



An-Najah National University
Faculty of Graduate Studies

**MINORITY RIGHTS ACCORDING
TO INTERNATIONAL LAW: PALESTINIANS
WITHIN THE GREEN LINE**

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Dedication

To the one who honored me by bearing his name, my beloved father, may God prolong
his life.

For sacrificing his most precious possessions for my success.

To the light of my eyes, the light of my path, and the joy of my heart

(my beloved mother).

To the one whose prayers and knowledge were my companions in

my brilliance and excellence.

To my supportive brothers (Nour, Mohammed).

I dedicate this work to you out of love.

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Thank God Almighty for enabling us to complete this scientific research.

All praise is due to God.

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I also extend my thanks to everyone who contributed, directly or indirectly, to the completion of this scientific research.

Declaration

I, the undersigned, declare that I submitted the thesis entitled:

MINORITY RIGHTS ACCORDING TO INTERNATIONAL LAW: PALESTINIANS WITHIN THE GREEN LINE

I declare that the work provided in this thesis, unless otherwise referenced, is the researcher's own work, and has not been submitted elsewhere for any other degree or qualification.

Student's Name: Ibrahim Ali Atalla Salah

Signature: Ibrahim Ali A. Salah

Date: 17/01/2026

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**MINORITY RIGHTS AND INDIGENOUS
PEOPLES ACCORDING TO INTERNATIONAL LAW:
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Abstract

This study aims to highlight the rights of minorities and indigenous peoples according to international law, focusing on the situation of Palestinians within the Green Line as a case study (Israeli citizens of Palestinian origin). The researcher used the deductive method in this study, whereby the study initially addressed the distinction between the concepts of minority and indigenous peoples, and examined the extent to which each of the two concepts applies to the situation of the Palestinian community within the Green Line, under the current Israeli political and legal system, and the individual and collective rights resulting from this classification in light of relevant international agreements, especially the International Covenant on Civil and Political Rights (1966), the United Nations Declaration on the Rights of Indigenous Peoples (2007), and others.

The study reached several conclusions, including that Palestinians within the Green Line are considered a national minority because they constitute a numerically and politically non-dominant majority within the borders of the State of Israel, despite historically being part of the Palestinian people. At the same time, they are described as an indigenous people due to their deep connection to their land and their continuous presence there before the establishment of the State of Israel in 1948. They face legal, political, social, economic, and other challenges that impede the full exercise of their legitimate rights. These challenges range from being treated merely as an ethnic and religious minority, to the enactment of numerous discriminatory laws in employment and housing, to restrictions on their educational and cultural rights, and ultimately, the lack of full recognition of their collective identity. Although Israel is a party to several international conventions prohibiting discrimination, their implementation on the ground remains significantly inadequate, necessitating more effective and binding international intervention to ensure the protection of these rights from any violation.

Keywords: minorities, indigenous peoples, Palestinians within the Green Line.

Chapter One

Background And Theoretical Introduction

1.1 Introduction

The issue of the rights of minorities and indigenous peoples is one of the most prominent topics highlighted in contemporary international law. In all countries of the world, there are many diverse groups that attempt in various ways and on all levels to preserve their historical, cultural, religious, linguistic, and doctrinal heritage, and strive to assert their identity distinct from the other components and sects of society. These groups are commonly known as "minorities or indigenous peoples". The issue of minorities and indigenous peoples still faces a civilizational challenge in any political or societal entity, as problems and challenges arise related to coexistence, mutual recognition, and the preservation of cultural particularities within the framework of national and local unity. With the increasing discrimination and marginalization of non-dominant groups in many countries, the need has emerged to develop an international legal framework that guarantees the protection of non-dominant groups and guarantees their right to participate in public life, practice their culture, language, religion, and preserve their identity.

In recent decades, international law has witnessed a remarkable development in the issue of the rights of minorities and indigenous peoples as one of the fundamental issues in international law. Many international treaties and conventions have guaranteed the protection of the rights of individuals belonging to minorities. This protection includes all internationally recognized rights, such as religious, cultural, political, economic, and social rights, based on the principles of fairness, justice, and non-discrimination, which constitute the basic foundation stipulated in the Universal Declaration of Human Rights and international law. As for the rights of indigenous peoples, their rights have been guaranteed by many international treaties, especially the United Nations Declaration on Indigenous Peoples, which includes many individual and collective rights recognized in international law. The goal of these rights is to protect the existence of indigenous peoples in all countries of the world and to preserve their distinct identity and cultural and linguistic heritage.

