment. The Or Commission stated that the issues of the Bedouin in the Negev can no longer be ignored, and suggested a solution to this painful problem. The Ministerial Commission deemed the government decision to establish seven new towns for Bedouins in the Negev a proper response to this recommendation, although the Ministerial Commission was well aware that the establishment of these towns was still a very distant goal, not a single town had been built, and the construction of even one town had not even begun. Nonetheless, the Ministerial Commission's hastily suggested to the government to increase the enforcement of the planning and construction regulations in the Bedouin sector, irrespective of proper housing solutions, and their suggestion had a practical impact. Demolition of Bedouin housing concentrations, most of which are shacks unfit for human habitation in the 21st century, increased significantly and many Bedouin families remained with no shelter whatsoever.

The ineffectiveness of the Ministerial Commission report in promoting the implementation of the Or Commission recommendations is also glaring with regard to reducing the differences between the Arab and Jewish sectors.

For example, the Ministerial Commission considered government resolution no. 740, dated August 19, 2003 (prior to the publication of the Or Commission Report, and one year prior to the publication of the report of the Ministerial Commission) to be an adequate solution to reduce the differences in public services. However all that the resolution states is that the aim of the plan is to bolster Arab local authorities, including mixed local authorities. The government instructed the Minister of the Interior to submit plans within six months to the Ministerial Commission for non-Jewish sector affairs, through the National Security Council, and to include a list of the entities in charge of the execution, mechanism of execution, budget and timetable for addressing the key problems of the Arab sector in Israel. Regarding the actual implementation of this resolution, the Ministerial Commission contended itself with stating two words: "Pending execution."

The issue of industrial development in the Arab sector, as reflected in the recommendation of the Or Commission received similar treatment. In this matter, the Ministerial Commission determined that the Or Commission recommendations on this issue are satisfied by government resolution no. 737 dated August 19, 2003, which instructed the Ministry of Industry, Trade and Labor to submit a proposal for including Arab local authorities in joint administrative bodies of adjacent industrial zones, thus far composed exclusively of representatives of Jewish towns. On the implementation of this government resolution, the Ministerial Commission once more was satisfied to note that no proposal had been submitted by the Ministry of Industry, Trade and Labor.

In the matter of reducing the differences in employment, the Ministerial Commission considered the abovementioned government resolution no. 740 dated August 19, 2003 (instructing the Ministry of Industry, Trade and Labor to submit a comprehensive plan, budget and timetable to resolve the key issues of the Arab sector within six months) to be an adequate response to the Or Commission recommendations on this matter. No plan was ever submitted, and the Ministerial Commission report once again was satisfied to note – “not executed due to overload of obligations of the Ministry of Industry, Trade and Labor.”

In the matter of reducing the gaps in education, the Ministerial Commission considered government resolution no. 2467 dated October 22, 2000, to be an adequate response. The resolution referred to the years 2000-2004 and the construction of classrooms at a cost of NIS 700 million, the development of pedagogical programs at a cost of NIS 280 million, and the establishment of a technological education track at a cost of NIS 66 million. The Ministerial Commission report noted that the major part of the resolution had been performed. Subsequently in its report, however, the Ministerial Commission report noted that the construction of the classrooms, which by all opinions is the core of the resolution, has not been performed by the government, at least with regard to the financial costs (NIS 700 million). If so, how was the major part of the resolution carried out? Only the Ministerial Commission knows the answer to this question. The Ministerial Commission offered no proposal of its own to reduce the gaps in education or construct classrooms to reduce overcrowding in the Arab sector schools.

On the matter of proper representation of Arab citizens in the state civil service, an issue which had been addressed in the Or Commission report, the Ministerial Commission remained similarly indifferent and offered no proposal to increase the employment of a greater number of Arab citizens in the civil service, to secure proper representation for the Arab sector in the civil service. I would like to note that it is a well-known fact that the Arab population in Israel constitutes almost 20% of the total population in the country.

Proper representation indisputably implies that the number of Arab citizens employed in the civil service should be if not equal to their share in the total population, then at least close to this share.

