The Oslo accords have been the subject of considerable debate ever since the first agreement was signed in 1993. Most of the literature on the agreements has dealt with their impact on the occupied territories (e.g. the growth of settlements, the separation barrier, restrictions on movement), to the near exclusion of the situation inside the Green Line. This essay, by contrast, focuses on Oslo’s consequences with regard to the status of the Palestinian citizens of Israel, and the way that the conflict is conceptualized by Israeli Jewish society.

Israel and the PLO signed the Oslo accords during the most promising period of the twentieth century. Around the world, regime changes were taking place through agreements and reconciliation processes. The fall of the Berlin Wall in 1989 and the collapse of South Africa’s apartheid regime in 1994 rank among the most significant events of that period. The end of the twentieth century also saw the rise of constitutionalism, as many countries adopted new constitutions that dealt with historical injustices against discriminated groups. On the international level, the United Nations General Assembly issued the Declaration on the Rights of Persons Belonging to Ethnic or National, Linguistic and Religious Minorities in 1992, and scholarly literature on multiculturalism proliferated.

These trends also influenced the State of Israel. Since 1949, all Israeli government coalitions have excluded Palestinian political parties, and the Palestinian Arab Members of Knesset (MKs) have never been asked nor have they demanded to join any government. Yet, Palestinian Arab MKs supported the Rabin-Peres government with votes in the Knesset due to the signing of the Oslo accords, and the Rabin-Peres government needed this support in order to sustain itself. Despite right-wing attacks against the legitimacy of the Rabin-Peres government inspired by the support it received from Palestinian MKs, the liberal political climate of Oslo contributed to the strengthening of civil rights discourse within the Israeli government. In 1992, the Knesset enacted two new Israeli Basic Laws (which enumerate certain constitutional rights)—the Basic Law Human Dignity and Liberty, and the Basic Law Freedom of Occupation. This liberal climate, the rise of world constitutionalism, and the internal political climate in Israel (which gave a sense of “a new beginning”) empowered the Israeli Supreme Court in 1995 to declare that these Basic Laws constituted a “constitutional revolution.” For the first time, the court ruled that it had judicial review power over laws, which also led to increased civil rights rhetoric by the court.
However, while most of the newly adopted constitutions in the 1990s contained the inclusive phrase, “We, the people of . . .,” to refer to the political community in its entirety, the new Basic Laws identified Israel ethnically, describing it as a “Jewish and democratic state.” It was the first time that this phrase appeared in law.

Before Oslo, the State of Israel faced challenges to its legitimacy based on its mere existence. No Arab state, except Egypt, recognized its right to exist as a sovereign, independent state. Thus, Israel emphasized its right to exist as such in its worldwide advocacy; the Jewish character (Jewishness) of the state was not its focus. The Oslo accords minimized the question of Israel’s existence as a main concern because the greatest of all enemies, the PLO, recognized the right of Israel to exist. Oslo made a peace treaty with Jordan possible and allowed Israel to have commercial relationships with some other Arab states. Many Arab states, after Oslo, began to relate differently to the territory within the Green Line, no longer referring to it as a “Zionist colonial entity.” Israel’s control of the territory within the Green Line became legitimate rule by a sovereign state; only Israel’s control of the 1967 occupied territories was perceived as illegitimate. Whereas in 1947 the Arab League rejected the UN Partition Plan for Palestine—which sought to divide Palestine into two states, one Arab and one Jewish, each controlling more or less half of Palestine—the post-Oslo climate paved the way for the Arab League to endorse a two-state solution which would establish a Palestinian state on one-fourth of historic Palestine. Conversely, whereas, before Oslo, Israeli law defined the PLO as a terrorist organization, currently, many Israeli officials argue that security cooperation between the Palestinian Authority (PA), established after Oslo, and Israel saves Israeli lives. In sum, the political climate created by the Oslo accords relieved Israel of the need to advocate for its existence as a state, laying the foundation for it to advocate for its essence as a Jewish state.