As for the issue of the rights of Palestinians within the Green Line that separates Israeli territories from the occupied Palestinian territories, it is a complex and controversial

matter. It is worth mentioning that the status of Palestinians within the Green Line, who make up about 21% of the population of the State of Israel, is not that of a typical minority (Majadla, 2023). They represent a national minority facing multiple legal, social, and cultural challenges. They remained in what they consider their homeland after the Nakba of 1948, and they used to constitute the majority of the population in this geographical area throughout history. However, they were subjected to a colonial settlement process that transformed them from a majority into a minority when a large number of Palestinians fled during the Nakba of 1948 due to being expelled by Israeli forces, which prevented them from returning to their lands and homes until now. Additionally, Palestinians within the Green Line are viewed as part of the Palestinian people as a whole, who have been subjected to a colonial regime and an apartheid system by Israel, which strives to maintain its dominance and control over land and natural resources and impose its influence in the region, depriving Palestinians of their right to self-determination and the establishment of their independent state.

1.2 The importance of the study

The researcher hopes that this study will be used as a basis for studies on similar topics. The study conducted by the researcher is of great importance for several reasons:

1. **Defending Human Rights:** Understanding the rights of minorities and indigenous peoples, as well as understanding the challenges and difficulties faced by the Palestinian community in Israel, is important for defending human rights. The study may provide recommendations and proposals to support initiatives aimed at addressing discrimination and promoting the rights of minorities and indigenous peoples.
2. **Evaluation of legal frameworks:** The study aims to assess the effectiveness of the existing international and local legal frameworks aimed at protecting the rights of minorities and indigenous peoples, and to identify gaps or fields in need of improvement that could contribute to the development of stronger and more effective international and local legal mechanisms.
3. **Linking discrimination policies to international law:** The study analyzes the reality of Israel's treatment of the Palestinian community in Israel and the extent of its commitment to international treaties such as the International Covenant on Civil and

Political Rights, the United Nations Declaration on the Rights of Indigenous Peoples, and others.

4. **Preserving Culture:** This study highlights the challenges and difficulties facing the Palestinian community in Israel in preserving their cultural and linguistic identity and contributes to a broader and more comprehensive understanding of cultural and linguistic rights and the importance of diversity within societies.
5. **Resolving the problem of discrimination:** The results derived from the study can guide all efforts towards solving the issue of existing discrimination by addressing the grievances related to the rights of minorities and indigenous peoples. A comprehensive understanding of the current situation is essential to promote international security and peace.
6. **Academic Field:** The study offers a comprehensive and extensive analysis of the relationship between the rights of minorities and indigenous peoples in light of international law and the specific circumstances of the Palestinian community within, thereby enhancing a deeper and more comprehensive understanding of these complex issues.

1.3 Study objectives

1. **Defining the conceptual framework for the status of the Palestinian community in Israel:** Studying the status of the Palestinian community in Israel within the international legal framework, and classifying its legal status as a religious or ethnic minority, or as an indigenous national minority, based on what requires, in turn, defining what international law and international standards say about minorities, national minorities, and indigenous peoples.
2. **Analysis of legal frameworks:** Analyzing the international legal framework that works to protect and organize the rights of minorities and indigenous peoples, taking into account the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the United Nations Declaration on the Rights of Indigenous Peoples, and others.

3. Compliance with international standards: Assessing the extent to which the State of Israel complies with international standards in its dealings with the Palestinian community in Israel, and identifying fields in which the current situation is consistent with these standards or the extent to which it deviates from or violates these international standards.
4. Identifying patterns and forms of discrimination: Identifying, analyzing, and evaluating instances of discrimination facing the Palestinian community in Israel, whether systematic or explicit, in various aspects of life, such as employment, living conditions, health, education, access to public services, and others.

1.4 Study problem

This study aims to address the rights of the Palestinian community in Israel, which necessitates defining the status of this community. Is the Palestinian community considered an ethnic minority or a religious minority, or is it a national and indigenous people? And what are the rights enjoyed by its members?