According to the Ministerial Commission, several government resolutions that concerned the employment of Arab citizens in the civil service constituted a satisfactory response to the Or Commission recommendations on this issue. The Ministerial Commission noted, for example, resolution no. 1402 dated November 27, 2004, that determined that, within three years of the resolution date, at least 8% of all civil service employees would be members of the non-Jewish population. This resolution first of all raises the question of how 8% constitute proper representation for a population segment that accounts for almost 20% of the population. Did the Ministerial Commission deem this level of Arab employment proper representation for the Arab sector? If not, why did the Ministerial Commission fail to bring before the government a proposal to increase, within a determined period of time (of several years) the percentage of Arab citizens employed in the civil service, to a level that is equal to their share of the population? After all, based on its mandate and government appointment, it was the function of the Ministerial Commission to study and express an opinion on the recommendations in the Or Commission report.

Furthermore, the Ministerial Commission also was indifferent to the fact that even this very modest goal remained very far from being achieved, and was satisfied to note in its report that “the date determined for completion of the resolution has not yet elapsed,” even though it was already clear then, as it is entirely clear today, shortly before the designated date, that this goal will not be achieved, neither in entirety nor in part. Moreover, data updated to the end of 2004 published by the non-profit association Sikkuy – the Association for the Advancement of Civic Equality in Israel (to which I refer more extensively below), indicates that not only was there no increase in the share of Arab employees in the civil service, but their share has actually decreased over time. This is evident when a comparison is made between the number of Arabs employed by the government at the end of 2002 and in 2005, indicating a decline of 0.2%.

The Ministerial Commission treated the matter of appointing Arab directors to government companies in a similar manner. Despite the state law passed by the Knesset on this matter, requiring the appointment of at least one Arab director to every board of a government company, this target has remained far from being accomplished, and the Ministerial Commission did not deem fit to propose any relevant recommendation in this matter.

The Ministerial Commission report contains no serious reference to development plans for the Arab sector or reducing the differences in this area. I believe that any person with eyes in his head sees that the existing development plans for the Arab sector, noted by the Ministerial Commission, would only remotely satisfy the existing needs, even if they had been implemented strictly to the letter, while in fact their implementation was incomplete due to failure in allocating adequate funds to the task.

The Ministerial Commission's report may be summed up by stating that the report failed to promote or contribute in any manner to the implementation of the Or Commission recommendations. In stark contrast to reality, the report paints a deceptive picture in which the government had effectively passed all the resolutions required to implement the Or Commission resolutions, and their implementation is merely a matter of time. This caused many people in the Arab sector to claim that the report, from the onset, was intended to sanction the government's inaction in all matters relating to equality, elimination of discrimination, and reducing the gaps.

### **Arab Fatalities of the October Events**

The fiercest criticism voiced by the Arab population in Israel against the Or Commission report concerned the 13 Arab fatalities in the October events, and the fact that the Or Commission, in its report, failed to name the responsible parties for the killing of any one of these 13 people.

Some argued that the Or Commission was obligated to find those responsible, and judge and punish them. Others argued that the Or Commission, which had been appointed primarily as a result of the killing of the 13 young Arabs, conducted an insufficient investigation, drew no conclusions on this issue, and failed to point to parties responsible for any of these deaths. Yet others directed their criticism at the decision of the Or Commission to refer to the investigation of the killing of the 13 Arab civilians, as well as the decision to prosecute those responsible, to the Police Investigations Department (PID). Critics claimed that the Arab sector's experience with the PID, especially in the Al-Ruha events of 1998, had caused many in this sector to distrust this institution.

It should be noted that the criticism, in part, resulted from a misconception of the functions and authority of a state investigative commission. Several critics erroneously believed that the Commission had the authority to prosecute, convict and punish those responsible for the killings, which was obviously incorrect. Undoubtedly one of the major roles of the Commission was to investigate and inquire into the factual circumstances of the killing of each of the 13 victims, and make an attempt to identify

the specific individual who pulled the trigger and fired the fatal bullet killing each of the young people who were killed, and determine the justification of each shooting, or lack thereof. However, it was not the Commission's job or within the scope of its authority to decide whether to prosecute such individuals, and it certainly has no authority to render a criminal conviction or impose punishment.

I believe that the Or Commission did the best to loyally fulfill its role within the limited scope of its functions and authority, including the investigation of the killing of the 13 Arab citizens. The Commission spared no effort and used the best instruments at its disposal to identify each of the individuals who fired the fatal shots, and to determine the circumstances of each shooting as well as the justification of the shooting. In several cases the Commission succeeded and explicitly identified in its report a specific police officer who fired the fatal shot, determined the circumstances of the shooting and determined whether the fatal shot was unjustified.

