

**The First
Or Commission Watch
Conference**

June 24, 2004
Beit Sokolov, Tel Aviv

Sponsored by Sikkuy: The Association for the Advancement of Civic Equality

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The Or Commission: “To Remove the Stain of Discrimination”

from "The Sikkuy Report 2002-2003"

At the beginning of October 2000, faced with a series of violent demonstrations and riots in various locations around Israel, police shot 13 Arab demonstrators to death and one Jewish citizen was killed by a demonstrator who threw a rock at his car. Following these events, the government of Israel established a state commission of inquiry to examine the course of the events and to determine their causes as well as the background to the events.

Six experts were asked to give testimony before the commission including the two co-directors of Sikkuy, Shuli Dichter and Dr. As'ad Ghanem. Their testimony can be accessed on Sikkuy's website.

The commission's members, chosen by the president of Israel's Supreme Court, Aharon Barak, were: Supreme Court Justice Theodor Or, commission chairman; Nazareth District Court Judge Hashim Khatib and Middle East historian and former ambassador, Professor Shimon Shamir.

On September 1, 2003, after almost three years of work, the commission presented its findings and recommendations. The report is divided into six sections dealing with the background that led to the “October events.” It also covers the course of the events themselves in great detail including the actions of various Jewish and Arab individuals. The report also presents the testimony of 14 Jewish and Arab public figures as well as police officials who were given judicial warnings by the court with regard to actions they did or did not take during the events.

The first section of the report covers the background, processes and factors leading up to the outbreak of the demonstrations. Among the many issues reviewed were discrimination and exclusion as paramount factors in generating unrest among the Arab citizens of Israel. The report examines two main aspects of this discrimination: the first, the status of the Arab citizens of Israel and the group rights they are entitled to or not; the second, civic inequality between Jews and Arabs in Israel that is expressed in the unequal allocation of resources in all aspects of life.

The report's authors point out that the maintenance of civil harmony between the majority and minority is a difficult challenge that is the responsibility of all of the society's institutions. It demands particularly strenuous efforts on the part of the state institutions (reflecting as they do the majority's hegemony) in order to reduce the vulnerability of the minority with its inherent disadvantage in numbers and influence.

The Report found that “the Arab citizens of the state live in a reality in which they are discriminated against as Arabs. The inequality has been documented in a large number of academic surveys and research, confirmed by the courts and government decisions and detailed in reports by the state comptroller and other official documents.” This is despite the fact that the principal of equality has been one of the cornerstones in the constitutional structure of the state of Israel since the 1948 Declaration of Independence and on through contemporary legislation and judicial oversight.

In the category of resource allocations the report specifies four main areas of inequality:

Land - The commission members point out that in the early years of the state, the government took control over large quantities of land owned by Arabs through various legal excuses and techniques and through massive land expropriation for the development of Jewish communities. The result was the drastic curtailment of the lands available to Arab communities and the subsequent shortage of land for Arab development and residential needs.

Budgets - “Discrimination against the Arab sector in government budget allocations is documented in the state budgets from whose data the unequal allocation of budgets in various areas can be ascertained.”

Employment - There is inequality in the employment of Arabs both in the public and private sectors. This inequality is the result of a number of factors, among them security considerations as well as deeply rooted prejudices.

Poverty - Discrimination against the Arab citizens constitutes one of the factors intensifying poverty in the Arab sector. Poverty among Arabs is much more prevalent than in the Jewish sector (according to data of the National Insurance Institute, some 28% of the poor families in Israel are Arab while the Arab share of the general population is approximately 19%).

Relating to the status of the Arab minority in Israel and the issue of group versus individual rights, the Commission finds: Cultural and symbolic status - There is no use of Arab symbols on stamps or banknotes, the official state holidays have Jewish and Zionist content but not even one reflects Arab values or shared Arab-Jewish values. The state enforces strict limitations on Arabic language radio and television broadcasts.

Religious Institutions - There is a longstanding neglect of Arab houses of prayer and cemeteries. There were not a few instances in which these buildings were destroyed or used as galleries, restaurants, stables, warehouses and synagogues. Until recently, the Ministry of Religion did not fund the maintenance of Muslim or Christian cemeteries.

Educational Institutions - There is inequality in the distribution of education budgets but the most sensitive issue is the content of the educational programs particularly with regard to their approach to Arab identity and culture in Israel.

Language - Despite the fact that Arabic is an official language in Israel, it does not enjoy equal status with Hebrew.

Political Status - The Arab members of Knesset are not real players in the parliamentary game and consequently cannot produce any real achievements for their voters. This engenders frustration and a lack of confidence in the ability of Israeli democracy to respond to its citizen's needs. The exception was during the Rabin government of 1992-95 when Arab MKs participated in the coalition by supporting it without being part of the government. During this period, there was a significant improvement in the government's regard for the Arab minority and real improvements were seen on the ground. These positive changes were eroded under subsequent governments.

Social Exclusion - Very acute displays of racism in day-to-day life are not uncommon and have deep social roots. Calls of "Death to the Arabs" have become common after terror attacks and security checks for Arabs are often degrading. Insulting behavior by bureaucrats is commonplace and all of these phenomena add to the Arab citizen's sense of insecurity and humiliation.

The report's authors reaffirm Sikkuy's message and actions over the last decade that much needs to be done so as to reach real equality between the Arab citizens and the Jewish citizens. It is difficult to avoid the conclusion, they write, that the government of Israel has yet to prove itself in terms of its attitude toward the minority of Arab citizens. In addition, the report goes on to say, the deep feelings of discrimination engender socioeconomic, cultural and political instability. This instability is in turn exacerbated by the ongoing governmental discrimination against the Arab public that was one of the main factors behind the extreme events of October 2000.

What Next?

The report's publication was at center stage on the public agenda for a week during which Sikkuy's representatives took an active part in the public debate. But, Sikkuy does not delude itself that the government will immediately apply itself to active implementation of the report's major findings.

A few months prior to the report's publication, Sikkuy began networking with other organizations (Van Leer Institute, the Arab Center for Alternative Planning and others) to establish a framework to monitor and enforce implementation by the government of the Commission's institutional recommendations.

Sikkuy has already established a "senior civil servants" committee with 13 members. The Jewish members are former directors-general of government ministries; the Arab members are prominent academicians and public figures. This group has taken upon itself a shared, long-term task to apply continual pressure on the government to implement the unequivocal recommendations of the Or Commission in order to "remove the stain of discrimination."

The committee will operate systematically in parallel to the various areas of governmental responsibility as defined by the report and will constitute a "shadow committee" watching over the government-appointed ministerial committee charged with implementation. The committee members will make use of their intimate knowledge of governmental processes in order to maintain ongoing pressure on the government and to keep the subject on the public agenda.

The second team being formed is composed of journalists, writers and public-opinion experts who will identify ways to generate public support for full implementation. This group will focus on having an impact on the long-term attitudes of the public with the goal of creating a large and influential reservoir of support for civic equality between Jewish and Arab citizens in Israel.

The ongoing efforts of both of these teams will be fueled by data and research supplied by Sikkuy's information center.

Sikkuy views the Or Commission's recommendations as an unprecedented opportunity for advancing civic equality between Israel's Arab and Jewish citizens and will do everything in its power to use this opportunity effectively. This long-term effort will require significant financial resources to be raised in Israel and abroad.

The Editors

The First *Or Commission Watch* Conference

June 24, 2004
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Introduction

This booklet presents an abstract of the deliberations held at the first Or Commission Watch conference held in Tel Aviv on June 24, 2004. The Or Commission Watch is a project developed and implemented by **Sikkuy: The Association for the Advancement of Civic Equality**. The project's goal is to create mechanisms to apply public pressure on the government of Israel to implement the Commission's institutional recommendations¹ to achieve full equality for the Arab citizens of Israel.

Immediately following publication of the Or Commission recommendations in September 2003, the government adopted the recommendations in their entirety and charged a special ministerial committee headed by Justice Minister and Deputy Prime Minister Joseph (Tommy) Lapid with the task of determining how best to move ahead on implementation.

The first part of the conference addressed the issues related to implementing the Commissions recommendations. Minister Lapid analyzed his committee's findings. His remarks and the discussion which took place following his presentation shed light on the Israeli senior leadership's approach to civic equality. Of particular interest were his personal remarks in which he identified him with liberal, democratic values on the one hand, but also adopted a "patriotic" stance based on the national priority of resolving one of Israeli society's most fundamental problems.

The Lapid Committee report reflects a similar ambivalence even though Lapid reiterated the government's commitment to a policy of equality between Jewish and Arab citizens. Despite the fact that the committee was established to formulate a practical plan to implement the Or Commissions recommendations, the number of concrete recommendations was very limited. The Committee's main proposal was to establish an "Authority to Advance the Minority Sector" within the Prime Ministers Office.