To clarify this, a set of procedural questions has been posed, which this study will answer, as follows:

- What is the definition of minorities and indigenous peoples?
- What international agreements and treaties protect and recognize the rights of minorities and indigenous peoples?
- What are the institutions and international bodies that work to protect minorities and Indigenous peoples and their rights?
- What are the Israeli legislations and laws that affect the rights of Palestinians within Israel, and do they conflict with international law?
- To what extent does the Palestinian community within Israel enjoy its rights in accordance with international standards of human rights, minority rights, and indigenous peoples' rights?

1.5 Study methodology

The researcher relied in his study on deductive approach of moving from the general to the particular, so that the researcher addressed in the general (the different approaches to non-dominant groups in the state. In the first section, discussed the minorities' approach, and in the second section, addressed the indigenous peoples' approach). After that, the researcher moved to examine the particular (that focused on the situation of the Palestinian community within the Green Line, the negative discrimination against the Palestinian community in legislation, government policy and Individual and collective rights of the Palestinian community in Israel), in addition to that, the researcher used primary sources more than secondary sources such as official reports and reports from associations such as Adalah.

1.6. Previous Studies

- The First study: Rouhana & Sabbagh-Khoury (2013): Colonial Settler Citizenship: The Nature of the Relationship Between Israel and Its Palestinian Citizens.

The two researchers attempted to propose a new formulation for analyzing the type of citizenship of Palestinians in Israel, a citizenship we refer to as settler-colonial citizenship. They also tried to show that the foundations of this citizenship were established during the first two decades following the Nakba, through the imposition of military rule between 1948 and 1966. They also followed the Palestinians' relations with the Israeli state from their perspective, by focusing on their political speeches and collective organization, and they observed that Palestinian political discourse and organization have gone through different and multiple stages. It now seems that the current stage returns to the starting point, characterized by a general sense that the type of citizenship they hold is a colonial settler-type citizenship.

During decades of Israeli military rule, Palestinians in Israel tried to live with peace and dignity, to preserve their roots in their homeland, and to maintain their distinctive identity. With little power at their disposal, resistance to colonial settlement policies grew after the painful experiences of losing their people and homeland, and the fear of being expelled from their homes. The military rule symbolized a foreign rule for them, yet they were granted Israeli citizenship by the State of Israel, which they described as occupying and controlling them.

This Israeli citizenship, along with other regional developments such as the emergence of the two-state solution model in international discourse regarding the conflict, has obscured the colonial-settler essence of the relationship between Palestinians and Israel. Consequently, these Palestinians have attempted in vain to operate within different frameworks in order to be equal citizens. In the early stages after military rule, Palestinians practiced a discourse of equality without challenging what this meant for the identity of the state and its structure. However, since the mid-1990s, another political framework emerged calling for a state for all its citizens, asserting that Israel cannot be a state for all its citizens while at the same time being a Jewish state. The discourse of a state for all its citizens has become acceptable among different political tendencies among Palestinian citizens as a counterpoint to Zionism.

With the failure of the equality model that focused on their relationship with Israel, the deep realization that a state for all citizens is not compatible with the Zionist Jewish state, and the fading hopes of achieving a two-state solution, a new phase began characterized by the return of history to political discourse and consciousness. At this stage, the political discourses of a number of Palestinians in Israel are guided by the fact that the roots of their relationship with Israel date back to the Nakba and its repercussions. If this process continues, it highlights awareness of their colonial-settler condition, thereby closing the circle in the historical relationship of Palestinians with Israel and returning to square one.

The researcher sees that the study did not delve in detail into how to overcome stereotypical citizenship within a colonial framework and redesign citizenship with active Palestinian participation that ensures collective rights, genuine equality, and the necessary legal protection. This is what the researcher aims to address in his study.

- The second study: Khinch (2015): International Protection of Minority Rights.

The research addressed the topic of international protection for the rights of minorities, beginning with an analysis of the concept of minorities and an attempt to provide a comprehensive definition for it, as well as clarifying the differences in their legal status compared to similar groups such as refugees, migrants, and foreigners. It reviewed the types of minorities and the rights prescribed under the rules of international law, whether they are general rights shared with other individuals, or special rights that take into account their special status.

The legal foundations underlying the provisions of international law within the framework of international agreements were presented, and then the legal guarantees that act as cornerstones against states' violations of minority rights were clarified, through the explanation of internal guarantees alongside the review of the role of regional and international guarantees, focusing on the role of the United Nations in protecting minority rights.