Only in the case of Muhammad Khamaisi of Kfar Kana did the Commission lack unequivocal evidence that the shot that injured Khamaisi was fired by a police officer. In all of the remaining cases, the Commission determined that the killings were most probably caused by shots fired by police officers without justification.

Among the cases in which the Commission identified the shooter and determined that the shot was fired unlawfully and without justification, we may note the shooting of the late Ramy Ghara of Kfar Jatt. The Commission expressly determined that this victim was killed by a rubber bullet fired by Rashid Murshid, Border Police officer, from a distance of 15 meters (significantly smaller than the minimal permitted distance for firing rubber bullets of 40 meters). The Commission further determined, based on the circumstances, that the shooting was not justified. The Commission also determined that Officer Abu Rish dispatched a squad of three Border Police officers, including Rashid Murshid, to stop one of the rioters in order to deter others.<sup>7</sup> The Or Commission reached these factual determinations and conclusions based on the testimonies it heard, and on the basis of its analysis of testimonies and evidence before it.

Another incident in which the Or Commission report noted the name of the police officer who fired a fatal shot was the killing of two young people, Walid Abu Salih and 'Imad Ghanaim of Sakhnin on the second day of the events. The Commission expressly determined that there was an ostensible link between the shots fired by police officer Guy Reif and the fatal injuries of both victims.<sup>8</sup> The Commission further determined that there was no prima facie justification for firing live ammunition at these young individuals. The Commission's determinations and conclusions on this matter were also

based on the evidence brought before it, including the testimonies of civilians and police officers, and a thorough analysis of the evidence.

Regarding the remaining victims of the October events, the Commission failed to determine, with the required degree of certainty, the identity of the police officer who fired the fatal shot, but it did determine two important points: one – the shots were fired by police officers; and two – the shots were not justified. This was true for the killing of Ibrahim Jabareen of Mu‘awiya who was injured by a rubber bullet that pierced his eye, to the killing of Muhammad Ahmad Jabareen of Umm al-Fahm, and to the killing of Ala’ Nassar of Arabeh, who was killed on the second day of the events.

The Commission was also unable to determine which police officer shot and killed the second victim from Arabeh, Asil ‘Asilah. Nevertheless, in its conclusions, the Or Commission determined that the circumstances indicate that one police officer fired the shot that injured Asil who died of his injuries. The Commission also determined that there was no justification for the firing with either live ammunition or rubber bullets despite the grave situation of the officers on the site. Furthermore, the Commission report determined which units operated at the site and were involved in the shooting, and expressly named three police officers who chased the victim into the olive grove shortly before killing him. This was also true for the killing of Iyad Lawabneh of Nazareth on October 2, 2000.

Regarding the shooting of Ramez Bushnak of Kfar Manda, who was killed on October 3, 2000, the Commission was unable to determine with certainty the identity of the shooter who caused the victim’s death. Nevertheless, the Commission determined that “the totality of the facts indicate that the deceased Ramez Bushnak was shot in the head when the officers aimed at the rioters.”<sup>9</sup> The Commission added that “there was no evidence of shots being fired by any others at that time and place. Under these circumstances it is reasonable to assume that the shots fired by one of the police officers caused the death of the deceased, Ramez Bushnak, although we are unable to name the police officer in question.”<sup>10</sup>

Regarding the events that occurred on October 8, 2000 in Nazareth, known as the “Mall Events,” the Commission determined that, shortly before 9 pm on that date, “a round of shots were fired by a large number of police officers who were on the front line. Rubber bullets were fired in this burst. Furthermore, live ammunition was also fired, injuring six individuals. One person was killed, three severely injured and two suffered slight injuries from which they recovered in a relatively short time.”<sup>11</sup>

In its report, the Commission addressed the issue of the responsibility for the order to fire, and accepted the statement of Dep. Lt. Alex Dan, Regional Operations Officer, according to which it was the Commander of the Amakim (Valleys) Region, Commander Moshe Waldman who gave the order to fire. The Commission determined that the shots were not justified, and there was even less justification for the use of live ammunition.

The Commission also addressed Commander Waldman's interference in the investigation. For some reason, this was handled by the director of the Region Investigations Bureau rather than the PID. The Region Commander, after following the investigation closely, gave these instructions despite his own ostensible involvement in the event, which raises a suspicion of attempted obstruction of justice.