Human rights activist, Aida Touma-Sliman responded by criticizing the Lapid Committee's report for conditioning equal rights for Arab citizens on their

¹ See Appendix A - p.x – Summary of the Or Commission Recommendations

fulfillment of obligations (like national service) and for its failure to consult with Arab leadership as equal partners in the process.

The second half of the conference dealt with the practical steps to deal with different elements of the discrimination which Arab citizens of Israel are subjected to daily.

- Dr. Khaled Abu Asba, co-chair of Sikkuy's Board of Directors and the director of the Manar Institute, presented the ongoing and increasingly difficult problems in the Arab educational system. He said that the failure of the system is not only reflected in low educational outcomes but is also expressed in anti-social behavior, in the high dropout rate, in the phenomena of drug addiction, criminal behavior, gang presence within the school. Dr. Abu Asba proposed the establishment of an independent Arab Educational Authority as the best framework to equalize and advance Arab education.
- Professor Itzhak Galnoor, former head of the Civil Service Commission and a member of Sikkuy's board of directors, called for support for affirmative action for positions in the civil service as a basis for advancing equality between Arabs and Jews in Israel.
- Dr. Hanna Swaid, director of the Arab Center for Alternative Planning, focused on the fundamental problem in the field of land allocations: 85% of the lands in Israel are owned by local and regional municipal authorities and the government and almost entirely serve only Jewish needs. He called for changing this situation.
- Haifa Sabbagh, of the Van Leer Institute Jerusalem raised the issue of the lack of designated teaching hours that are devoted to democracy education and good citizenship both within the Jewish and Arab educational system in Israel and called for correcting this situation.
- Yossi Kucik, former director general of the Prime Minister's Office recommended working in cooperation with the current director general of the prime minister's office to implement previously developed programs for civic equality and any future plans.

The conference was dedicated to the memory of the late Sikkuy co-chair, Ambassador Hanan Bar On on the first anniversary of his death. Speakers described a number of different sides of his character and his many activities. Shlomo Gur, former director general of the Ministry of Justice and former deputy chief of mission for the Israeli Embassy in Washington, D.C., described Baron's many years of service as a "diplomatic wonder" and as someone who excelled in opening doors in Washington behind the scenes.

Dr. Yossi Beilin, head of the Yahad Party emphasized the educational facet of Baron's character and said that he felt like Baron's pupil even when Baron served as his deputy when Beilin was the director general of the Ministry of Foreign Affairs. Baron's son, Arnon Baron, talked about his father's openness and said that discrimination between people was strange and unfathomable to his father.

Hanan Baron served as Sikkuy's co-chair for XX years. His deep commitment to democracy and equality continues to guide Sikkuy's vision. May his memory be blessed.

The Conference

Part 1: Implementation of the Or Commission's Institutional Recommendations

Summary of remarks by Joseph Lapid, deputy prime minister and minister of justice:

The Commission's Work

The Commission met more than 25 times. I can say with certainty that I invested several hundred hours of work in this report comprised of 80 pages and about 20,000 words.

My good will is derived from two motivations: the first is based on my honest belief that we are obliged to live together in a liberal society, in an enlightened society, in an equal society, and this cannot take place as long as Arab citizens or minorities are discriminated against and do not enjoy equality. Equality is the natural right of every person in a democratic state.

The second motivation is based on my feeling that after the resolution of what we call the "Palestinian problem" if we do not solve the issue of equality of the Arab minority in Israel, we as a state will be confronted with a problem that is much more serious than the Palestinian problem. If the social tension between Israeli Jews and Arabs increases and ignites, the damage that this could cause would be much greater than what all of the terrorists taken together are doing now. Therefore, this is not only an ideological, liberal and personal commitment; it is also a patriotic commitment.

Committee Recommendations

The first question that we asked ourselves was whether there were recommendations that had not yet been implemented, and if funds could be

found to carry them out. Who would be concerned about their implementation? We came to the conclusion that only if a special authority was established whose task would be to advance the issue of equality in Israeli society would there be a chance that this would happen.

We decided that a unit would be set up whose purpose would be to fulfill the recommendations within the Office of the Prime Minister. The authority would have responsibility to promote every subject that would help lead to equality: not just in the matter of police behavior but also in the appointment of directors to government companies and government positions and advancing the Arab public toward at least statistical equality with the Jewish public.

The director-general of the Prime Minister's Office has been directed to establish a government authority to advance the minority sector. The authority will deal with many issues including planning, construction, finance, crime prevention, fair representation in public service, educational advancement and the Arab citizen's integration in Israeli society and economy.

There are members of the minorities who are opposed to this proposal. There are those who say, "Thank you very much; I do not want a special authority just for me. I want to be treated equally- automatically, naturally. Don't do me any favors." This is similar to those feminists who oppose the establishment of a Commission for the Status of Women (and I think this commission does help women). However, this authority will have much more status and authority than the Commission on Women's Equality.

Our second proposal was to integrate young Arab men and women into a civil-national service. The representatives of the Arab public immediately notified us that they were opposed to this as long as there was not complete equality. I think that equality must include both equality of rights and obligations. As you know, I lead the camp that is demanding that *everyone* including every Jew must take part in national service.

Obviously, I recognize that up to now, we have not yet succeeded in achieving this for Jews. I think that we need to implement this for Jews and Arabs together. We are not saying to Arabs that they will be given weapons to shoot at Palestinians. They can, however, perform national service in their own communities. I truly believe that the government also has the right to say: "I want there to be equality, I provide the equality, and I can also require equality of obligations." I know there is opposition to this at least among the recognized representatives of the Arab public.

The third subject, and this perhaps the most central finding of the Or Commission, is that of land. The Lapid Commission proposes to assign the Minister of the Interior and the Israel Lands Authority in cooperation with the local Arab authorities to rapidly prepare zoning plans for Arab communities that, as of

now, have not yet been prepared. They must also complete planning arrangements for Arab communities where they have started working on this. They must do this based on the consistent application of the principles of existing building guidelines. Marketing of land will be carried out in coordination with needs and in coordination with appropriate planning principles.

The fourth and fifth proposals we suggested were symbolic; however I think that anyone who works not just as a psychologist but also in political science knows the importance of symbols. In addition, these symbolic ideas have practical application. One: the committee suggested that a day be set aside that is devoted to tolerance - today in Israel, and in the world in general, it is acceptable to declare the establishment of a day devoted to specific subjects - between Jews and Arabs in Israel by organizing events that enable the participants to get to know each other better. On this day Jews should travel to Arab communities, and Arabs should travel to Jewish communities and meet in each others' houses. If there is a day like this, then the media should also pay attention to it, and prepare features and articles on this subject. I think this could be an important psychological contribution.

In addition to this, the Minister of Education thinks that each school should dedicate a week to the study about the other. A week in which young Jewish children will learn about Arabs and about Islam, and Arabs will learn about Judaism and Jews in order to prepare the next generation for life together through acknowledgement of the other, and not to continue the sense of a "strange culture" which is so widespread among us.

Part 1: Responses

Summary of the response by Aida Touma-Sliman, executive director of "Women Against Violence" and a member of Sikkuy's board of directors.

The purpose of establishing and appointing this committee is to find the "how" of implementing the recommendation of the Or Commission. Is it possible to succeed by this means to take a step towards toward the Arab population, to rebuild our faith as the Arab population in the State of Israel, in the institutions of the State and the government?

I think this is the main challenge. I claim that the committee failed the test. Why do I say this? I think that actually the Committee went in the opposite direction. The committee stole from us, the citizens of the State of Israel, who have suffered from discrimination for generations, has snatched from us the recommended way to behave in order - and I don't say this idly - so that we could finally attain equality.

In section four of the committee's report it says: "The State of Israel is committed to a normative change in the framework of mutual relations between Jews and

Arabs.” It continues, “The policy of the government is to achieve equality in rights and obligations between citizens of the State with all possible speed.” Why do I quote this section? In my opinion, this section shows us many of the thoughts that were behind the discussions in this committee.

There is a lot to say about the composition of the committee and to explain the feelings of the leadership of the Arab population that led them to want to boycott the committee. However, in regard to the facts that were determined in the beginning, that the government is obliged - and pay attention to the word use here - to work for a “normative change in the framework of relations,” we are also obliged, and we are doing this every day-especially Sikkuy, to work for a normative change in relations.