This transformation does not mean that Israel was not a Jewish state before the Oslo era. The Declaration of the Establishment of the State of Israel (1948) relies heavily on ethnicity, and the state’s practices were always ethnically determined. Even when laws had the semblance of ethnic neutrality, the authorities did not implement the law impartially. Since the Oslo accords, Israel has enacted explicitly ethnic laws that target Palestinian citizens’ rights more than ever before.2

The political climate in Israel after Oslo encouraged Israeli Zionist liberals, including those in the center (hereafter the pragmatic group), to advocate for separation between the two peoples. Although the Oslo accords did not speak explicitly about a two-state solution, the agreement created a dynamic in which many Israelis accepted this arrangement as a legitimate political solution. The pragmatic group argued that if Israel continued to control the occupied territories, it had only two options: to become a bi-national state or to become an apartheid state. The first option would deeply risk the prevailing demographic policy of keeping a Jewish majority inside the Green Line, whereas the second option of apartheid would de-legitimize Israel internationally. When the question of the state’s essence took center stage in the Israeli political arena, the Israeli Left began to extol the values of the “Jewish and democratic” state, making advocacy for the latter its main policy position.

In the past, the Israeli Left had been silent about Israel’s ethnic character in their academic writings and public advocacy. But the Oslo political climate legitimized ethnic conceptions of the state (as I will elaborate upon shortly), allowing the Left to be vocal about its stance on Israel’s Jewish essence. Thus, from the 1990s onward, we begin to see Israeli liberal academic literature
focus on justifying the values of a Jewish and democratic state. These values dominated Israeli politics, philosophy, and law, and they became the most debated set of values between Palestinian citizens of Israel and Israeli Jews.

What do these ethnic values mean? According to the Israeli liberal nationalists, Israel is a Jewish state in that it ensures Jewish group rights as well as a Jewish demographic majority through special guarantees—mainly the Law of Return, which ensures the right of every Jewish person in the world to come to Israel and obtain Israeli citizenship—in addition to prohibiting the return of the Palestinian refugees. According to this liberal nationalist vision, the State of Israel is a democratic state in that it grants, more or less, equal civil rights for its Palestinian citizens. These liberal ethnic values, which are legitimized by the Oslo accords, also “fit” the Palestinian statehood project. According to these ethnic values, equality for the Palestinian people will not be reached through individual rights, but rather through group rights, by the equal self-determination of the two peoples separately. The Palestinian Declaration of Independence, declared by the PLO in 1988, opens with the statement: “The State of Palestine is the state of Palestinians wherever they may be.” If Israel is a state for all Jews everywhere, so will the Palestinian state be a state for Palestinians everywhere.

The new status of Palestine, however, according to the United Nations resolution adopted by the General Assembly in November 2012, defines the Palestinian state as the 1967 occupied Palestinian territories. This resolution came sixty-five years after the UN Partition Resolution of 1947, which proposed partitioning Mandatory Palestine into two states—one Arab and one Jewish—with Jerusalem as a corpus separatum under a special international regime. The plan guaranteed equal rights for all the citizens in each territory, including the right of movement between the two states as well as economic union among them. In contrast, the 2012 UN resolution that upgrades Palestine to non-member observer status in the UN speaks only about territory, without any mention of rights. As I will detail later, the concept of statehood in this resolution is that partitioning precedes rights, whereas the UN Partition Plan of 1947, despite its serious defects, is based on the concept of partitioning while ensuring rights.

The current statehood project complies with the old idea of the finality of war. According to this concept, which predominated until the eighteenth century, the side that loses a war accepts its consequences as a verdict without negotiations. War determined the outcome of conflicts and at the end, the winner was declared the “right” side. The ethnic statehood project, then, recognizes the finality of the 1948 war, which created what we know as the Green Line, more or less based on the agreed-upon ceasefire lines. According to this concept the state of affairs within the Green Line cannot be challenged; it is already decided. Today, however, the notion of the finality of war is anachronistic as it contradicts the laws of war and international human rights law.

