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مجموعة إيلاس مذكرة: الأقلية العربية في اسرائيل"، مذكرة من " كوسا، ١٩٦٠

اللسطينيين في وثيقة مطبوعة باللغة الانجليزية تتضمن مذكرة حل
الوثيقة خلال سنة ١٩٦٠ الأراضي الفلسطينية المحتلة سنة ١٩٤٨، كُتبت
من الفلسطينيين، وتتضمن مجموعة من المحاور: مصادرة الأراضي الزراعية
الاضطهاد تهجيرهم، الحكم العسكري المفروض على الفلسطينيين،
العنصري. وُجدت الوثيقة الاقتصادية، تدني المستوى التعليمي، التمييز
ضمن مجموعة إيلاس كوسا.

AIDE MEMOIRE

RE:

THE ARAB MINORITY

OF

ISRAEL.

A I D E M E M O I R E

Re: The Arab Minority of Israel.

There are more than 200,00 Arabs in the State of Israel consisting of three communities, the Moslem community numbering about 150,000, the Christian community comprising some 42,000 and the Druze community consisting of 17,000. The majority of the Arabs live in three separate areas, Western Galilee, the Little Triangle and Beersheba District. They remained in Israel of their free will, being desirous of living in friendship and peace with the Jews, and firmly believing that they would not be the victims of oppression and humiliation as the Jews had suffered persecution and maltreatment for thousands of years and fully realize the moral and spiritual effects and consequences of racial persecution. Unfortunately, subsequent events have painfully frustrated their expectations. Disappointment, discontent and despair now prevail in their midst. The causes that led to this unhappy and unhealthy situation will be dealt with hereunder in a brief and general way.

1. Confiscation of Arab Agricultural Lands.

At the very start of the birth of the State, the Government of Israel introduced drastic laws which aimed at the confiscation of Arab agricultural lands. These legislative enactments consisted of the Absentee Property Regulations, 1948, the Fallow Land Regulations, 1949, and the Defence (Security Zones) Emergency Regulations. The total area taken under these regulations is about 1,250,000 metric dunums (315,000 acres), mostly in Western Galilee and the Little Triangle. To validate this confiscation which has rendered a large number of Arab farmers landless and jobless, the Knesset enacted in 1953, a law entitled the Acquisition of Land (Validation of Acts and Payment of Compensation) Law, which finally stripped the owners from all rights of ownership, possession and cultivation. None of the aforementioned laws contained any provision enabling an aggrieved owner to seek redress through the courts established by the State itself. This vast area of fertile land was taken from the Arabs and given to Jews for the establishment of communal settlements and kibbutzim etc., in flagrant violation of the international

obligation imposed on Israel in virtue of the United Nation Partition Resolution of 29th November, 1947, and in pursuance of the Transjordan Israel Armistice Agreement of 1949. In some instances, the land was usurped in utter disregard to the decisions of the High Court of Justice directing the restoration of the lands to the Arab owners.

Moreover, subsequent to the cessation of hostilities in 1949, the Government demolished a number of Arab villages, scattering the inhabitants in different localities without making any genuine effort to re-settle them elsewhere. In particular one would mention, by way of illustration, the two Christian villages of Kafr Bir'em and Iqrit and the two Moslem villages of Khasas and Jalameh the Arab inhabitants of which were expelled and are now living under distressing conditions. The gloomy picture does not end in this painful situation. There are many displaced Arabs in Israel who are prevented from returning to their villages in Israel which are inhabited by Arabs. To give an example of the hardships suffered by such Arabs, one has only to consider the plight of the villagers of Sha'ab who were expelled from their village and are now living in adjacent Arab villages but are forbidden to return to their homes and lands. This village is cited only by way of example. There are tens of other villages the inhabitants of which suffer the same misfortune.