The researcher sees that the study did not delve deeply into examining cultural and linguistic rights as rights of minorities and how to address these rights according to international law. The study did not mention any case study for minorities under international law, nor did it address the issue of indigenous peoples and their rights. However, I will address this in my study.

- The third study: Alwan (2023): Guarantees for the Protection of Minority Rights in International Public Law.

This study addressed the problem of the effectiveness of international guarantees for the application of international rules to achieve equality among all members of a single society. This study included, in addition to the guarantees that ensure respect for the rights of minorities, a statement of the extent of the concept of minority groups and the most important international rules that guarantee their rights through studying and analyzing the legal provisions and relevant international texts, arriving at determining the extent of their effectiveness in achieving the purpose for which they were created.

- The fourth study: Sharit & Barakni (2019): Protection of Minorities in International Law.

The researcher aimed in this study to shed light on the concept of minorities, their types, rights, and the most important international protection mechanisms established for them.

However, the researcher did not address the historical and legal development of minority rights during the League of Nations, nor did address indigenous peoples and their rights and the international framework for the protection of those rights, which is what the researcher aims to discuss in this study.

Chapter Two

The different approaches to non-dominant groups in the state

The study of minorities is an interdisciplinary field that combines law, political science, sociology, anthropology, and history. This field aims to understand the status of non-dominant groups in societies, and analyzing the challenges they face in preserving their identity and rights, and exploring the mechanisms of their coexistence with the majority or its dominance.

2.1 The Minorities' approach

2.1.1 The conceptual and legal framework of the minority

2.1.1.1 Definition of Minority and Criteria for Its Classification

There is no precise definition of "minority" in international law, but the United Nations system recognizes national, ethnic, religious, or linguistic minorities, and there are several generally agreed-upon definitions by official international organizations and human rights experts.

Here are some important definitions:

1. The definition of the European Commission of Human Rights:

Recommendation No. 1201 of 1992 issued by the Parliamentary Assembly of the Council of Europe included a definition that a national minority is: (A group of people in a certain country:

1. Residents of this country's territory and citizens of it.
2. Enjoying long-standing, strong, and lasting ties to this country.
3. Forming a sufficient number but being fewer than the rest of the population of the country or one of its regions.
4. Connected by a common will to preserve the elements constituting their shared identity, particularly those related to their culture, traditions, customs, religion, or language (Barakati, 2016).

2. Definition by Francesco Capotorti (international expert in minority rights):

Francisco Capotorti, the United Nations Special Rapporteur on the Rights of Minorities, provided a more detailed definition of minorities: it is the report by Francisco Capotorti from 1977, submitted to the United Nations Human Rights Committee:

Define minority: It is a group that occupies a lower position in terms of numbers, compared to the rest of the population, and whose members are in a non-dominant position, and enjoy the nationality of the state in whose territory they are located and are distinguished by different ethnic, religious, or linguistic characteristics, and implicitly show a sense of solidarity to preserve their culture, traditions, religion, or language (Capotorti, 1979).

3. The International Encyclopedia of Social Sciences defines a minority as follows:

A minority is a group of individuals who are distinguished from the rest of the society, whether racially, nationally, religiously, or linguistically. They suffer from a relative lack of power, and thus, they are subjected to certain forms of slavery, persecution, and discriminatory treatment (Capotorti, 1979).

4. The draft European agreement for the protection of minorities defines minorities as:

A group whose number is less than the population of the rest of the state, and its members are distinguished racially, linguistically, or religiously from the remaining members of society. They are keen on preserving their culture, traditions, religion, or language (Sills & Merton, 1968).

5. The International Court of Justice in The Hague defines minorities as:

A group of individuals living in a specific country or region, who belong to a particular origin, religion, language, or special customs, and are united by an identity based on one or more of these characteristics. In solidarity, they work together to preserve their traditions, adhere to their way of worship, and ensure the education and upbringing of their children in accordance with the spirit of these traditions, offering help to one another, and coexisting according to the laws in force within their country (Capotorti, 1979).