Oslo and the Palestinian Citizens of Israel

Palestinian citizens began resisting state policies and navigating through their national identity long before the 1990s. From 1948–1966, Palestinian citizens of Israel lived under an Israeli military regime, and their struggle focused mainly on survival. During the period of military rule, their
right of movement between villages and cities was arbitrarily restricted, and the military apparatus controlled their daily lives through a system of permits. Furthermore, approximately 76 percent of the private lands of Palestinian citizens of Israel were confiscated during this period, and almost one-fourth of Palestinian citizens were internally displaced. These internally displaced persons are still forbidden by Israeli law from returning to their villages.

After the military regime period ended, Palestinian citizens of Israel started to build their national political institutions in the mid-1970s and 1980s, including Arab student committees at Israeli universities, the National Committee of Arab Mayors, and the High Follow-Up Committee for the Arab Citizens in Israel. The first general strike was declared by the High Follow-up Committee on 30 March 1976 against land confiscations in the Galilee and was accompanied by mass protests by Palestinian citizens. On this day, which came to be known as “Land Day,” Israeli security forces killed six Palestinian protesters. In the late 1980s, the leading political parties of Palestinians in Israel focused on the occupation of the West Bank and Gaza, especially during the first intifada, and integrated the “two states for two peoples” solution into their political agenda.

Oslo, coupled with the aforementioned local and international political changes of the 1990s, also strongly influenced the politics of Palestinian citizens of Israel, transforming their political imagination regarding both territoriality and their relationship to the Israeli political community. Advocates of the Oslo accords perceived the two-state solution based on the 1967 borders as a viable and legitimate political track. In this framework, all citizens within the 1967 borders—regardless of ethnicity or nationality—are legitimate and constitutive components of the political community, with Jews representing the majority and the Palestinians a national minority. Based on this conceptualization, Palestinians in Israel began to claim civil liberties and group rights protections and, for the first time, started to refer to themselves as a “national minority.”7 This matter cannot be taken for granted. Palestinians had never before used the term minority in their political discourse or in their literature; the leadership always rejected this terminology as disempowering.8 However, due to the mutual recognition between the Israeli government and the PLO inaugurated by the Oslo accords, the new international legal status of national minorities of the 1990s, and the rise of multicultural politics worldwide, Arab academics, intellectuals, and activists in Israel began to use this term. We will soon see that this community quickly revised their political self-perception to emphasize the Nakba as the primary constitutive factor of their status as the repressed natives of the land.

While Israeli Jewish society started to emphasize its essence, Palestinians in Israel repositioned themselves to challenge this essence in order to determine “who is a citizen.” They began to demand a new definition of Israel, asking that it be a “state for all of its citizens.” In fact, their struggle also moved from existence to essence, from surviving to demanding rights as citizens of the state and as a national minority. The new liberal climate of the 1990s lasted a short period. It ended with one of the most shocking historical events for the Palestinian citizens of Israel.

On 28 September 2000, the head of the opposition, MK Ariel Sharon, challenged the ongoing peace negotiations taking place at Camp David between the PLO and the Ehud Barak government by entering the Haram al-Sharif (the al-Aqsa Mosque compound). During this “visit,” many Palestinians protested in Jerusalem and were killed and injured by Israeli security forces. These acts marked the beginning of the second intifada.
The leadership of the Palestinian Arab citizens of Israel declared a general strike in October 2000 as a protest against the killings. During the strike, security forces killed thirteen Palestinians in Israel. The government established an official commission of inquiry into these events and, finding that the police exceeded the limits of their power, urged them to stop treating Arab citizens as enemies. Ultimately, however, the state held no police officer or commander to account. Although the commission recommended opening criminal investigations into police action, in 2008 the attorney general contradicted the commission’s findings and decided not to indict any police officers for the killings. He argued that the protests resembled a battlefield and that police officers faced direct threats to their lives, which justified opening fire.