However, this is not the problem. The October riots did not take place between Jews and Arabs. The October riots did not occur because Arabs do not like Jews or Jews do not like Arabs. The problem was long-term governmental discrimination. This is the background upon which the events occurred. Therefore, to come and say, and suddenly there is no obligation to full equality, but there is a policy to achieve full equality at the earliest possible time. “The earliest possible time” could be another ten years, it could be another 100 years, I don’t know when it will be, and it depends.

Mr. Lapid said, “I supply equality and demand obligation.” This is exactly the position of the Arab leadership, and it is our position-provide equality and demand obligations. This is alright, Mr. Minister. But, it is not okay to condition our rights on obligations. We are citizens with equal rights from the day we are born. We are human beings with equal rights according to international covenants, and our rights must not be conditional. I agree with you 100%, provide us with equality and demand fulfillment of obligations.

Many of us are performing national service in our own non-institutional manner. This month I will be 40 years old. For 22 years, I have been doing my own national service. I am not waiting for the government to impose its service on me. Most of the infrastructure in our Arab society was built by this kind of national service. Do not force something on us that makes our rights conditional. It is important to state that the boycott of the committee by the Arab leadership is one of these rights. Refusal to participate in a government committee is a legitimate political means of struggle. If the Arab population, and the Arab leadership who were elected by the population, makes this kind of decision, we need to examine why it was, that from the start, none of these representatives were included as participants within the committee. The Director of National Security Council or his deputy sat at the committee. Therefore it was possible to include the leaders or at least some of the Arab population’s leadership. Even, on a non permanent basis- once yes, once no, and to ask them their opinion.

Lapid: You say why you decided to boycott the committee and then you ask why we did not cooperate with you. Decide.

Touma-Sliman: Perhaps we decided to boycott because we were not initially included as participants, instead we were invited. What about the 16 Arab citizens who were killed by the security services from the October riots up to today? What happened with investigation of these events? What happened with the police policy? I think, Mr. Minister, that the only weakness in the police from the events of October until now is moral weakness. This has characterized and continues to characterize the police. There is a great moral weakness within the police. It has failed to take responsibility for the deaths of citizens.

In regard to the Authority: as a feminist woman, and as someone who knows what is entailed in the establishment of a Commission on the Status of Women, I still remember that the Commission was established through legislation, and not through a decision of a government office which created it without a clear definition of its boundaries, authority or budget. There is a problem with the creation of an Authority in this way, without clear legislation on the subject. My fear is that this will be like the plan for allocating four billion shekels for the Arab community. That plan was not implemented, but in the end, they used this in order to say, "It is impossible to approach you with special plans, look- you have a plan for four billion shekels. One week ago, the Supreme Court ruled on this matter. My real fear is that this Authority will become problematic if it is not mandated according to law and legislation.

The feeling of belonging is not promoted by imposing symbols. Nor is the feeling of belonging encouraged through the announcement of this or that day devoted to tolerance. It is through real development of the feeling that the State does relate to us as equal citizens and not as a demographic and security threat.

Summary of the response by Shalom (Shuli) Dichter, co-executive director of Sikkuy.

I read the report of the Lapid Committee with a great deal of interest. The report says:

"In regard to plans for local authorities, they have not yet been carried out." That is a quote. Industrial development-"Has not yet been submitted". Problems regarding gaps in employment, "Not implemented". Fair representation for Arabs on government directorships: "Partial implementation"; "In the process of implementation"; and "The objectives that were established have not been achieved." The needs of the Bedouin in the Negev are included in great detail, but it is written: "There is no data yet on advancing this decision."

Nachman Tal, former Deputy Director of the GSS, was interviewed in a special magazine edition of Haaretz that was published for the holiday of Shavuot. In that

article he wrote that fifteen programs were planned to address the problems of the Arab sector, yet not even one of them was implemented. I expected that this plan would be different in its content; however the weakness of this plan is that it basically drops it and leaves only a gaping hole since it relies on past plans that have not been implemented.

My expectation from this committee is that there will be at least a feeling that there is some change in perspective here. Now I will explain what I mean by a change in perspective. What were the events of October? In the Or Commission report, on the first page of the introduction, immediately after the reference, it is written unequivocally: "In October 2000, the earth shook. Fourteen cases of death took place in a number of weeks." These were the events: One Jew was killed by a rock thrown on the Coastal Road and thirteen Arab demonstrators were shot to death by the security services. Thirteen shooting events of civilian demonstrators. These were the events of October.

The question is- what were the deep causes leading to the events of October? What were the factors that allowed for a sniper, a police officer in the Israeli Police, to aim at a demonstrator, squeeze the trigger and shoot him to death - from whatever range it was- and afterward to be investigated?. What were the deep causes of this? To blame the police for this, in my opinion, is to blame the private rather than the general. The deep causes that stand behind this sniper include not just his officer, or the police, and or the government. A survey conducted last week explains what is behind this. The survey reported that 64% of the Jews were interested in the emigration of Arabs from Israel. Let's not think that this is a response of Jews to the actions of Arabs, because this is a stable majority, and this also appeared in previous surveys. It has only arisen now. These were the events of October and these were the deep causes.

How do I connect this with my expectations of you, Mr. Minister, and from additional committees that will be established in the future? The government of Israel is part of the people, and it listens to the people every single day, sometimes even more to the people than to the Knesset, to our disappointment.

The government listens to the internal conversations that take place within the Jewish public on a daily basis, and may even sometimes change a decision as a result of this. Thus, the first substantial change of this situation must come at the behest of the government that listens to the Jewish public. This is why Sikkuy has turned to the Jewish public and especially during the last several years in regard to this issue. What is being sought here? The conclusion is clear. It is possible say that the conclusions of the Or Commission emerge out of a demand to remove the stain of discrimination. What does this mean? This means that we need to substantially change the relationship of the government to the Arab public and to Arab citizens in a fundamental way.

This means, first of all, an apology. An apology is the first step by which we admit that we take responsibility and that we are going to change the situation.

Now to the “how.” Sikkuy has established a joint team of Arab public representatives; well-known people among the Arab public and Jews who were formerly senior officials in public service. The team members have taken upon themselves to recognize and take responsibility for ending the discrimination.

They will not desist from pressuring the government until we achieve the long-awaited for goal of equality, even though we know that this will take time and money and most basically, requires a change in the spirit with which things are done.

This team will begin its work this month immediately after the conclusion of the work of the Lapid Committee. We will begin to actively monitor the implementation of the recommendations of the Or Commission and not necessarily the recommendations of the Lapid Committee, because the Lapid Committee is monitoring this plan, and since this plan is still the last one, obviously, it has not yet been implemented. The second team that we are setting up now will formulate a plan to mobilize public support for this process. There must be public support among Jews and Arabs for full equality. It is written in Israel's Declaration of Independence. Therefore, we need to move along both of these paths: with the government and among the public.

Lapid: You are in danger of suffering from the same problem that affects many groups-of preaching to the converted, and stewing in your own juices. It is possible for the two of you to say what you have said. However it would be possible to say something else. You could have said that what was written in the Or Commission, and most certainly what is written in the Lapid Commission does not satisfy us, does not meet our expectations, and is not acceptable to us. However, not when a very right-wing government comes with a proposal that has not been previously heard among the Israeli public, and not even in the government in which Dr. Yossi Beilin sat. You could have said, “Let us make sure that they keep their word.” Let’s begin to move this forward, let’s take it as a joint project and when we get to the narrow bridges that we think we need to widen, we will widen them through a dynamic of action and good will. That is what I expected to hear. I acknowledge to you that with this negative attitude of “all talk and no action,” not only will we not complete the work that you have anticipated for so long, we will not begin it.

Touma-Sliman: I think that the Minister did not listen well and did not hear our criticism. It is our obligation to express our criticism, and to respond to this report. He did not hear the announcement that Shuli made that Sikkuy has started to build a work group that will work to formulate alternative solutions in order to implement the Or Commission recommendations. Jews and Arabs will try to carry this out hand in hand with the government and its institutions, and this is

what is important. Despite Mr. Lapid's willingness to teach us how to represent things, it would have been appropriate for him to also listen to the conclusion of our remarks, and to hear this very important statement that was made at the end that we intend to work together as Jews and Arabs.

Section Two: Practical Means to Deal with the Ongoing Discrimination Against Arab Society in Israel

Summary of the remarks of Professor Shimon Shamir, panel chair and a member of the Or Commission

Recently, I have begun to be impressed that there is a structural similarity between the relations between Jews and Arabs in this country and the more general questions of the entire Israeli-Palestinian conflict. What am I talking about? In the Israeli-Palestinian conflict, anyone with a little bit of integrity in his approach knows the solution. The resolution to the Israeli-Palestinian is known. It has to be there somewhere among the details of Clinton, more or less, they are the possible things that are realistic. The big question is how to get there? How do we implement this? How do ideas like this become reality?