### **Sniper Fire at Umm al-Fahm Junction**

On the matter of the use of snipers and the shooting at Umm al-Fahm Junction on the second day of the events, October 2, 2000, the Or Commission determined in its report that Major General Alik Ron, Commander of the Northern District, and Border Patrol officer Commander Bentzi Sao, were responsible for giving the order to the snipers to shoot at the civilians identified as rioters. The Commission analyzed the evidence that it had gathered on this matter, and expressly stated that the sniper fire was unjustified and unlawful. The Commission also stated, again on the basis of the evidence before it, that the sniper fire killed at least the deceased Muslih Hussein Abu Jarrad, of Khan Yunis.

In this state of affairs, and in light of the findings of the Or Commission that the shots that caused the deaths of the victims were fired by police officers, with no justification, the course of action open to the Commission regarding the prosecution of any of the individuals responsible for these deaths was to assign the investigation and the decision on criminal or other prosecution to the PID, which was by law the entity responsible for investigating and prosecuting police officers who break the law.

It is well known that the PID published a report in September 2005, in which it addressed the deaths of each of the 13 victims. The Department also addressed the sniper fire in Umm al-Fahm and Nazareth. Ultimately, the PID decided not to prosecute any of the police officers allegedly involved in killing the Arab citizens. The Arab citizens of the state and broad sections of the Jewish sector were dumfounded by this report. Some of the reactions were extremely harsh. For example, at the graduation ceremony of newly certified attorneys, which took place in early September 2006, Head of the Israel Bar Association, Dr. Shlomo Cohen called the report the "shameful report of the Police Investigations Department in the matter of the October events in which 13 citizens of

Israel lost their lives.” The Head of the Bar Association called to dismantle the PID and establish a civilian authority, detached from the police, in its stead.<sup>12</sup>

I have no intention of analyzing the PID’s conclusions or its decisions concerning each individual fatality to demonstrate that at least in several cases, these decisions lack adequate support, and untenably contradict the conclusions of the Or Commission that were based on the evidence brought before it and on its analysis of the evidence. This also applies, for example, to the PID’s conclusions relating to all aspects of the justification of the shooting. As noted, the Or Commission concluded that the fatal shots were fired by police officers without justification, which implies a lack of an immediate and genuine threat to the officers’ lives, while the PID reached opposite conclusions based on reasons that appear to be unconvincing. It is true that the factual determinations and conclusions of the Or Commission, as of any other state investigative commission, are not admissible in criminal proceedings, but these determinations and conclusions are based on publicly available evidence, and that evidence was undoubtedly available to the PID.

The report evoked surprise and amazement at how, and on what basis, the PID reached conclusions that differed from the conclusions of the Or Commission. With all the limitations stemming from the PID’s serious delay in starting its investigation, and despite the long period that had elapsed since the events, the PID was at the least able to obtain and rely on evidence that had been brought before the Or Commission, if not evidence extending beyond this.

The PID decided not to prosecute any individual, even in those cases in which the Or Commission had had clear-cut and unequivocal evidence before it, such as in the death of Ramy Ghara of Jatt, or Walid Abu Salih and ‘Imad Ghanaim of Sakhnin, or in the case of the sniper fire at Umm al-Fahm, or the order to open fire in the Mall events in Nazareth. This decision created serious misgivings and raised doubts concerning the integrity of the PID’s reasons justifying its decision, not only among the members of the Arab sector and especially the victims’ families, but in the Jewish sector as well. Many people believed that the PID’s decision was influenced by the fact that the victims were Arab citizens, and was designed to shield the police officers responsible for the acts of killing.

Many found unconvincing the reasons that the PID report offered for its failure to obtain incriminating evidence. For obvious reasons I do not intend to delve into these reasons or challenge their accuracy, especially in view of the PID’s announcement subsequent to the publication of the report, that it plans to reconsider its position.

To summarize the topic of the PID, I am concerned that the report reinforced the Arab population’s mistrust of the PID and in state authorities in general. The PID should

be applauded for announcing, shortly after the publication of its report, that it would reconsider its conclusions and decision, although another year has since passed and we have heard nothing on this matter from the PID.

### **Has the situation of the Arab population improved since the publication of the Or Commission report three years ago?**

Everyone who anticipated a change in the situation of the Arab population in Israel following the publication of the Or Commission report and its recommendations was deeply disappointed. The circumstances in which the Arab citizens in Israel live are not very different today from their reality before the publication of the Or Commission report, before the outbreak of the October events. It is a reality of discrimination and prejudice, a reality of ever-widening gaps. No change has occurred in the discriminatory policy of state authorities toward the state's Arab citizens in most spheres of life, and Arab citizens continue to be the object of discrimination due to their Arab identity. Very little, if anything, has been done to achieve equality for Arab citizens and remove the blemish of discrimination, and even less has been done to reduce the differences.