This period was marked by other legal developments, including a wave of legislation directed against the citizenship status of Palestinians in Israel. In July 2003, the Knesset enacted an explicitly racist law, an amendment to the Citizenship Law banning family unification between Palestinian citizens of Israel and their Palestinian spouses from the West Bank and Gaza Strip. The attorney general argued that security considerations justified the enactment of the law. Since every Palestinian living in the occupied territories should be treated as an “enemy alien,” according to the attorney general, his or her entry into Israel as such threatens national security. This law affected around 25,000 applicants for family unification, estimated at no less than 100,000 Arab family members or about 10 percent of the total Arab population in Israel. Further, in 2007, the Knesset expanded the scope of the law to apply to spouses from the “enemy states” of Lebanon, Syria, Iraq, and Iran. Another amendment to the law provided that the interior minister may revoke the citizenship of any Israeli citizen who chose to reside in the Gaza Strip, defined as an “enemy entity” in 2007 following the takeover by Hamas. These laws coincided with the policy of ethnic separation pursued by the Israeli government headed by Ariel Sharon, including the building of the wall in the West Bank and the unilateral disengagement from Gaza.

At this time, Palestinian academics, intellectuals, leaders, and activists within the Green Line moved to articulate their response to the aforementioned legal developments by conceptualizing their political vision and demands. Between 2006 and 2007, several Palestinian institutions proposed “future vision” documents. These documents framed the relationship of Palestinians within the Green Line to the Israeli state by identifying them first and foremost as the native inhabitants of the land. Dubbed the “Arab Documents” by the Israeli media, these documents contained many common elements. They emphasize that, as the Palestinians in Israel belong to the Arab nation, they are also entitled to cultural and social connections with it, and identified the Nakba as the constitutive element of their identity. They also stress that the remedy for the historical injustices committed against them must include the restitution of their lands and an adherence to the right of return of the Palestinian refugees. Furthermore, they declare that Israel should be a democratic binational state that guarantees full equality between Arabs and Jews within the Green Line.

Israeli officials, politicians, and academics reacted with hostility toward the documents, which they perceived as an attempt to delegitimize the state’s Jewish character. This criticism reached its height when the director of the General Security Services (GSS, also known as the Shin Bet or the Shabak) declared that the Arab citizens of the state represent a strategic threat. He also added that
the GSS intends to “disrupt activities of any groups that seek to change the character of Israel as a Jewish and democratic state, even if they use democratic means.” The critique of the documents was not directed at the Arab claims for cultural autonomy; rather, it targeted the centrality of the Nakba as the historical national narrative for Palestinian citizens of Israel, their demand for the right of return, and their desire for full equality.

Under the Netanyahu–Lieberman government of 2009–2012, the right wing came to use the term “Jewish and democratic state” to demand loyalty from Palestinian citizens and to exclude them. They also passed corresponding legislation. The 2011 “Nakba Law,” for example, threatens any institution or association funded by the state with deep budget cuts if it memorializes the Palestinian Nakba or initiates any activity deemed to contradict the values of the State of Israel as a Jewish and democratic state. The 2011 Admissions Committee Law allows hundreds of small towns built on “state land” to exclude any candidate from living there based on the full discretion of the local committee; one of the legitimate considerations of such committees is maintaining the Jewish character of the town in question.

The Netanyahu–Lieberman government also enacted laws to privatize “state-controlled and state-owned” land, much of which originally belonged to Palestinian refugees and Palestinian citizens of Israel. The Israel Land Authority (ILA)—a state agency—controls and “owns” 93 percent of the land within the Green Line, largely due to the confiscation of Palestinian-owned lands by Israel in the 1950s. The Israeli government officially declared in the past that it would respect international law, which prohibits the confiscation of land belonging to civilians after the end of a war (a law passed after the Nuremburg Trials). The new land laws allow the ILA to sell “its” land to private individuals. This privatization process—from state control to individual ownership—endangers the possibility of ever returning these properties to their original Palestinian owners. Interestingly, these land laws passed without almost any critique internationally.

