APPENDIX ONE

SELECTIONS FROM THE DEMOCRATIC CONSTITUTION
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Chapter One: Introduction

1. The Universal Declaration of Human Rights of 1948, which enshrined the human rights lessons of the evils committed during World War II, and the international human rights covenants, which were subsequently ratified, state that: All human beings are equal; anti-discrimination is an absolute principle which cannot be compromised; all peoples have the right of self-determination; no nation possesses rights that are superior to those of another nation; and it is essential to ensure the personal liberty and economic and social rights of the individual for freedom, equality and justice to be achieved.

2. After the end of World War II, and as a result of their long and just struggle against colonial regimes, many nations succeeded to attain their independence and realize their right of self-determination. In the last two decades, historic processes have taken place in states where policies of repression and discrimination had reigned. The end of the apartheid regime in South Africa is the most prominent example. These states have derived lessons from the past and promoted historic reconciliation, based on recognition of the historical injustice these policies inflicted on groups that were repressed and discriminated against, and ensured the effective participation of these groups in the process of constitution-making.

3. Based on universal principles, international human rights covenants and the experience of nations, we – as a human rights organization – seek to propose a constitution, which contains provisions on the governing regime and on rights and liberties, as detailed below. We believe this constitutional proposal should be incorporated in the laws and/or the future constitution of the State of Israel.
4. In order to build an equal and democratic society, free of repression and violence, and as a basis for historic reconciliation between the State of Israel and the Palestinian people and the entire Arab nation, the State of Israel must recognize its responsibility for past injustices suffered by the Palestinian people, both before and after its establishment. The State of Israel must recognize, therefore, its responsibility for the injustices of the Nakba and the Occupation; recognize the right of return of the Palestinian refugees based on UN Resolution 194; recognize the right of the Palestinian people to self-determination; and withdraw from all of the territories occupied in 1967.

5. The Palestinian Arab citizens of the State of Israel have lived in their homeland for innumerable generations. Here they were born, here their historic roots have grown, and here their national and cultural life has developed and flourished. They are active contributors to human history and culture as part of the Arab nation and the Islamic culture and as an inseparable part of the Palestinian people.

6. Since their political status has been changed against their will, making them a minority in their homeland; since they have not relinquished their national identity; and since the rights of a homeland minority must include, inter alia, those rights which should have been preserved and developed as much as possible had they not become a minority in their homeland, thus, the legal starting point of this constitutional proposal is: The Arab citizens in the State of Israel are a homeland minority.

7. The policies and practices of Israeli governments have caused severe injustice to the Palestinian Arab minority since 1948, some of which continues today, including this minority’s physical detachment from its people and nation, the uprooting and destruction of villages, the demolition of homes, the imposition of military rule until 1966, the massacre of Kufr Qassem in 1956, the killing of young people during the first Land Day in 1976 and in mass protests of October 2000, the confiscation of properties from the Muslim Waqf, the expropriation of land, the non-recognition of Arab villages, the separation of families, policies of institutional discrimination in all fields of life, and the exclusion of the Arab minority based on the definition of the state as Jewish. Therefore, the following constitutional proposal determines that the basic rights of the Arab minority include: the return of land and properties on the basis of restorative justice, effective participation in decision-making, the