The Or Commission emphasized that the right to equality is a basic constitutional right to which the Arab citizens of the state are entitled as citizens, and a consequence of the state's democratic government. This equality remains a distant vision whose realization has become more remote than ever.

Resolving the disparities, an issue which was attributed much significance by the Or Commission report, is still a dream that is far from realization. Even after the Or Commission report was published, state authorities did not allocate the resources required for even the start of the process of "resolving the disparities," to say nothing of actually reducing the differences.

Nothing has been accomplished in the area of allocating state land to the state's Arab citizens for construction according to criteria identical to those applied by the State to allocate land to the Jewish population, an issue which was attributed much significance in the Or Commission report; as a result, the housing shortage in the Arab sector grows more intense. Although some progress has been made on the issue of master plans and outline schemes in Arab towns, an issue addressed by the Or Commission in the context of the housing crisis of the Arab sector, such progress alone is insufficient to resolve the problem, in view of the serious shortage of lands for construction in the Arab sector.

Adequate resources were not allocated in the area of national infrastructure, an area of supreme importance for the health and quality of life of all citizens of Israel, not only

the Arab citizens; today, there are more than a few Arab towns (5%) that lack any internal sewage system. In other towns, the sewage system is incomplete; a complete or nearly complete sewage system is in operation in only 40% of all Arab towns.

On October 22, 2000, in the wake of the October events, the government decided on a multi-annual development program for the Arab towns, known as the “Four Billion Program,” for the years 2001-2004. The official purpose of the program was to increase the development budgets of the Arab towns by NIS 2 billion. This program, which was implemented only partially, was from the onset insufficient to create the yearned-for change and reduce differences in the development of Arab towns.

From its inception, this program was not allocated all the planned scope of funds, and instead of NIS 4 billion, only NIS 3.15 billion, a mere 80% of the original amount, was allocated.

Furthermore, actual execution was even more limited, covering merely 70% of the original budget. The meaning of this fact is that the supplementary amount allocated to the development budget over the four years of the program was a mere NIS 738 million, a relatively small sum, representing an addition of merely 37% over the previous budget.

Notably, since 2004, the development budgets have been cancelled altogether, a fact which has serious repercussions, especially on the Arab local authorities, whose financial strife has made them completely dependent on these budgets. Cancellation of the development budgets impaired the ability of most Arab local authorities to connect public buildings to utilities, and prevented them from paving sidewalks, replacing water pipes, erecting streetlights, performing drainage works, etc. At the end of the program, the disparities in the area of development between the Arab and Jewish populations have not only failed to have been reduced, the gap has grown ever wider.

The program relating to the establishment of light industry and service zones in the territory of Arab municipalities and townships, or the inclusion of Arab local authorities in the administrative bodies of light industry and service zones (which until now had been composed exclusively of representatives of Jewish towns) was a step designed to offer an additional source of income for these local authorities. The program, however, encountered numerous problems. In practice, nothing has been accomplished in this area to this day. Practical plans and proposals on this matter were never formulated or submitted for approval.

The budget allocations in various areas are indicative of the persistent policy of discrimination against the Arab sector implemented by the various government ministries. An article published in Ha'aretz in February 2006 stated, according to information from the Adva Center – Information on Equality and Social Justice in Israel, the average per

capita infrastructure grant for the year 2004 was NIS 1,241 in the settlements, compared to NIS 802 in development towns, and NIS 738 in Arab towns. Furthermore, the per capita grant for social, educational, health and welfare services was NIS 1,949 in settlements in Judea and Samaria, compared to NIS 1,363 in development towns and NIS 1,346 in Arab towns. The article further stated that the differences in extraordinary development budgets were even greater: in 2004, the per capita grant was NIS 2,008 in Judea, Samaria and the Golan Heights, compared to NIS 1,067 in development towns, and NIS 826 in Arab towns.<sup>13</sup> These figures point to the continued discrimination that perpetuates and even exacerbates the differences, instead of bridging them.