In furtherance of the policy of confiscation of Arab agricultural lands, the Government controls the Moslem Wakf properties of which the annual revenue was, according to the Prime Minister's statement before the Knesset in 1951, IL.180,000. This revenue which is dedicated for Moslem religious, charitable, educational and social purposes must have, no doubt, increased two or three folds in subsequent years. During the British Mandate these properties were administered by a Moslem body, and the revenue was spent for the benefit and welfare of the Moslem community in strict conformity with the wishes of the dedicators. At present, the revenue is disbursed by the Ministry for Religious Affairs without proper consultation with Moslem representatives, and in ways that do not conform with the dedicators' purposes. If the administration of the wakf properties

were entrusted to a Moslem representative body, many of the social, educational and religious needs of the community which receive at present very little attention, if at all, could be adequately provided for from the income. Although the largest Arab community in Israel, the Moslems, unlike the Christians, have been insistently deprived, to their utter detriment and disadvantage, of the control and management of their wakf properties.

2. The Military Rule.

The three areas described above, which are predominantly inhabited by Arabs, are under military rule. The administrative functionaries are military officers, and come under the direct orders and supervision of the Minister of Defence. In all other parts of the country where the predominance of the inhabitants is Jewish, the civil administration is under the Minister of Interior and the military authorities do not interfere in the life of the population of these parts except when real questions relating to the security of the State are involved.

The Government alleges that the military rule is essential for the "Security of the State", and because of the belief not uncommon among the Jews that the Arab minority constitutes a dangerous fifth column. In point of fact, the Arabs who remained in the country for the reasons indicated in the first paragraph above, have continuously demonstrated a spirit of friendliness and understanding and invariably maintained order, tranquillity and peace. They have never embarked on any subversive activities, nor did they engage in any underground movement undermining the safety of the State. The plea of "Security of the State" is grossly exaggerated, to say the least, and the belief that the Arabs are fifth columnists is belied by their peaceful conduct and behaviour since the birth of the State, especially during the Sinai campaign as openly acknowledged by the Prime Minister before the Knesset in December, 1957. The incorrectness of the reasons advanced by the Government for the preservation of the rule becomes abundantly clear when one considers the question of Shefa-Amr and Nazareth, two towns predominantly inhabited by Arabs and are far from the frontiers. The first is more distant from the borders than

Acre which ceased to be under the military rule when it became predominantly Jewish. Nazareth is farther from the frontiers than Tiberias which is not within the military area because the townsmen are wholly Jewish. It is thus clear that the real criterion is not the security of the State but the racial character of the locality; and this exasperating distinction adds to the embitterment of Arab feelings.

The evils which the Arabs suffer in consequence of the military rule are too many to enumerate. In almost every field of life they feel one kind or another of oppression and humiliation. None can travel to and fro the military area without first obtaining a written permit from the Military Governor or the Police, which is granted for a limited period, usually for a day or two. Every day long queues form in front of Military and Police Offices for the purpose, and the permits are usually obtained with difficulty. Recently, the Government abolished the need for permits for the Arabs living in Western Galilee who wish to travel to Acre and Affouleh which are nearer to the frontiers than Haifa. Nevertheless, these Arabs cannot come to Haifa without first obtaining permits. This relaxation of the rule implies the chimerical assumption that the further an Israeli Arab is from the borders the more dangerous he becomes to the State, and, therefore, strengthens the contention that the rule is maintained to oppress, humiliate and impoverish the Arab section of the population.

Under the military rule various practices and devices are employed to obstruct Arab businesses and trades, to prevent Arab labourers, workmen, employees and artisans from finding work, to fetter their freedom of movement in search for employment, and to render their very existence difficult and unbearable. It is almost impossible for an Arab to obtain a licence to quarry on his land unless he takes a Jewish partner, for instance, Bi'aneh, Deir-al-Azad and Nahf villages, or to carry out a business that might compete with a Jewish concern, or even to move his residence from a military area to a place outside it.