A similar thing happens in relation to the relations between Jews and Arabs in Israel. Today, anyone with any integrity knows the principle. He knows that there is discrimination, and there is no equality. He knows that the solution has to be to close the gaps. He knows that the solution needs to be such that it will enable the Arab sector in this country to feel identification and participation with the State, and he knows that these things are also dependent on the obligations that the Arab sector and its leadership need to accept on themselves. We know all of that.

This appears in the Or Commission, it appears in the Lapid Committee report, and it appears in every article that you read in the right newspapers. The key question is one of implementation. How do we transform these general principles to a practical plan? It seems to me that this is the central issue that the members of the panel must address today- the practical side to the resolution of the conflict.

The subject is divided up into a few different very concrete issues, and I hope that the panel members will stay close to this goal, and point out some very concrete directions for action. I also want to add one comment before I ask my colleagues to speak. It is possible to agree or not agree with the Or Commission, it is also possible to agree or disagree with one section or another, the same goes for the Lapid Committee: its possible to agree with certain sections, to disagree with other sections, however I think that we need to recognize that in both of these reports, there is a very positive breath of fresh air regarding

recognition of the lack of equality and in regard to the desire to solve this inequality.

I mention this because it is worthwhile to remember that this spirit is blowing among a minority in Israeli society. We see this in public opinion polls such as the most recent survey presented in Haifa, as well as in other surveys. Unfortunately, the wind that is blowing among the majority of the Israeli population is very negative, and it categorically rejects the positive things that can be found in the Or Commission and the Lapid Committee. It is worthwhile for us to remember this when we are raising these issues. It is important that we put this in the right perspective.

Summary of the remarks of Dr. Khaled Abu Asba: Arab Education

Last week, we participated in a conference on autonomous education for national minorities at Ben Gurion University. One of the participants in the discussion asked: why don't you have an educational rebellion, and not to send your children to school? I replied that there were three conditions for achieving a civic rebellion, also in education. The first condition is the awareness of the public of the catastrophic situation in Arab education. The second condition is that there will be motivation to do this; and the third condition is that there will be leadership that can lead this. I do not want to speak about the second and third conditions which do not yet exist. However, I feel and sense this as a person who knows the system, that at least the first condition- public awareness- is beginning to occur.

There is an increasing awareness among the Arab public, and particularly among Arab educators, that these things cannot continue. It's impossible. The situation of the Arab educational system, anyone who knows the system, and anyone who knows it from the inside and knows what happens from the inside, knows that this cannot continue. There are very serious negative implications. If the situation were only one of failure of the system from the vantage point of achievements, then it would be bad enough.

However we are not talking about very low achievement scores. Today we are talking about much more serious things. I see educators sitting here today and they know what I am talking about. We are talking about dangerous behaviors, astronomical drop-out rates. We are talking about drug-related behavior, criminality, gang control within the schools, of an increasing degree of politicization inside and outside. In short, we are not talking about a system that is being managed in a normal manner. Overall, a values framework also does not exist within this system. Therefore, people are beginning to pay attention to this.

Anyone who comes to visit in my village of Jatt would see that from four in the afternoon until 11:00 at night, there are children with backpacks on their back coming and going from "gray" informal education. This kind of education has replaced the school. Simply put, parents do not believe in the schools. This is a

system that is increasingly collapsing. It is not that I am so happy about the Israeli educational system, but we know that the Dovrat Commission was founded because of the failure of the Jewish educational system. Anyone who has read the plans and conclusions from Dovrat Commission will also remember that Israel stands in the 35th place in the world in four different educational fields, however if you were to remove Arab education from there overall Israeli average, then it would rise to the 28th place.

What are the conditions in the Arab educational system such that *only 20%*, of population could increase Israel rating by six points according to the measures used to rate achievement scores? You could say to yourself, we are managing a third world educational system here. This is what is happening. We have not succeeded in closing gaps. Any person with awareness or anyone who knows the research data about the educational system is conscious of the fact that the gaps in the State of Israel are increasing. This is not just the case between Arabs and Jews. It is also the situation among the Jewish population in which the gaps are also increasing.

We, as the leadership of Arab education and as the Arab leadership in general, believe in the need to control our own education. This is not separatism. I don't know why this frightens people. It's our right, just like for other groups in Israel like the national religious educational system. Why isn't that separatism? I still want to be affiliated with the Israeli educational system but we want pedagogical independence.

I could mention ten other pedagogical issues. For example, there is no university where the Arabic language is spoken. I am not talking about an Arab university. Rather, a university where the Arab language is spoken. There are no research institutes. Yes it is true that Arabs are at a very high level, but, there are no teachers colleges that can do serious research.

In addition, there is no senior level pedagogical department at the Ministry of Education. Only the 350,000 students in the Arab educational system are pedagogical orphans. There is no one who can give pedagogical answers to very cardinal issues. There are education ministry memos that discuss the problem of a dropout rate among the Jews of 5-6% and propose solutions for dealing with this. How should children who are potential drop outs be identified? In the Arab system there is a drop out rate of 40%! In this situation, we need completely different methods and approaches. We really do need to deal with them. These are the issues that I am speaking about. Why is it that 80% of the Arab children in second grade fail in reading comprehension? Has anyone examined why it is that Arab children fail the psychometric examination with a gap of 123 points?

The demand to establish an Arab independent educational authority is legitimate. This is also considered legitimate according to international laws that allow minority groups to establish independent educational systems. The Israeli

government has signed on to the international laws and recognized them as a right based on the rights of children. These laws allow for the right to establish an independent educational authority. We are also demanding partnership at the general administrative level, not only at field level. Anyone who knows the Ministry of Education knows the difference between the administrative level and the field. The administration division determines the policies. We are also demanding to be partners in determining policy at the general administrative level. This is very legitimate.

There is research conducted by Dr. Levin from the Hebrew University of Jerusalem on the subject of how much is invested in an Arab pupil per shekel and how much is invested in Jewish pupils on average. There are obviously differences within the Jewish population and also within the Arab population. Levin found that three times as much money was invested in Jewish pupils than in Arab pupils. This is also expressed in achievements. We can say that there are laws and there are standards that are unjust regarding the distribution of resources. We demand that there be equality in allocations. The basis for testing the results is an examination of the achievement scores, not just an examination of investments.

Summary of remarks of Dr. Itzhak Galnoor, former civil service commissioner and a Sikkuy board member: Fair Representation

The main reason for fair representation of Arab citizens is because Arabs are citizens. Their place within the state must be axiomatic. I say this because this is the core of the problem. The state finds it difficult to recognize Arabs as an inclusive part, and it is complex to define their status. The question is how to take advantage of the Or Commission and the Lapid Commission reports in order get a foot in the door within the narrow cracks of the government.

The issue of fair representation is an example of this. Beginning in 1994, we began to lead this. We started to bring Arabs and Druse into state civil service positions through a special method. These were positions that were intended only for Arabs and Druse. At that point, there were about 800-1000 Arabs in state service. At the end of 2001 the number was 2,000. From 1994-2003 the number has doubled.

I say all of this in order to make the point, that this is part of the larger struggle. Fair representation is not in place of anything, it is not something that stands on its own, and it most certainly cannot solve the problem. I do not want to enter into the problematic question of affirmative action. There is no reason to judge it. My recommendation is to act. There are enough means within the Or Commission and the Lapid reports-not just to appoint two or three directors. The most important one is the Israel Lands Authority. All the rest is minor. They should open up two seats for Arabs, and expand the number of directors; exactly as they opened up five seats for women.

The directors are a symbol. First of all, we must say, yes, also on the directorship of the Israeli Lands Authority, and the National Insurance Institute, etc. This is important. We want to be in those places in which if an Arab is sitting there, a Jew will not. This is more difficult. On boards of directors, they can sit together. This includes government offices, and the statutory authorities, the government companies, the local authorities, and this includes subjects on which there are Arab specialists who work on things that do not only require the ability to speak Arabic or provide services to Arabs, and also that Jews will receive service from Arab directors, etc. over time.

Summary of the Words of Dr. Hanan Swaid: Land Resources

Surprisingly, recently, I have felt encouraged. I will explain why with an example: Moshav Yaad in the Misgav area in the North, was established in the 1980's as part of the Judaization of the Galilee. Recently, the Jewish Agency has wanted to expand this moshav. The expansion will entail going over the cemetery of the Arab community that was destroyed in 1948. The residents of Yaad objected to the expansion through the cemetery. They said, we are absolutely not prepared to do this. I personally really appreciate this response of the residents of Yaad.