Similarly little progress occurred in the area of education in terms of reducing the differences. The programs that the government decided upon – which from the start were inadequate and were unable to close or reduce the existing education gaps between the Arab and Jewish sectors – are not being fully implemented. For example, according to several government decisions, 1,545 classrooms were approved for construction between 2001 and 2004. In practice, the construction of only 710 classrooms was completed in this period, which are 46% of the planned number of classrooms (in the Bedouin sector, the performance rate is even lower). The result of the very limited construction of classrooms in the Arab sector is that the classes in the Arab sector schools are the most crowded in the country; schools in the religious-public education, on the other hand, are the least crowded.

According to another article that appeared in *Yediot Aharonot*, the Ministry of Education also discriminates against the Arab educational system in the scope of teaching hours, and Arab pupils are awarded 14% less hours of schooling than Jewish pupils. As a result of these differences in the allocation of resources for Arab education, the percentage of high school graduates in the Arab sector who earn matriculation certificates and are able to continue to higher education is 10% lower than in Jewish schools.<sup>14</sup>

If we yet require official confirmation of the policy of discrimination that has been and continues to be applied by state authorities against Arab citizens, such confirmation is provided by the High Court of Justice judgment rendered on February 27, 2006 (High Court of Justice 11163/03, Supreme Follow-up Committee for Arab Citizens in Israel v. the Prime Minister of Israel), concerning discrimination against Arab towns in the allocation of resources for education. The judgment indicates that for many years government ministries have awarded benefits to various towns on the basis of their designation as “national priority areas.”

The grounds for these benefits are found in a government decision resolved as early as January 24, 1993 concerning the reclassification of development towns and development

areas. Two classes of national priority areas were defined as National Priority Area A, and National Priority Area B, and their boundaries outlined in the map attached to the resolution. According to this decision, National Priority A areas were awarded benefits from government ministries in many areas including education. National Priority B areas were also awarded benefits, although to a more limited degree than National Priority A areas.

Several years later, on February 15, 1998, the government adopted a resolution (no. 3292) to update the map of national priority areas and the list of towns included in National Priority A and B areas. This decision stated that the Ministry of Education would grant benefits to towns in the Druze and Circassian sectors, similar to those granted in National Priority A area, while with regards to the Arab towns, the same decision provided that the Ministry of Education would develop a program to address underprivileged towns on a case by case basis.

Notably, according to the 1998 decision, 17 Jewish towns were reclassified as National Priority Area A, while no Arab town was included in this classification. Based on the same decision, 11 towns that were previously classified as National Priority Area B were reclassified as National Priority Area A; none of the reclassified towns were in the Arab sector. In contrast, National Priority status of 34 towns, including 14 Arab towns, was revoked.

Before a decision on the petition was rendered, the government adopted a new resolution on July 14, 2002 (no. 2288) in the matter of national priority areas. The decision provides that the classification of national priority areas in the matter of benefits from all government ministries that was defined in the government's previous resolution, would remain in effect for the purpose of financial support and incentives in education. According to the resolution, a committee was appointed to study the inclusion of additional towns in national priority areas. What a surprise! After towns were added, the list of national priority towns classified for education benefits contained a total of 535 towns, including four small Arab towns.

The High Court of Justice granted the petition based on two main grounds: (a) lack of governmental authority to determine areas of national priority due to the enormous significance of this designation, which is used to define numerous and diverse benefits in many areas of life; (b) the resolution is tainted by discrimination against the Arab sector.

The Court, addressing the issue of equality of Arab citizens, determined that the principle of equality applies to all areas of government activity. Furthermore, this principle has special significance with all regards to the government's obligation to treat

its Jewish and non-Jewish citizens equally. This duty to uphold equality among all the citizens of the State of Israel – Jews and Arabs alike – constitutes one of the foundations of the State of Israel as a democratic, Jewish state.

Additionally, The High Court of Justice further ruled that the result of four small Arab towns are awarded benefits of national priority areas in education while no less than 500 Jewish towns benefit from these awards, is unacceptable. The Court added, stating (High Court of Justice 11163/03):

The enormous difference between the number of Jewish towns with national priority area status in the field of education, and the number of Arab towns of similar status, indicates discrimination [...] Israeli democracy cannot tolerate such an outcome.

In the same decision, the Court added:

Thus, as a rule, especially in the situation where the Arab sector lags so far behind in the field of education...[...] public resources – especially resources directed to remedy a social-economic aberration – must be allocated in an equal and just manner, with attention to the purpose of their allocation, and the diverse needs of the members of society, the resource recipients.