The military rule further curtails the free exercise by the Arabs of the right of election for the Knesset, and Arab candidates

are, generally, chosen by the Government under the pressure and influence of the Military Governors and their subordinates. Although elected by Arab voters, the Knesset members, notably those affiliated to Mapai, do not truly represent the Arab minority. Intimidation, threat and menace were exercised to ensure their success.

It is the practice to prosecute before the military courts Arabs charged with the commission of offences under the Defence Regulations. These tribunals are usually composed of Military Officers with little or no legal knowledge. Their decisions are not subject to appeal to any higher court, civil or military, but to the confirmation or otherwise of the Chief-of Staff of the Defence Forces. In the circumstances, the Arab finds himself before a Jewish judge who is not completely independent nor unprejudiced because of the very nature of his military status. Unfortunately, many of the ordinary activities essential for an Arab to earn an honest living is likely to become a criminal offence by the slightest amount of negligence or carelessness: for instance, an Arab holding a permit to travel from a place inside to a place outside the military area would find himself faced with a criminal charge triable by a military court if he descended from his car before reaching his destination to have a drink of water at a wayside booth.

Lastly but not least, the military rule has a demoralizing and disintegrating effect on the Arab population. It has infused into their hearts a sense of terror and humiliation:- intrigues abound, discords flourish and rivalries thrive, communal, clannish and family. Instead of fostering amity and brotherhood between the different factions in a village, the military officers strive to inflame feelings, to widen the gap between conflicting parties and to sow the seeds of animosity not only between Arab individuals but also between the different Arab communities. Whenever an Arab ceases to find favour in the eyes of the Military Governor, or, whenever the Military Governor or his Assistant considers for one reason or another, an Arab citizen a persona non grata in the village, the Arab is summarily exiled to another village in a different district where he has to report once or twice daily to the nearest Police Post,

usually at some 10-20kilometres from the village to which he had been deported. The order of deportation is unassailable in any court of justice; and whenever a possibility exists to test the validity of the order the Minister of Defence lodges in court a certificate under his signature and seal that the deportation was necessitated by "security reasons" thereby ousting the jurisdiction of the court. The result of the deportation is that the deportee's family is left without support, his land or business become neglected, and he must contrive ways and means to pay for his food and shelter. This procedure was inherited from the British Mandatory Administration. It aroused strong resentment among world Jewry when it was applied by the British against the Jews of Palestine. Now, the Government of Israel applies it against the Arab citizens without the least sense of remorse.

3. Economic Persecution.

An atmosphere of deliberate economic persecution of the Arab inhabitants prevails in Israel. Arab workmen and employees are expelled from Jewish concerns and foreign establishments, occasionally under the pretence of "security of the State", a slogan widely abused, and sometimes on the ground that they are not members of the Histadrut which does not accept, anyhow, every Arab desirous of acquiring its membership. There are many Jewish commercial institution and public enterprises where not one single Arab is employed. This ostracization of Arab labour is also noticeable in Government Departments and local authorities.

The Arabs of Israel encounter many difficulties in obtaining the statutory permits and licences to carry out trades or businesses, whether issuable by the Government or Local Authorities. They are not accorded the same facilities and privileges granted to the Jewish citizens who receive every possible indulgence and preference.

Even in matters of income tax, war damage tax and defence tax, Arab taxpayers suffer gross hardships. The overwhelming majority of these taxpayers are illiterate. They keep no books and accounts and are mostly over-assessed by too zealous Jewish tax officers. While there is an advisory committee for every class of Jewish income taxpayer, no such committee exists for the Arab taxpayers who are,

therefore, left at the mercy and grace of the Assessing Officers who appear to work under the belief that the Arabs should be impoverished to quit the country for good and all.

