



Volume 5, Number 8

April 26, 2011

## The 'Nakba Law' and Palestinian Nationalism in Israel

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In March 2011, the Israeli Knesset passed a softened version of what has become widely known as the 'Nakba Law'. The new legislation dictates that the Minister of Finance may withhold or reduce government funding to organizations that operate against the state's fundamental principles and reject Israel's existence as a Jewish and democratic state, including those who mark Israel's Independence Day as a day of mourning.

This new law is another episode in the continuously widening Jewish-Arab rift in Israel. Along with other initiatives, including proposed amendments to the citizenship oath, it constitutes an attempt by the Israeli legislature to curb growing expressions of Palestinian nationalism within Israel. These efforts have intensified over the last decade and a half via ethnically-based political parties that explicitly champion political Palestinian nationalism, a stronger Islamic movement, and civil society activism that advances national rights for the Arab minority. Furthermore, the demands of Arab political actors have also become more far-reaching than in previous decades.

The *Vision Documents*, four distinct documents published by separate organizations in 2006-2007, have been particularly troubling for many Jews. The four documents are: *The Future Vision of the Palestinian Arabs in Israel*, published by the National Committee of Heads of Arab Local Councils; the *Haifa Declaration*, by Mada al-Carmel; the *Democratic Constitution* by Adalah; and *An Equal Constitution for All? On the Constitution and the Collective Rights of Arabs Citizens in Israel*, by the Mossawa Center.

Arguably the most significant of these publications is the *Future Vision*, which constitutes the most outspoken, organized and collaborative effort by Arab elites to offer an alternative to the existing institutional framework in Israel. Dozens of Arab politicians, academics, and intellectuals from all over the

political spectrum, including the organizations that issued the other three documents, participated in its composition. Because of this almost wall-to-wall participation, it is seen as the most significant document representing the Arab minority's collective vision in Israel to date.

On the whole, the four documents share many ideas and positions, while still being marked by some differences. The documents present the Arab minority as the indigenous population of the land. They provide a Palestinian narrative of Jewish-Palestinian relations and identify the Jewish identity of the state as the underlying cause of the Arab plight in Israel. The documents also present an ideological program for addressing the Arab minority's status and future state-minority relations (and by extension, Jewish Israeli-Palestinian relations).

One of the most striking elements in these documents is the characterization of the Arabs as the native, or indigenous people of the land, who are an integral part of the Palestinian people elsewhere, and who were coercively separated from their co-nationals by the establishment of the State of Israel. This portrayal provides the foundations for the type of demands and political claims made by the writers of these documents. First, the documents demand that the state formally recognize the Palestinian Arabs as the indigenous people of the country and as a national minority and bestow on it a fitting legal status. A formal title would legitimize claims to (1) language protection; (2) autonomous political, legal, economic, social and cultural institutions; (3) self-government in certain spheres, including education, control over resources, planning and development, social welfare, and communication; and (4) freedom to maintain ties with Palestinians and Arabs elsewhere.

The increasing diligence with which organizations claiming to speak on behalf of the Arab minority have been asserting their collective demands is strikingly correlated with the codification of the norms of indigenous peoples and national minorities in the burgeoning body of declarations adopted by international organizations over the last two decades. These include the United Nations' 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the U.N.'s 2007 Declaration on the Rights of Indigenous Peoples, which was adopted after many years of deliberations.

In addition to demanding Palestinian national institutions and self-government as a national minority with indigenous group entitlements, the documents also demand to change the Jewish character of the state, to fundamentally transform its foundational principles, and to turn it into a bi-national state.

Some of the documents convey a negative moral evaluation of the state's exclusive Jewish national identity that extends to the Arab-Israeli conflict as a whole. The *Future Vision* and *Haifa Declaration*, in particular, depict Israel as solely responsible for the Israeli-Arab conflict. Israel is portrayed as an imperial bully looking for a fight. The *Haifa Declaration* even presents the occupation of the Gaza Strip and the West Bank in 1967 as a historical continuation of Israel's establishment in 1948 and an extension of its overall

mistreatment of the Palestinian people. Concomitantly, the negative role of the Arabs and Palestinians in the conflict is overlooked. For example, their rejection of the United Nations 1947 Partition Plan, calls for the destruction of Israel, and Arab violence against Jews, go unmentioned in the document.