These are pointed words. However, there is a great difference between talk and action. Although similar statements on the State's obligation to treat its Arab citizens equally have been made repeatedly by the High Court of Justice, unfortunately these statements have, until now, fell on deaf ears; generations of Israeli governments have refused to change their old habits.

The above judgment indicates that neither the October 2000 events nor the recommendations of the Or Commission caused the government to disassociate itself from its policy of discrimination against the Arab sector. This is true not only in the area of education, to which the judgment referred, but also in other areas where I believe the situation is even worse, the discrimination is more serious, and the divide between the Arab and Jewish sectors is deeper.

As a result of the policy of discrimination, the disparities between the Arab sector and the Jewish sector in the matter of unemployment and poverty have also become greater. The Arab towns top the list of unemployment-stricken towns; average unemployment figures in the Arab sector are 50% higher than average unemployment figures in the Jewish sector. The percentage of Arab families living on welfare – a figure which reflects the high rate of unemployment among the Arab population – is also higher than in Jewish towns. In Israel, 15.5% of all Arab families receive welfare, compared to 6% of all Jewish families.

Poverty, which has grown worse in the country in the last three or four years, has mercilessly struck the Arab population. Figures on poverty in Israel for 2005, recently published by the National Insurance Institute of Israel, indicate that 52% of the Arab population lives in poverty, compared to 30% for the general population. The 2005 figures indicate a 2% rise in poverty levels in the Arab sector from the previous year (2004). The percentage of children in the Arab sector living in poverty exceeded 60% – in contrast to the national figure of 30%.

The Arab population also suffers from discrimination in wage levels. A survey comparing 10 Arab towns and 10 Jewish towns, published in the Sikkuy report for 2004-2005, indicates that not only is unemployment higher in Arab towns compared to Jewish towns, but average wages in Arab towns are lower than in Jewish towns (NIS 3,795 and NIS 5,084, respectively).

Despite this situation, the budgets that the State allocates to social welfare in Arab local authorities are significantly lower than the welfare budgets transferred to Jewish towns. The approved standard for the number of welfare workers per case in Arab local authorities is also significantly lower than the approved standard in Jewish local authorities.

Similarly, no progress whatsoever has been made in the representation of Arab citizens in local governments and the civil service, and the situation remains far from satisfactory. The percentage of Arab citizens employed in the civil service is significantly lower than their share of the population. In 2004, while the Arab population constituted approximately 19.5% of the total population, only 5.5% of all civil service employees were Arab citizens. A review of the report published by Sikkuy for the years 2004-2005 indicates that not only was there no increase in the percentage of Arab civil service employees between 2001 and 2004, their share of all civil service employees even decreased slightly. Thus, it emerges that in April and December 2002, the rate of Arab civil service employees was 5.7%, compared to 5.5% in December 2004.

This decline is very significant, especially in view of government resolution no. 1402 dated January 27, 2004, according to which Arabs should constitute 8% of all employed civil servants by the year 2008. Despite this resolution, not only did the percentage of Arab civil servants fail to grow, it even declined. Another implication is that government resolutions concerning the equality of Arab citizens are not necessarily implemented, and local authorities remain indifferent to the implementation of such resolutions.

## Summary

Today, three years after the publication of the Or Commission report, and almost six years after the events in question, it appears as if nothing has changed in the government authorities' policy toward the state's Arab citizens, and this policy has fundamentally remained a policy of discrimination and prejudice.

It seems that almost nothing has been done to achieve equality, eradicate prejudice and discrimination, and reduce differences. Furthermore, even in those areas in which decisions have been directed to these goals, the decisions are inadequate. Even worse, using the test of performance, implementation has been partial at best. The continued policy of discrimination and favoritism by state agencies exacerbates Arab citizens' experience of frustration and their sense of alienation.

No less grave in my opinion is the relationship between the Arab and Jewish populations. It seems that no improvement has occurred in their mutual relations since the publication of the Or Commission report, which was designed to facilitate mutual trust and bridge the gulf that divided the two populations in the wake of the October events. The opposite is true. The suspicions and mistrust of both populations have increased. The position of many members of the Jewish population on the right of Arab citizens to equality, and on the right of Arab citizens to participate in Knesset elections, or the right of Arab MKs to vote on issues termed "national issues," has also contributed to this situation. The discourse on the transfer of the Arab population or parts thereof, has become legitimate discourse, not only for the public but also for politicians and members of the media. All these developments have engendered a grim, oppressive climate for the relationship between Jews and Arabs in the state.