I know about initiatives of communities and kibbutzim that are sitting on the land of Arab communities that call out to displaced Arabs and say to them, come, we want to talk with you about your problem. How can we dwell here? We are not prepared to continue to deny this problem, and to push it to the side. Every year I am invited to the Technion to give a lecture on land policy toward the Arab sector, for students working on advanced degrees. In the last two or three years, I have seen their responses. These are people who come from the field. They are planners, and doers. There has been very little animosity. There is a great desire to understand. It is true that this conflicts with what has been revealed recently in surveys. Nonetheless, personally, I have had a positive experience.

The Arab population is 20% of Israel, yet they sit on 3% of the state's land. That is, there is crowding, narrowness, poor infrastructure, yet, we have 3% of the land. Five million Jews live in urban areas on 12% of the territory. Together, Jews in urban areas and Arabs comprise 15% of the land use. 85% of the State owned lands in Israel are controlled by the local authorities with about 8% of the population. Eight percent of the population controls 85% of the land. It is possible to say that the urban Jewish sector has been badly discriminated against in the acquisition of land. However here is the issue of equality. Equality is equal opportunity. Everyone remembers the Ka'adan Supreme Court ruling. An Arab citizen has the opportunity to live in the State of Israel on only fifteen percent of the land, and on 85% of the land he is not allowed to settle. This is similar to what existed in South Africa with what was called apartheid in which there were laws such as the White Land Act. According to this law, black citizens were

forbidden from entering land that was designated for white use only. We must not agree to allow that to happen here. The attempt to block Arab community development by building a detour road, by creating an environmentally protected area, by establishing a Jewish community within an Arab community, (and afterwards, the Jews say that the Arabs are threatening them), these kinds of enclosures of Arab communities are very dangerous.

In regard to the situation of the Bedouin population and the unrecognized communities in the Negev, the conflict that the country is basically leading against the Arab population is meant to drive the Bedouins off their land. This is the tragic situation of the unrecognized Bedouin villages in the Negev. Every housing demolition in the Negev could develop into wider violence, and this is dangerous. In other words, every person who is concerned about democracy, and is in favor of good relations between Jews and Arabs must express his opinion about this. It is impossible to whitewash it. What about Arab communities that do not have industrial areas? The budgetary ratio of industrial areas between the Jewish and Arab communities is close to one to sixty or seventy. Why are we surprised that there is twice the amount of unemployment in Arab communities as in Jewish communities? Why are we surprised that the socio-economic situation in Arab communities is so low? All of these things together form a situation in which the Arab communities are closed off with undeveloped infrastructure and a terrible economic situation. This is a recipe for emigration. It is against these things that Jews and Arabs have to struggle together.

Summary of the words of Haifa Sabbagh: Democracy Education in Israel

Everyone knows that the Israeli society is filled with many divisions. This is a society involved in an ongoing struggle about its borders, in a national security struggle with its neighbors, and a society that rules another people beyond its borders. Therefore, many researchers ask the question: is it possible for stable democracy to exist in a society like this? We know that Israel has a formal democracy which is expressed through its authority and through its forms of governance. However, the content of democracy is lacking. Israel lacks a sense of common good on behalf of the individual-unlike in the democratic world and in a culture of democracy.

What can we do with the educational system? There are fundamental questions that the educational system must deal with. If the educational system (rightfully so) were to invest a lot to develop certain capacities in its graduates, such as mathematical capability, or to know mathematics, to read and to write, to know science, all of us agree would with this. The question is, how much does it invest? How much does it invest and how much consideration is given to educating a democratic citizen, to educate the children so that they will be democratic citizens in the future. The Ministry does not invest very much. Imagine that the Ministry would say to you that your child will only learn one hour of mathematics per week; or that your child will learn math in a focused way only

when they get to high school. Would you agree to this? I don't think so. We would rise up against this. Why is math more important than citizenship or education for democracy?

We need to teach skills and abilities to enable our young people to live in a multicultural society, in a bi-national society, in a society that has a great deal of difference, and has many "others". A Jewish child could start and finish school without knowing very much about Arabs, and the opposite is also true. The image the children receive about the other is very negative. A Jewish person could complete school, go to the army and to the university. He will not meet an Arab because we all live apart and go to separate school systems. But, this child will also not know very much about Arabs.

Despite this, I think it is a mistake to say that the Ministry of Education has done nothing about this. It depends on the situation, on the government, on who is the prime minister and which party is in power, and which minister is in charge of the Ministry of Education. The Office for Democracy and Coexistence that used to exist in the Ministry of Education has become the Department for Values Education. Today there is really no Division that is responsible for democracy or civic education. This demonstrates the inconsistency, lack of thought and degradation of this subject. It is therefore understandable why children respond the way they do on these surveys. They are not guilty for thinking like this. We are simply not teaching them. The system is not teaching them. The educational system is not providing capacity, knowledge and understanding. Every cutback in the educational system's budget hurts democracy classes and civic education first and foremost. The non-profit organizations are really the ones that are teaching democracy education. These include civil society organizations like Sikkuy, the Van Leer Institute and the Adam Institute. Even though all of the organizations believe in its importance, this is a very heavy burden. I do not think that we should stop, because there is no one else who is doing this today.

To conclude, the Lapid Report recommends designating a Tolerance Day or a week for study of the other. I am very sorry, but this is not a holiday, this is not about commemorating an event, we are talking about something very important. We are talking about a world view. We are talking about living together. This is something very important about which we have to express our opinion. Civic education must be democracy education. There must be policies which are consistent, pre-determined and supportive of this being part of the system. It must not be one day yes, one day no. It must be the glue that binds all of the citizens together. This perhaps this is the only common thing between us.

Summary of the remarks of Yossi Kucik, former director of Prime Minister Barak's office: The Jewish Perspective

I think that one of our central problems is with our Jewish friends who want to get involved. I can testify about myself. I served in a very senior role in the State of Israel and I knew nothing about what was happening in the Arab sector. Apparently, I did not want to know. I had become accustomed to usual conundrums like “the situation is difficult,” that “there is inequality,” etc. You learn to ignore this. It is as if I learned from myself how we whitewash racism. When did I wake up? I woke up when I got to the Office of the Prime Minister. It was surprising how a person like me: an intellectual, educated, from the university, who had served in major government functions, did not see this. If I had not seen this, then I know that many other friends of mine also did not see this. These are good people, every one of them a democrat.

I think that we have a problem here. I suggest that Sikkuy consistently invite friends to come and visit in Arab villages and cities on an ongoing basis. Typically what happens is that when you arrive in a village they always receive you beautifully, with a certain aspect of fantasy; with tea, coffee, hummus with tehina, dancing and other similar things. In this environment, one does not really notice the situation. We have to start inviting Jews on a personal basis to come and see the situation; to do this month after month, year after year. After five years, there will be tens of thousands of people who will have seen the situation for themselves.

When I started working at the Office of the Prime Minister, the Arab local authorities were on strike. Immediately we said, let's create a master plan to address the needs of the Arab sector. In the Office of the Prime Minister there is a long unwieldy trail for every subject. Nothing is ever initiated there. There was not a single issue that had a credible, organized plan - that is how Arab communities are taken care of. You have no idea how many subjects for which I found plans- on every issue, but not for the Arabs. It's true that during Rabin's service as prime minister there was a certain effort. We decided to go out with this plan together with the Arab Local Authorities and the Supreme Monitoring Committee. We said that that we wanted this to be a serious plan and that it would take about a year.

We began in December 1999. I said, we will not do needs assessment, we know what the needs are. We need a lot, let's get started. In September 2000 the riots occurred. Now I want to tell you something very interesting about this. When the riots of September 2000 happened, there was a question about submitting the plan for the four billion shekels. We called the Supreme Monitoring Committee and said to them, “Let's submit this plan.” They said, “There will be criticism, they will call it blood money.” We said again, “Let's submit this plan, agree to submit this plan. It's not important what they say about the situation. It is really not relevant.” The Monitoring Committee agreed to submit the plan.

Another thing happened which is also very interesting. After September 2000, Arab communities were no longer prepared to see Ehud Barak. They did not agree to meet with him and they did not agree to receive him. I, on the other hand, as the director general of the Office of the Prime Minister; they were more than eager to meet with me. Come here, go there, and come to this place. Why? Because they understood that there were serious people that were prepared to relate to the subject. I say this also in connection to what Minister Lapid said. I want to relate for a minute to his plan. I think it is very pale and shallow and is totally insufficient in relation to the lack of resources. The question is one of the tone when approaching this subject.