Adopting the Palestinian narrative of the conflict and depicting the Arabs in Israel as an integral component of the Palestinian people, the documents suggest that a comprehensive resolution to the Palestinian-Jewish-Israeli conflict as a whole necessitates addressing the Palestinian problem in Israel as well. Some Arab intellectuals and academics have suggested that the best solution to the conflict would be a single bi-national state in which the Palestinians in Israel will be unified with the Palestinians in the West Bank and Gaza. This view, however, is held by a minority. The documents and most political organizations endorse a two-state solution and propose addressing state-minority relations within the framework of the Israeli state. On the whole, the documents propose a bi-national state and advance variants of power-sharing arrangements that will highlight distinct group identities. Although each of the documents provides a different name for the institutional arrangement that it proposes, the main characteristics of their claims are similar. They demand: (1) official bilingualism and legal protection for minority languages; (2) changing all state symbols and laws that express the state's Jewish identity, including the flag and national anthem and the Law of Return; (3) proportional representation of the Arabs in the bureaucracy, government and public institutions, and decision-making bodies; (4) a right to veto decisions that affect the Arab community; and (5) proportional allocation of material resources on a collective basis, with additional provisions for affirmative action as a means for compensating for past injustices.

Notably, the patterns of Arab political activism in Israel follow the conventional mobilization patterns in Israel, including the emergence of multiple parochial political parties and burgeoning civil society activism. Since the 1970s, Jewish civil society and non-parliamentary activity has been proliferating in Israel. Such organizations have been debating issues similar to those the Arabs in Israel are concerned with. For example, various organizations and forums, such as the Israel Democracy Institute and the Kinneret Covenant Forum, have been debating options for an Israeli constitution guided by their vision of social and state-society relations in Israel. Seen in this context, Adalah's *Democractic Constitution* and Mossawa's *A Constitution for All* follow existing civil society activism in Israel and can be interpreted as an attempt to participate in the conversation.

Israeli parliamentary politics is characterized by fragmentation and parochialism. Since the mid 1990s, Israeli politics have seen the gradual decline of the two parties on the center-left and center-right. Concurrently, the growth and strengthening of sector-specific parties with particularistic agendas that claim to represent very particular parts of the population has occurred. These parties cater to: new immigrants, settlers, pensioners, liberal secularists, religious sects, and so on. The Israeli electoral system encourages this type of party formation because of the low barriers for entry.

Moreover, on many occasions multiple political parties have competed for votes in the same niche. Competition has engendered an outbidding dynamic whereby parties woo voters by hardening their positions and stressing parochial sentiments. This is true of Arab politics in Israel as well. The dynamics of internal competition between three political parties for the support of the Arab electorate has led to hardening of positions and appeals to the national sentiments of the Palestinian Arab minority. The Democratic Front for Peace and Equality has found itself coalescing with symbols of Palestinian nationalism like Azmi Bishara (1996) and Ahmed Tibi (2003) to enhance its national credentials among Arab voters.

At a time when mutual mistrust and recriminations are growing and the rhetoric is heating up, it is important to keep in mind that the patterns of Arab political organization and behavior match overall patterns in Israel. Although the rift appears wider than ever, it is important to stress that political violence – an attribute of many deeply divided societies - is very rare.

Ultimately, whether one sees the glass as half empty or half full depends on the observer's perspective. Those seeking to curb expressions of Palestinian nationalism in Israel, however, may be well advised to broaden their focus to the aspects of the Israeli system that encourage parochialism and segmentation more generally.

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**The Moshe Dayan Center publishes TEL AVIV NOTES, an analytical update on current affairs in the Middle East, on the 10th and 26th of every month, as well as occasional Special Editions.**

**TEL AVIV NOTES is published with the support of the V. Sorell Foundation**

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