**Legal and Political Consequences**

The developments detailed above show that despite their exclusion from the Oslo process, the Palestinians in Israel are totally immersed in the Israeli-Arab conflict. While they have participated in national elections and held positions as representatives in the Knesset since 1949, they have never been part of the governmental coalition due to the state of affairs between Israel and their people, broadly speaking. The attorney general’s refusal to file criminal charges against Israeli police members for killing Palestinian citizens of Israel in the October 2000 protests—which were held in support of their fellow Palestinians in the occupied territories—was due to their national identity. These decisions cast them as belonging to the enemy. Palestinian family unification is banned because, in the eyes of the Israeli authorities, it may constitute an exercise of the Palestinian right of return. The request that Palestinian citizens show loyalty to the Jewish state is an indirect way of demanding that the Palestinian people surrender their struggle and accept that Palestine is a homeland for Jews only. The Palestinian citizens’ land rights and the right of return of Palestinian refugees are deeply connected, and Israel denies both. Justice cannot be restored without addressing the central cause of the injustices against all Palestinians: the Nakba.
The principle of equality before the law is suspended within the Green Line on matters pertaining to two categories of Palestinians who are victims of the Nakba: the citizens of Israel and the refugees. Holding citizenship does not grant equal rights to Palestinian citizens of Israel, as the “enemy alien” doctrine also applies to them in crucial matters (e.g., family unification, the confiscation of their lands through war as enemy property, and the GSS’s response to the Arab Documents). In addition, having the right to freedom of expression does not grant them the capacity to challenge the concept of a Jewish state. Similarly, the fact that there is yet another negotiations process in 2013 based on the Oslo accords does not prohibit Israel from taking unilateral action and seeking to negate the right of return, for example, through the laws which privatize the property of the refugees.

Still, post-Oslo developments and laws are relevant to the principle of ethnic sovereignty based on two states for two peoples, in which “partitioning precedes rights.” It is true that Israeli liberals oppose many of the racist laws, but these laws can be easily rationalized based on the project of Jewish statehood. According to this project, the sovereignty of the future Palestinian state is for the Palestinian people, and similarly, sovereignty within the Green Line is for the Jewish people. Sovereignty, in this context, means the ethnic ownership of territory, which negates the right of equal citizenship and property. The statehood project relies on partitioning Palestine to achieve this goal. The PLO and pragmatic Zionists insist on emphasizing territorial arrangements of partitioning first, while ignoring the scope of rights either of the Palestinian people or the Jewish people. Both sides hope to finalize the conflict based on territorial arrangements and without delineating the rights of individuals and groups who will live within these states, including the rights of Palestinian citizens of Israel and the Palestinian refugees.

Israeli right-wing intellectuals, on the other hand, argue that 1948 is at the core of the conflict rather than the 1967 occupation of the West Bank and Gaza. This group challenges the PLO and the Israeli pragmatic group by arguing that “rights precede partitioning.” They believe that recognizing the historical rights of Jews is the main issue, as the conflict started with the Arabs’ rejection of the Jewish State in 1947. The right of return, they claim, is the main obstacle, not the settlements in the occupied Palestinian territories, and that the Palestinians in Israel are the main challenge to the project of the Jewish state, not the settlers in the West Bank. Lately, some right-wing intellectuals began supporting a one-state solution with autonomous areas for the Palestinians and without a political system of one-man one-vote. In other words, these ideas offer apartheid, based on separate ethnicity with no equal political rights. Each group will live with its own culture, but Israel will control the security and demography.17