The bottom line is that we need to create a situation in which together with the leadership of the Arab communities, we will go to the government and to the Office of the Prime Minister. There is now a great, new, very serious director general named Ilan Cohen. You need to tell him: we want to work together; then we have to say-we have this condition: show us how the money was spent. We want to know how the four billion shekels were spent. It is clear to everyone that the four billion shekels were not spent. However, assume that it was. Show us what was spent, how it was expended. Now, we say that the plan for three to four years is ending, let's make a plan together with the government in regard to each of these subject areas.

I think that the most important thing in the State for Jews and Arabs is to work in a very specific way, subject by subject, issue by issue, and begin to see advances in each area. Let's go, I think it's possible.

Official Summary of Or Commission Report (Haaretz translation)

1. The events of October 2000 shook the earth. The riots in the Arab sector inside the State of Israel in early October were unprecedented. The events were extremely unusual from several perspectives. Thousands participated, at many locations, at the same time. The intensity of the violence and aggression expressed in the events was extremely powerful. Against security forces, and even against civilians, use was made of a variety of means of attack, including a small number of live fire incidents, Molotov cocktails, ball bearings in slingshots, various methods of stone throwing and the rolling of burning tires. Jews were attacked on the roads for being Jewish and their property was destroyed. In a number of incidences, they were just inches from death at the hands of an unrestrained mob.

In a number of instances, attempts were made to enter Jewish towns in order to attack them. Major traffic arteries were blocked for long periods of time and traffic to various Jewish towns was seriously disrupted, sometimes even severed, for long periods of time. In a large number of instances, the aggression and violence was characterized by great determination and continued for long periods. The police acted to restore order and used a variety of means to disperse the crowd. As a result of the use of some of these means, which included firing rubber bullets and a few instances of live fire, Arab citizens were killed and many more injured. In the second wave of events, some places saw retaliatory Jewish riots against Arabs.

During the events, 12 Arab and one Jewish citizen were killed. One resident of the Gaza Strip was also killed. Such riots could have developed - heaven forbid - into a serious conflict between sectors of the population, such as the interracial conflicts with their attendant results that we have seen in distant locales. The fact is that, in a number of locations in Israel, these developments did lead to retaliatory Jewish riots.

2. The riots inside the state coincided with serious riots in Judea, Samaria and the Gaza Strip. Prominent personages from the Arab sector indicated this was not coincidental, and reflected interaction between Palestinians inside the Green Line and Palestinians on the other side of the demarcation. Even this combination of events is unprecedented. Against the background of these aspects, the events were considered an "intifada" that exceeded the definition of local uprisings.

3. The events, their unusual character and serious results were the consequence of deep-seated factors that created an explosive situation in the Israeli Arab population. The state and generations of its government failed in a lack of comprehensive and deep handling of the serious problems created by the existence of a large Arab minority inside the Jewish state.

Government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action in order to allocate state resources in an equal manner. The state did not do enough or try hard enough to create equality for its Arab citizens or to uproot discriminatory or unjust phenomenon. Meanwhile, not enough was done to enforce the law in the Arab sector, and the illegal and undesirable phenomena that took root there.

As a result of this and other processes, serious distress prevailed in the Arab sector in various areas. Evidence of the distress included poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure. These all contributed to ongoing ferment that increased leading up to October 2000 and constituted a fundamental contribution to the outbreak of the events.

Another cause was the ideological-political radicalization of the Arab sector. These processes were expressed in various expressions of identification with and even support of the Palestinian struggle against the state. This radicalization process was related to the increasing strength of Islamic politics in Israel in the period preceding the events. Serious conflicts existed between Muslims in Israel and governing authorities on matters like the Waqf's property; worsening conflicts between Muslims and the government on the issue of the Temple Mount; and cheers, primarily from the radical branch of the Islamic movement, for Islamist organizations that are Israel's enemies, including Hezbollah and Osama bin Laden.

4. The behavior of the Arab sector leadership contributed to the depth of the events and their force. The leadership did not succeed in directing the demands of an Arab minority into solely legitimate democratic channels. It did not succeed in understanding that the violent riots, obstruction of traffic arteries and identification with armed activity against the state and its citizens, constitute a threat against the state's Jewish citizens and substantially damaged the delicate fabric of Jewish-Arab relations in Israel. This created the mold for the threat of serious violence and the use of violence to achieve various goals, as evident in house destructions and land expropriation, and concerning negotiations regarding Jerusalem and the status of the Temple Mount. In various mosques, messages were transmitted delegitimizing the state and its security forces, and serious hostility and antagonism toward its symbols were expressed. Various circles raised demands to grant autonomy in some areas to the Arab minority,

and to abolish the definition of the state as a Jewish state and make it "a state for all its citizens." This blurred more than once the line between the Palestinians in Judea and Samaria and the Arab citizens of the state.

Prior to and during 2000, there was a recognizable increase in the frequency of conflicts with the police and their force. The violent conflicts were a regular norm. In the first stage, organizations representing the Arab sector declared strikes and demonstrations, protesting processes and policies of various authorities. At the second stage, assemblies and processions were held in certain locations. At the third stage, youth left the masses to throw stones at vehicles, burn tires and damage facilities they felt symbolized the government. At this stage violent clashes with the police developed, after police arrived to restore order. Despite the fact that the slide from orderly demonstrations to unrestrained riots consistently reoccurred, the Arab leadership took no precautions to prevent the deterioration into violence, and did not warn against violating the law at demonstrations and processions it had initiated...

5. Various events that took place in the course of 2000 stridently signaled that the latent potential in these processes was getting out of control in practice. Although the police understood this and took certain steps to address this possibility, its commanders and the politicians failed in not making suitable preparations for the outbreak of widespread rioting that did take place, and in not addressing the tactical and strategic aspects involved in this possibility. The failure was evident in a lack of clear policy in handling the events during their first two, critical days. It was evident in a lack of sufficient operational or psychological training of police forces for any disturbances, and for events of the sort that occurred in particular. It was evident in a lack of appropriate police riot gear. It was evident in the police center of gravity relying on a very problematic means - rubber-coated cylinders that generally contain three separate bullets - whose various dangers were not sufficiently elucidated to those using them and those deciding to use them as a central and sometimes sole tool for handling riots. Not enough was done in order to assimilate as much as possible the need to avoid bodily injury to citizens, even rioting citizens.

6. A series of deeds and omissions close to the events and during them combined to actualize the explosive potential that grew with time. Ariel Sharon's visit to the Temple Mount led to serious responses to it from the Arab sector leadership inside Israel and from the Palestinian leadership in Judea and Samaria and the Gaza Strip. One day later, there was serious unrest at the site, and during its dispersion by the police, some were killed and many injured. Against this backdrop, serious riots began in Judea and Samaria, in which residents were killed and many were injured. The Higher Arab Monitoring Committee chose, in this sensitive situation, to send the masses into the streets and call for processions and demonstrations. With this backdrop, and in light of what was already known on the continuing processes and serious events that occurred in 2000, the police and those responsible for it, commanders and

politicians, failed in not ordering appropriate preparation prior to Oct. 1, 2000. Police forces were not prepared at the locations known in advance to be possible sources of unrest.

As a result, the riots began with no response at all, and in other places, police forces were unable to handle the riots properly. By the time the police came to its senses, the events had built up momentum and begun to cause bodily injury, which added to the flames. Even at this stage, the Monitoring Committee and the government could have prevented further escalation by preventing a general strike on the one hand, and resolute action to restrain security force response in order to prevent further injury, on the other. Only after the bloody Oct. 2, 2000, did the government and other entities in the Arab sector leadership take action to moderate events and stop them. Even after this point, the serious events did not cease immediately, and five citizens were killed in riots that took place after October 2. Nonetheless, the exceptional nature of the events did moderate and order returned gradually.

24. The Arab sector: The committee determined that this is the most sensitive and important domestic issue facing Israel today. As such, it requires the personal involvement and leadership of the prime minister. The committee determined that the issue has been neglected for many years, and demanded that immediate, medium-term, and long-term action be taken. The committee determined that action must be focused on giving true equality to the country's Arab citizens. Israel's Arab citizens have the right to equality because of the essence of the State of Israel as a democracy, and because it is a basic right of every citizen. The state must work to wipe out the stain of discrimination against its Arab citizens, in its various forms and expressions.

In this context, the state must initiate, develop, and operate programs emphasizing budgets that will close gaps in education, housing, industrial development, employment, and services. Special attention should be paid to the living conditions and the hardships of the Bedouin. The committee determined that the state, through its most senior officials, must work to close these gaps quickly and energetically, determining clear and tangible goals and definite timetables. In this connection, the committee added that all government agencies must find the means to allow Arab citizens to express their culture and identity in public life in a respectable manner.