The researcher sees that the five definitions of minorities he mentioned address the concept of minorities from multiple, similar perspectives, but with some subtle

differences in characteristics and conditions. The following is the researcher's analysis of the similarities and differences among them, with clarification:

1. Similarities between the five definitions:

- The minimum number for a minority compared to the rest of the population: All the previous definitions confirm that a minority must be a group that is fewer in number compared to the rest of the population within the state or region.
- Distinction by cultural, religious, ethnic, or linguistic characteristics: All the previous definitions stipulate that a minority must be distinct and different from the majority population within the state or region by one or more of these distinguishing characteristics such as: ethnic, national, cultural, or linguistic traits.
- The desire to preserve a shared identity: All the previous definitions emphasize that the minority is primarily keen on maintaining its distinct and ancient identity, whether culturally, religiously, or linguistically, and passing it on to future generations.

2. The differences between the five definitions:

- Citizenship or permanent residence requirement: The definitions of the European Commission on Human Rights and Francesco Capotorti stipulate that minority members must be permanent residents or citizens of the country, While the definitions of the International Court of Justice, the European Draft, and the International Encyclopedia of the Social Sciences do not explicitly mention the requirement of nationality, they focus on shared identity and geographical presence.
- The "old and strong ties" condition: The European Commission of Human Rights adds a condition not stipulated in other definitions, namely that the minority must have long-standing, strong, and lasting ties with the state, while other definitions do not stipulate or require this temporal condition or historical power with the state.
- Position of Power and Dominance (Vulnerability): The definition by Francesco Capotorti and the International Encyclopedia of the Social Sciences emphasizes that a minority suffers from a lack of power and is in a position of non-dominance, making it vulnerable to various forms of discrimination, oppression, or subjugation, other definitions do not explicitly mention this condition in their definitions, focusing instead on objective characteristics such as identity and numbers.

- Solidarity and Common Will: The European Committee on Human Rights, the International Court of Justice, and Francisco Capotorti explicitly stated that the minority has a common will and shared solidarity to preserve its distinct identity. Meanwhile, the draft European Convention on the Protection of Minorities and the International Encyclopedia of Social Sciences did not explicitly mention this psychological aspect (that the minority has a common will or shared solidarity to preserve its distinct identity).
- Geographical scope (state vs. territory): Some previous definitions (such as the draft European Convention for the Protection of Minorities and the European Commission of Human Rights) stipulated that a minority may be a minority at the state level or within a specific territory within it, while other definitions address the minority within the state as a whole.

Minority classification criteria:

1. The numerical (quantitative) criterion:

This criterion primarily relies on comparing the numerical ratio of the minority to the numerical ratio of the majority in a particular country or region. According to this concept, the minority is considered a smaller numerical group compared to the dominant group. Additionally, the minority is distinguished from the majority in various aspects such as race, religion, language, or culture.

Based on this criterion, a minority is defined as a population group that constitutes less than half of the total population within a state, and is in a non-dominant position in political, economic, social, or cultural aspects. In other words, a minority is a group that does not have enough power or influence to significantly affect societal or political decisions compared to the majority in a community (Alwan, 2023).

An example of a numerical or quantitative minority is that Hindus make up about 80% of India's population. Muslims, Christians, Sikhs, and Jains make up the remaining percentage of the country's population (Banerjee, 2022).

2. National criterion:

The concept and definition of a national minority is broad and cannot be confined to a single definition that applies to all national minority groups in every country of the world.

Each country has its own unique characteristics, and therefore, there are criteria established in each country for considering a group a national minority. These criteria are determined by the individuals belonging to those groups, based on factors such as religion, language, identity, culture, and traditions in the country where they live (Capotorti, 1979; United Nations, 1992).

National minorities may be diverse and multiple, and include ethnic groups, national or ethnic groups, religious groups, linguistic groups, and cultural groups. National minorities may have specific rights and demands, including the preservation of cultural and linguistic identity, economic development, ensuring equality of opportunity, and political, economic, and social participation for members of the minority, as well as promoting understanding and constructive dialogue between minorities and the majority in society (Ammon News Agency, 2023).

In general, it can be said that national minorities are groups within a country that consider themselves distinct, whether due to their cultural reference, their language, which is different from the language of the country they are in, religion, in addition to other historical differences. One of the conditions for a group to be considered a minority within the state is its long-term stability (Capotorti, 1979; United Nations, 1992).