The Declaration of Independence proclaimed by the Government on the 14th of May, 1948, called upon the Arab inhabitants of Israel to keep the peace and order, and to participate in all public and government institutions on the basis of complete equality of citizenship. The Arabs heartily responded to this call. They kept the peace, and did everything within their power to identify themselves with the State. But the Government failed to honour its promise: they were denied the right to participate in the administration of the country, and suddenly found themselves faced with a policy that treated them as second class citizens. Their language disappeared from almost every Government department. The Official Gazette in Hebrew appears punctually as soon as the legislative enactments are promulgated, and appears in Arabic some two or three months later. Communications addressed to the Government in Arabic are left without a reply for a considerable period, and, when answered, the reply is usually sent in Hebrew which very few Arabs read and understand. Government forms which have to be filled for one purpose or another are printed in Hebrew, and it is with great difficulty that an Arab citizen would obtain the form in Arabic, if it existed. The Arabs of Israel do not share in the administration of the country. Hardly in any Government office there is a senior Arab officer, and in no Ministry an Arab occupies a post of any importance and responsibility. Apart from the Education Department, and, perhaps, the Police Force, where a number of Arab teachers and policemen are employed, no Arab appears on the establishment of Government departments notwithstanding the fact that there are many educated Arabs who possess the necessary qualifications and ability to perform not only junior functions but also important senior duties. The Government is thus deprived of the advice of qualified Arabs in matters relating to Arab affairs and interests. Even in the Prime Minister's office which deals with Arab affairs, no Arab is employed. The Government relies in these matters that affect not only the relations of the Government with the Arab citizens of the country but also with the relations of

the State with the Arab world, on the advice of Jewish officers who, in all probability, do not comprehend Arab mentality, psychology, reasoning and tradition.

To this grave state of affairs, there is added a tendency amidst the various Jewish bodies and responsible persons to cultivate in the hearts of Jewish youth a feeling of hate and contempt, of rancour and despise, for the Arabs, which is easily discernible whenever contact is made with the Jewish youth in school and in the street. Presumably, it is the intention of the Government to keep the two peoples apart, never to sow the seeds of brotherhood and friendship among the two sections of the population. There is also a feeling of racial superiority which makes the Jews look upon the Arabs as though they were of an inferior race. In their dealings and approaches the Jews of Israel appear to consider the Arabs of Israel as their enemies, and, therefore, very little social relations exist between them. There are, however, many liberal minded Jews who strongly resent this xenophobic attitude of the responsible authorities, and invariably express their protest and revulsion, but, unfortunately, their number is small and their influence among the Jewish people is negligible. Hitherto, there sincere and energetic activities to put an end to this harmful spirit has had no salutary reaction.

Now, it might be possible to better the lot of the Arab community, and to improve the atmosphere, by the adoption of the following measures:-

1. The enactment of a constitution containing adequate safeguards against racial oppression, persecution and maltreatment, and ensuring due representation of the Arab community in the legislative, executive and judicial organs of the State.
2. The immediate abolition of the military rule with all its concomitant evil practices and devices.
3. The elimination of all pressure, moral and economic, now exercised against the Arabs.
4. The insurance of employment for the Arabs and the removal of all restrictions which prevent them from finding work.
5. The allotment of a viable plot of land to every Arab vil-

lagers whose land has been confiscated as well as to jobless farmers to maintain themselves and their dependants.

6. To return all displaced Arabs in Israel to their homes and lands in their respective villages.

7. To safeguard Arab land owners against expropriation and to ensure that no Arab farmer will become landless in consequence of Government action.

8. To employ Arabs having the necessary qualifications in all Government departments, and especially in offices dealing with Arab affairs.

9. To ensure that Arabic is used in all communications addressed to the Arabs as well as all forms which the law requires citizens to use.

For obvious reasons, it is neither wise nor proper for us to suggest ways and means for giving effect to the aforesaid measures. The State Department contains, no doubt, able gentlemen who can devise the necessary methods. We can only say that it would be in the interest of the State of Israel, and of peace in the Middle East to ensure that these measures be adopted.