25. In the matter of land, the committee determined that it is the state's obligation to act toward its Arab citizens with equality and justice with regard to land use. The Arab sector has legitimate needs that stem from natural growth, among other things. The state must allocate land to this sector according to the same egalitarian principles it uses with other sectors. The committee added that suitable planning should be carried out as soon as possible to prevent illegal

construction caused by lack of existing town planning that make it difficult to obtain a building permit. In this regard, the committee noted that a real response must be made by the government to the issue of the destruction of houses and the expropriation of land. On the other hand, wherever a way cannot be found to legalize existing construction, the law must be enforced unstintingly.

26. The committee noted the need for a reform of police systems with regard to the Arab sector. The police are not conceived as a service provider by the Arab population, but as a hostile element serving a hostile government. There is a need to expand community police services in order to improve service to this sector. The committee determined that, in light of budgetary difficulties in the police, budgets should be diverted from other areas to this area.

27. The committee noted the importance of inculcating moderate and balanced norms of behavior among all ranks of police personnel with regard to the Arab sector. It is important to work to uproot prejudice, which exists even among officers who are experienced and admired. The police must learn to realize that the Arab sector in Israel is not the enemy and must not be treated as such.

28. The committee determined that the police must raise the level of dialogue between its officers and the leaders of the Arab community. It must be in continuous contact with leaders at all levels in order to identify flash points for violence at an early stage and to determine agreed-upon means that will permit expression of protest without endangering the public and with minimum disruption of public order. The committee noted that during the period of its work it appeared that real progress had been made in this area.

29. The committee added that the police must demonstrate systematic and egalitarian enforcement of the law, whether in regard to the illegal call to use violence or in other illegal phenomena.

32. The committee determined that, while most of Israel's Arab citizens are loyal to the state, the messages transmitted during the October disturbances blurred and sometimes erased the distinction between the state's Arab citizens and their legitimate struggle for rights, and the armed struggle against the state being conducted by organizations and individuals in the West Bank and Gaza. More than once, the two struggles are presented by leaders of the Arab community as one struggle against one adversary, often an enemy. The committee emphasized that the concept of citizenship is incompatible with the presentation of the state as the enemy ...

The committee emphasized the obligation of the Arab leadership not to blur the boundary between the emotional complexities that Israel's Arabs experience and the fact that they see themselves as the brothers of the Palestinians in the territories and taking action and transmitting messages that are incompatible with the loyalty that every citizen of every nation must show. The committee said that

the events of October 2000 should be seen as warning signs against continuing to head in this direction.

... The Public Security Ministry and its minister have an important role to play in supervising and monitoring the police, and in keeping the fine balance necessary in its functioning. This is even more the case in times of crisis and in preparing for them.

The committee determined that, with regard to decisions involving the value of human life, the minister of public security may not remain passive. He must be on his guard to ensure that he has the information necessary so that he can make informed decisions to supervise the work of the police and to direct police policy. Although the minister of public security should not interfere in individual operational or professional decisions, such as those involving investigations, he is expected to show leadership in matters of policy. In order for him to do so, he must make sure to obtain all necessary information, and to consult with operational staff personnel in his office regarding the significance of that information.

34. The operational headquarters in the Public Security Ministry: The committee noted the importance of the operational headquarters in providing the minister, who is not a police professional, with the independent professional advice to assist in supervising and monitoring the police. The committee determined that, for this reason, the chief of operations at the ministry should not be on active duty and in line for promotion, a status that creates a conflict of interest. The committee therefore recommended that personnel serving in this position not be on active duty on the police force. The committee also recommended that this course of action be followed regarding other functions in the Public Security Ministry.

35. ... The committee was impressed with the fact that, on the whole, the police, its commanders, and personnel operate faithfully, courageously, and in a determined manner that is to be commended, and noted that they serve night and day to protect public order and the laws of the state. However, the committee pointed out a series of matters needing attention and improvement, as detailed below.

36. Directives and orders: The committee found that the police do not require a sufficient level of coordination or systematically follow written directives and practices on various subjects ...

37. The committee determined that the police are not doing enough to transmit new orders and directives. In this regard, it found that the police do not take suitable action to inform personnel of changes in its directives permitting the use of rubber-coated cylinders only when lives were endangered. It was noted that most of the officers and personnel who testified before the committee said they

were not aware of this change in regulations.

38. The committee noted that, during the events of October 2000, directives given to personnel in the field were not sufficiently clear. Directives on sensitive subjects such as riot control were transmitted without due emphasis on the importance of the matter. Only after fatalities were incurred were messages transmitted that clarified police policy on this issue.

39. The committee found that the following of orders and practices is not sufficiently obligatory in police culture ...

40. The committee examined the serious failures that were revealed in investigating, reporting, and documenting the events in which the police were involved. It noted the suspicion that the culture of full and true reporting of events in real time was not deeply rooted. The committee learned that a phenomenon of nondocumentation exists regarding various police activities, in spite of their great importance. The committee also noted that it found one case where failures in investigation bordered on ethical irregularities, with a district commander actively involved in examination of an event in which his own functioning was to be investigated, and in actuality was not. The committee added that in many cases investigations regarding the discharging of a weapon did not take place ...

41. The committee found that omissions regarding reporting and the carrying out of orders is not limited to the lower echelons of the police ...

In this context, the committee noted that the use of sharpshooters during the October disturbances was concealed from the political echelons with no reasonable explanation offered.

42. The committee also noted that the culture of drawing conclusions by the police from the events of October 2000 is not deeply rooted ...

43. Handling of public disturbances by the police: The committee noted the principle of the sanctity of life requires that everything possible be done to prevent deaths or injuries during riot dispersal. The committee emphasized the obligation of the police to seek every possible avenue, under the circumstances, to avoid casualties. It noted that there is consensus on the fact that if budgetary and personnel constraints would allow, the desirable solution involves the establishment of a special force, consisting of thousands of personnel, for this purpose. In this context, the committee noted that there is an inherent advantage to a large, well-outfitted force to deal with disturbances, and that such a force may contribute to minimizing loss of life.

The committee noted that, in order for the police to face public disturbances, it must be properly equipped, which involves suitable budgetary appropriations. It

noted that the lack of appropriate funding was a clear factor limiting police human resources and its ability to fulfill its duties. The committee recommended massive budget increases be given to the police. It also determined that in the given budgetary situation, police command may be improved in the issues in question. In this context, it determined that the police must outfit its units that deal mainly with public disturbances with the required protective gear, in order to delay as much as possible the need to use brute force. The committee noted that such steps were taken as a result of the events of October 2020, and it emphasized that the police should ensure that the steps are completed as soon as possible.

44. The committee also addressed the issue of the measures used to disperse crowds. The committee determined that the fact that rubber-coated bullets became the principal means of handling disorder during Wilk's term as police commissioner significantly increased the risk of causing bodily harm during crowd dispersal, and this could have been anticipated. The committee determined that this happened due to the police's failure to check the consequences of this measure as used by the police in dispersing crowds. Similarly, the police failed to study the impact of rubber-coated bullets before being put into service even after the 1998 incidents in Umm al-Fahm, when many were injured by them. Even proposed legislation on this issue did not lead the police to conduct an orderly collection of data and present various alternatives and their consequences.

The committee determined that based on the way the police handled this matter, there is a structural defect in its operations. It was also determined that this shortcoming derives, at least partially, from a conceptual obstacle, according to which the police's means of dispersal is a technical matter for the quartermaster alone to handle. The committee insisted that this conception is mistaken. It was determined that the means of crowd dispersal have far-reaching implications on the relations between the police and the crowd it is facing and have a direct impact on human life and limb.

The committee emphasized in this context that only after the events of October did the police draw the necessary conclusions, forming a panel to investigate the use of firing rubber-coated bullets and shifted to using tear gas for crowd dispersal.

45. The committee determined that it should be made unequivocally clear that firing live ammunition, including sniper fire, is not a means to disperse crowds by the police. This is a means to be used only in special circumstances, such as when there is a real and immediate threat to life or in the rescue of hostages.

46. The committee determined that rubber-coated bullets are not appropriate for use due to their risk. It was determined that the police should remove them from use. It was emphasized that this does not prevent the police from deploying other kinetic means, including rubber ones. Nonetheless, the guiding principle must be

that a means with lethal potential can be used only in situations of real and immediate life-threatening danger, and only if its accuracy level enables it to hit the source of this life-threatening danger and no one else. In other situations, the police must use non-lethal means.

47. The committee insisted on the need for an organized doctrine to disperse crowds, and stressed the importance of providing sufficient training to the forces responsible for confronting public unrest. It was determined that until the events of October, the police lacked a systematic operation doctrine that could provide a clear and orderly answer to the complex psychological difficulties the police encounter when confronting public unrest.