Here I wish to pose a hypothetical question. Would the Palestinian people prefer the return of their property, the right of return of the Palestinian refugees, and the right of movement in all of Mandatory Palestine under an apartheid regime without partition; or a two-state solution, which comes with no return of the refugees, no right of movement between the Green Line and the occupied Palestinian territories, and second class citizenship for Palestinian citizens in Israel? The injustices embedded within either option render this question itself an embarrassment to the ethnic statehood project. It tells us why, after twenty years of negotiations between the two sides, both are still very far from reaching an end to the conflict.
Conclusion

The legal status of the Palestinian citizens of Israel today is deeply intertwined with the Nakba, and any solution will not restore justice without addressing it. Oslo ignores the Nakba and its consequences, focusing instead on advancing an ethnic statehood project. If a people’s tragedy, such as the Holocaust, the Nakba, or any form of ethnic cleansing, forms the constitutive identity of that people, then an ethno-centered nationalist project with statist goals, such as the Oslo Agreement, does not get to the heart of the matter. There is no doubt that the statehood project not only fails to resolve the core of the conflict, but also in fact, it escalates the conflict. Even while the Israeli government negotiates with the PLO to reach territorial agreements, it simultaneously works against the majority of the Palestinian people’s rights.

Here we come across two different concepts of freedom among the Palestinians: that of the PLO and that of the Palestinian citizens of Israel. The PLO and the Israeli pragmatic group both support the idea that “partitioning precedes rights.” Based on this concept, the Green Line is a matter of Israeli internal sovereignty, and thus, the status of Israel’s Palestinian citizens is not part of the Oslo accords. In addition, the PLO and the Israeli pragmatic group both consider the laws of war and international humanitarian law (IHL) to be applicable solely to the occupied Palestinian territories, with divergences, of course, regarding Jerusalem’s Palestinian residents. Neither group perceives the legitimate applicability of these laws of war within the Green Line, despite the fact that the confiscation of Palestinian property—internally displaced Palestinians citizens as well as the Palestinian refugees—belongs to the field of IHL. These properties were taken from civilians during and after the war.18

Achieving freedom for the Palestinians in Israel necessitates prioritizing equal rights between the two peoples over partitioning. Palestinian citizens of Israel see 1948 as the core problem, and ending the occupation of the West Bank and Gaza alone will not lead to peace for the two peoples. Their formula for a solution includes equal rights for all along with the recognition of the historical injustice that occurred against the Palestinian people, namely recognition of the Nakba as their unifying tragedy.

The political ideas of the Palestinians in Israel transformed from “two states for two peoples” in the 1970s and 80s, to a desire for national minority rights in the 1990s immediately following Oslo, to the current trend, which places confronting the historical injustices produced by the Nakba at the center of their political demands. Interestingly, the PLO moved from a one-state solution, where the Nakba was the central concept of their political agenda, to “two states for two peoples” following the Oslo accords.

The processes of reconciliation in the 1990s, in which states and their people drafted new constitutions around the world, taught us that remedying historical injustices are the fundamental principles for agreement.19 These lessons show that we need to prioritize the Nakba and to speak about freedom, equal rights, and the self-determination of the two peoples, including the recognition of civil and political rights of all individuals belonging to these nationalities without any hierarchy or domination. Then the political arrangements could be based on one, two, or three states, or any other union model.
About the Author
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ENDNOTES