The Second War in Lebanon also contributed to the unfavorable atmosphere and mutual distrust, in view of the reservations held by many members of the Arab population in the state against the war, which caused the loss of the lives of so many Israeli and Lebanese citizens, as well as widespread destruction in both countries. In this context, it should be noted that the Arab civilian population paid no less a price than the Jewish civilian population, both in terms of lives lost (19 Arab civilians and 20 Jewish civilians were killed), and in the destruction of property and economic repercussions suffered by the Arab population in northern Israel. Whoever followed the media during the war noticed the incitement, sedition and accusations exchanged by various figures from both sectors, primarily by Arab MKs and public figures, and Jewish media representatives.

Sadly, the picture that emerges is not a rosy one and does not herald good tidings for the future relationship of the two populations or for their future life together in the state. I fear that the relationship between the Arab citizens and the State, and between Arab

citizens and Jewish citizens, not only have failed to improve since the publication of the Or Commission report, but have even worsened.

The State of Israel did not even begin to outline a substantive change in its policy toward its Arab citizens, a change that Arab citizens anticipated following the recommendations of the Or Commission. And so, mistrust grew between the two sectors. These emotions were significantly fed by the attitudes of broad sections of the Jewish population who do not view the Arab citizens as citizens with equal rights and obligations.

The policy of discrimination and favoritism which the government applies against the state's Arab citizens, the tension that currently pervades the relationship between the two populations, and the lack of mutual trust that persists with full intensity, indicate that not enough has been done to build trust between the Arab citizens and the state authorities, and between Arab citizens and Jewish citizens. This situation requires great courage, especially on part of the state authorities, but also on part of the citizens.

I would very much like to end on an optimistic note, but sadly our reality and the current situation make this impossible. They demand that I repeat the urgent need for action by the state authorities and by the highest echelons to perform a fundamental transformation of the State's policy and attitude toward its Arab citizens, to instate a policy of equality towards all the state's citizens instead of discrimination and favoritism.

I am aware that equality and eradication of the differences that developed over the 58 years of statehood cannot be realized instantaneously. At the same time, I am confident that government policy that clearly marks the beginning of a change, and points to a new unequivocal policy of equality for the Arab population and adequate allocation of funds to resolve the disparities, will bring about a change in the feelings of the Arab citizens, even before the yearned for equality is achieved and the differences are eradicated. Such a policy would reduce the level of frustration and anger, and instead of the alienation experienced by many Arab citizens of the state, their sense of citizenship and belonging to the state will become stronger. Then, the atmosphere affecting the relationship between both groups, Jews and Arabs, will also change. However, if we – the state authorities and each one of us from his or her own place – do not all make a contribution in this direction, I fear that events such as those that occurred in October 2000 may recur, perhaps with even greater intensity, and shock us once more.

Now more than ever, the reality in which we live, and the state authorities' persistent policy of discrimination against Arab citizens, and the atmosphere between the Jewish and Arab populations in the state, point to the writing that was on the wall on the eve of the October events and remains written there, in letters that now appear much clearer and sharper.

## Notes

- 1 High Court of Justice 953/87. A. Poraz vs. Shlomo Lahat Mayor of Tel Aviv, PD 42 (2) pp. 329-330.
- 2 The State Commission of Inquiry into the Clashes Between the Security Forces and Israeli Citizens in October 2000, *Din V'Heshbon*, Vol. I (Jerusalem, September 2003), p. 26.
- 3 Ibid, Vol. A, p. 33.
- 4 Ibid, Vol. B, p. 767.
- 5 Ibid.
- 6 Ibid.
- 7 ibid, Vol. A, pp 305-308.
- 8 ibid, Vol. A, pp. 353.
- 9 Ibid, Vol. A, pp. 407
- 10 Ibid, Vol. A, pp. 407-408.
- 11 Ibid, Vol. A, pp. 387.
- 12 *Orech Hadin: Journal of the Israel Bar Association*, 62, September 2006, p. 22.
- 13 Motti Basok, "The State gave more to settlements, less to development towns and the least to Arab towns." The Marker supplement, *Ha'aretz*, February 13, 2006.
- 14 Tamar Trabelsi-Hadad, "The Ministry of Education discriminates against the Arab education system," *Yediot Aharonot*, May 7, 2006.