In this context, the committee noted that in a number of the incidents it reviewed Umm al-Fahm on Oct. 2, the Lotem incident on Oct. 2, the Patrus incident on Oct. 2 and the mall incident on Oct. 8 the police response escalated, in some cases to the point of using lethal ammunition, as an almost immediate reaction after one of the policemen or commanders was injured by stones thrown at them from the unruly crowd. The committee noted that in each of these cases, the police reaction was excessive given the circumstances, since there was no real danger that required a lethal response. The committee emphasized that these examples illustrate the real difficulty in instilling in policemen the wisdom of self-restraint that will abide with them in difficult conditions of pressure and danger.

48. The committee emphasized the need to inculcate in policemen and field commanders a sharp realization of the serious significance of deploying potentially lethal means. It was noted that in the events of October, these means were used in many incidents without any objective justification for this.

The committee noted that also in this context, there was a significant trend for change in the police after the October events. The committee recommended that this trend be passed on to the entire police in an orderly manner as part of the doctrine for dealing with disorders. The committee added that it would be advisable for the police to take into consideration in the framework of its operating doctrine on this issue the way in which the use of guns is perceived - even if the means is rubber-coated bullets - by the other side. In this context, it was noted that the used of rubber-coated bullets is generally perceived as different from the use of live ammunition, and the even the police cannot distinguish between the firing of live ammunition and rubber-coated bullets from sound or sight alone. This has an impact on the dynamics of the clash.

49. The committee noted that during the events of October, the Police Special Anti-Terror Unit's forces were used to protect policemen engaged in confronting the disturbances. The committee noted that this raises questions: The expertise of the unit's personnel is in rescuing hostages and handling threats entailing live gunfire.

In light of all this, the committee determined that arrangements should be made to ensure that the unit's personnel are not deployed as part of a force handling public disturbances, and that they only enter action to counter threats that fall within the framework of the the unit's special mission.

50. The committee also addressed the issue of control over police forces engaged in handling incidents of public unrest. It was noted that these public disturbances are characteristically prolonged and dynamic incidents can evolve in unexpected directions. It was also noted that there are substantial numbers of police involved in such events who often find themselves in threatening and tense situations. The committee noted that these conditions pose an inherent risk of an immoderate reaction by one policeman or another during some stage of the event, and that such reactions are liable to lead to severe consequences, bringing the incident out of control and even affecting events in other locations. The committee noted that this occurred in various cases in the events of October.

In light of this, the committee determined that when selecting policemen for units assigned to handle public order, the police should give serious weight to the criterion of cool-headedness and self-restraint. The committee added that the police should improve the level of control of its commanders.

51. The committee noted that the police formulated a detailed and orderly operational doctrine for dealing with public disorders following the events of October. It was noted that most of the aforementioned conclusions are addressed in the framework of this operational doctrine. The committee recommended that the police make a concerted effort to inculcate these lessons among policemen and their commanders in the field in order to improve significantly their ability to cope with the difficult situations they face when dealing with public disturbances.

52. The commission considered blocking off roads, including major highways, while the acts of disorderly conduct were in progress. It was noted that this phenomenon is not unique to acts of disorderly conduct in the Arab sector. The commission noted that in the context of the October events, several prominent people in the Arab sector said the events proved that the blocking of roads to traffic constituted an effective device by which it was possible to affect opinions and decisions with regard to the Arab sector. That being the case, the commission faced a dilemma. On the one hand, blocking major highways causes a severe disruption of normal life. When this is accompanied by violence, it constitutes a real danger to passing motorists, and obligates the responsible parties to do what they can to prevent the blocking of traffic on main highways. The commission also determined that legitimacy should not be given to the modus vivendi of blocking roads, since this would provide an incentive to make frequent and intensive use of this unlawful and harmful method.

Conversely, the commission determined that for the most part, it is unrealistic to

open up blocked roads when mass acts of disorderly conduct are taking place without causing casualties. It is noted that on their own initiative, on more than one occasion the police closed roads that had actual or expected acts of disorderly conduct.

In this context, the commission noted that there is great significance to the formulation of policy and its clarification to all of the relevant parties in order that the rules of conduct be made clear to all, in advance.

Specifically, the commission noted that it would be possible to limit partially the damage caused by this occurrence by means of prior coordination at the high-ranking levels of the police force - and when required, by the political echelons, as well - with the leadership of the Arab sector. This would make it possible to hold a march or demonstration at a certain location for a pre-determined amount of time. To this end, the commission noted, the police should be alert and sensitive to the possibility that at a certain location or at a certain time there could be acts of disorderly conduct that could lead to the blocking of roads, and should initiate a prior dialogue. The commission added that this could reduce the risk of disorderly conduct, but could not guarantee absolute deterrence. In such an instance, when dialogue is ineffective, it should still be borne in mind that prevention of bodily harm, including harm to passersby, is a supreme consideration in the state's handling of these types of events. Nevertheless, it is noted that the state's ability to restrain itself is not unlimited. The blocking off of roads for prolonged periods cannot be accepted. Nor can the state accept the blocking off of traffic arteries during a mass call-up or a similar national emergency situation. In such instances, a determined response, and if need be a powerful response, to the blocking of roads could be considered a reasonable and obvious action.

53. Concluding remarks. The commission expressed its feelings of sympathy with the victims of the violence. With the citizens who found themselves assaulted by harsh violence on their country's and settlements' roads. With residents of the settlements who felt threatened in their homes and along their fences. With the bereaved families who lost their loved ones in these events, and who have found no comfort, regardless of the circumstances. With those who were injured in the violence, often experiencing trauma that will not be forgotten soon. With the dedicated policemen who found themselves under orders, often as the few facing the many, lacking adequate protection and equipment to face a riotous and inflamed horde, and who were on more than one occasion themselves injured, at times seriously, in fulfilling their duties.

54. The commission noted that the October events had reduced the chances of attaining the goal of living together with mutual respect. The clashes and their aftermath led to reduced contact between the two societies and increased distrust and hostility. Nevertheless, the commission noted that in its opinion, the events did not constitute a point of no return in relations between the two sectors.

It was stressed that each side has a clear and firm interest in stability and cooperation, and in the end, the October events had in fact proved that the two societies are mutually dependent, and focused attention on the dangers inherent in polarization and conflict. The Commission noted that even if full reconciliation between them is not attainable in the short term, it is by all means feasible.

The commission considered the need to strive and take active steps to ensure the peaceful coexistence of Jews and Arabs in this country, thereby ensuring that events similar to those of October 2000 will not recur. It noted that Jews and Arabs living alongside one another is a fact of life, and the two sides have only one practical option for maintaining this way of life - coexistence with mutual respect. All other options, it was noted, are recipes for increased tension, heightened distress and undermining of the order.

55. The commission stressed that coexistence presents challenges that are not easy for either side. It obliges each side to listen to the other, understand its sensitivities, and respect its basic rights. Arab citizens must bear in mind that Israel represents the realization of the yearnings of the Jewish people for a state of its own, the only state in which Jews are the majority, a state that is partly based on the principle of an ingathering of the Jewish exile, and that this is the essence of the existence of the state for its Jewish citizens. The Jewishness of the state is a constitutional given, which is partly reflected in the primary nature of the heritage of Israel and of the Hebrew language in its public life.

At the same time, the commission noted that the Jewish majority must bear in mind that the state is not only Jewish, but also democratic. As stated above, equality is one of the primary elements of the constitutional structure of the state, and the prohibition against discrimination applies to all citizens of the state. The majority must understand that the events that made the Arabs a minority in the state were for them a national catastrophe, and that their integration into the State of Israel was attended by painful sacrifices. The majority must respect their identity, culture and language. The commission also referred to the possibility of giving public expression to common denominators that link the entire population through the addition of official state events and symbols. It considered the need to find ways to reinforce Arab citizens' sense of belonging to the state without adversely affecting their belonging to their culture and community.

56. The commission did not take a stand on the various claims to grant collective rights to the Arab sector in several areas. It noted that this is an emotionally charged issue that is a source of great sensitivity to both sides. Among other things, it noted the testimony of former prime minister Mr. Barak, who felt that the Arab sector in Israel has communal rights - as a collective - to its own heritage and culture, but who differentiated between these types of rights and collective national rights that would threaten Israel's basic identity as a Jewish state. The commission noted that resolving the tension that partly arises from this differentiation is no simple task, and that debate of these issues necessitates

political exchange of views, which should be worked out through dialogue to be held in appropriate forums.

57. The commission concluded that although its work and this report have endeavored to investigate the essential facts of the October events, above all other considerations, it does not abandon the hope that its work will also eventually contribute to a warmer relationship between Jews and Arabs in Israel.