1 However, this focus on ethnicity itself has raised deep concern among the international community. The United Nations human rights treaty bodies consistently raise concern about Israel's failure to comply with its international human rights obligations vis-à-vis Palestinian citizens of Israel. Recent examples include the concluding observations of: the Committee on the Rights of the Child, CRC/C/ISR/CO/2-4, 2013; the Committee on the Elimination of Racial Discrimination, CERD/C/ISR/CO/14-16, 2012; the Committee on Economic, Social and Cultural Rights, E/C.12/ISR/CO/3, 2011 and the Human Rights Committee, CCPR/C/ISR/CO/3, 2010. Furthermore, in 2012, the European Parliament passed a historic resolution condemning Israeli policies of forced displacement and home demolitions in the West Bank, including East Jerusalem and the Naqab (Negev), and called on Israel to withdraw the Prawer Plan, which seeks to displace and dispossess tens of thousands of Palestinian Bedouins from their homes and villages in the Naqab. See: European Parliament, Resolution on EU Policy on the West Bank and East Jerusalem (2012/2694(RSP), 5 July 2012, http://www.europarl.europa.eu/; and "Prawer Plan," Adalah: The Legal Center for Arab Minority Rights in Israel, http://adalah.org.


4 Dr. Azmi Bishara and Prof. Nadim Rouhana are two of the leading Palestinian scholars who started this debate academically with Israeli scholars in the 1990s. See Amal Jamal, "The Vision of the 'Political Nation' and the Challenge of 'State of all its Citizens': Explorations in Azmi Bishara's Political Thought," Al Payeem Journal, no. 30 (Winter 2006), pp. 71–113 (Hebrew) and Nadim Rouhana, Palestinian Citizens in an Ethnic Jewish State: Identities in Conflict (New Haven: Yale University Press, 1997).

5 Foucault explains that the conception of war in the eighteenth century changed and became rational. The medieval war was a war of right, like "a judicial procedure, by a victory...You lost, therefore right was not on your side." See Michel Foucault, Security, Territory, Population, trans. by Graham Burchell (New York: Picador, 2007), p. 301. Similarly, Whitman describes this conception of war as "a kind of trial with a kind of verdict," explaining that today this old concept of war is anachronistic and contradicts international law. See James Q. Whitman, The Verdict of Battle (Cambridge: Harvard University Press, 2012), p. 3.


The Green Line’s Challenge to the Statehood Project

8 The Palestinian citizens of Israel do not have a history as a “national minority.” With the establishment of Israel in 1948, for the first time, they became a numerical minority. However, at the time, their political consciousness continued to be based on their membership in the Arab nation.


12 There are three documents: the “Democratic Constitution” prepared by Adalah; the “Future Vision” document put forward by the National Committee of Arab Mayors in Israel; and the “Haifa Declaration” led by Mada al-Carmel.


14 For example, Shlomo Avineri, a professor of political science at the Hebrew University who represents the mainstream academic position, commented that: “Adalah’s proposal is a very clear and sophisticated mechanism for disestablishing Israel as a Jewish state” (Dan Izenberg, “The Future Vision of the Palestinian Arabs in Israel,” Jerusalem Post, 4 April 2007). See also Rory McCarthy, “Israeli Group Calls for Increased Rights for Arabs,” The Guardian, 28 February 2007, quoting Avineri on the “Democratic Constitution”: “It is an Arab national programme and its aim is to de-legitimize Israel as a Jewish state. This document is not going to end discrimination. It is counter-productive and will create the exact opposite effect—an extreme response from the Israeli right-wing.” See also Uzi Benziman: “These moves [the ‘Future Vision’ and Adalah’s appeal to ‘UN organizations’] reflect a genuine radicalization of both Arab Israelis’ demands and their representatives’ modes of action, and they arouse the Jewish reflex of self-defense” (Uzi Benziman, “A la intifada comme a la intifada,” Ha’Aretz, 18 February 2007).


18 “Uprooted villages” and the classification of Palestinian-owned land as “absentee property,” are two examples which apply to Palestinian citizens of Israel. Israel’s official position, including that of the Supreme Court, is that these confiscations are justified as a result of the 1948 war and its consequences, as well as for security reasons. For the relevance of IHL principles within the Green Line after the establishment of Israel, see Michael Kagan, “Destructive Ambiguity: Enemy Nationals and the Legal Enabling of Ethnic Conflict in the Middle East,” Columbia Human Rights Law Review, Vol. 38 (2007), pp. 263–319.