- Rights of national minorities:

Throughout the ages, minorities have suffered from injustice and persecution by the large and dominant groups in the countries, and even by governments that tried to assimilate these minorities into the general social fabric of the state, thereby erasing the specific identity of the minorities. However, they were able to preserve their cultural identity and demand their rights like other individuals in various countries.

In 1946, a charter was established granting certain rights to national minorities, after there had been nothing to guarantee their rights before. Special laws were enacted to prevent mass genocides against minorities, including national minorities, and thereafter laws related to protecting them from assaults and violations followed, such as combating discrimination in education, safeguarding civil and political rights, and other measures that ensure safety and stability for minorities (Capotorti, 1979).

The protection of the rights of national minorities, respect for their diversity, and the maintenance of peaceful coexistence between minorities and the majority are considered part of the principles of human rights and international laws. There are international charters and agreements that promote and protect the rights of national minorities, such as the United Nations Convention on the Rights of Indigenous Peoples and the Convention on the Rights of National Minorities (Ammon News Agency, 2023).

- Among the most important rights adopted by international conventions that work to protect national minorities are:

First: The right to equality and non-discrimination: which guarantees their enjoyment of all the rights stipulated without discrimination. Article (2) of the Universal Declaration of Human Rights of 1948 states that: "Everyone is entitled to the full enjoyment of all the rights and freedoms set forth in the Declaration without discrimination of any kind."

Second: The right to preserve cultural identity: The culture, language, and traditions of national minorities must be preserved. Article 27 of the International Covenant on Civil and Political Rights of 1966 states that: "Persons belonging to minorities shall not be denied the right to enjoy their own culture or to use their own language."

Third: The Right to Education: Education must be provided in their own language, and educational institutions should be established to preserve their specific culture. Article 30 of the Convention on the Rights of the Child stipulates that no child belonging to a minority shall be deprived of enjoying their culture or using their language.

Fourth: The Right to Use Language: Language is one of the most important elements of national identity, and necessary support must be provided to practice their own language without restrictions. The European Charter for Regional or Minority Languages – Article 7 – guarantees minorities the right to use their languages.

- Examples of national minorities:

-The Kurds are the second largest minority in the Arab world, and they live in the mountainous areas extending between southern Turkey, northern Iraq, northeastern Syria, and northwestern Iran, in addition to other places. They also form a majority in those areas.

There are five national minorities recognized in Swedish law: the Jews, the Romani, the Sami who are the Lapps from the northern Scandinavian countries, the Swedish Finns, and the Trinidadians (Capotorti, 1979).

3. The racial criterion:

An ethnic minority is a group of individuals linked to each other through common origin or distinctive physical characteristics, they are distinguished by ethnic characteristics that are different from the majority, such as skin color, physical features, or eye shape. These physical characteristics constitute the basic element that distinguishes this minority from other groups within society, even if they share other aspects such as language, religion, or culture.

Example:

The African-American minority in the United States shares the same language (English), religion (Christianity), and many cultural and linguistic aspects with the white majority in the United States. However, it differs primarily in physical characteristics such as skin color, hair type, and eye shape. These physical differences form the distinctive identity of this minority (Barakati, 2016).

4. Ethnic criterion:

An ethnic minority is a group of individuals distinguished by cultural or social characteristics that set them apart from the majority within a society. These characteristics may include language, religion, traditions, customs, a shared history, or belonging to a particular common ancestry. Ethnic minorities exist in most countries of the world, and shared culture, identity, or ethnicity is considered the primary factor and element that unites members of this minority and distinguishes them from members of other groups (Capotorti, 1979).

An example of this is: the Uyghur minority in China, which is considered an example of an ethnic and religious minority. The Uyghurs are characterized by belonging to the Turkic race and having their own traditions, their own culture, and a shared history, which makes them a distinct ethnic and religious group within the state they live in (Al Jazeera Net, 2023).

5. The Religious Criterion:

The religious minority is classified based on religious affiliation and belief. It is defined as a group of individuals who belong to a specific religion or sect. This religion or sect constitutes the primary element that defines their identity and distinguishes them from other groups within society, it is rare to find a country with complete religious homogeneity, which is why we find religious minorities in various countries of the world.

For example, in Egypt, Copts are a Christian minority alongside the Muslim majority, and in Iraq, both Sunnis and Shiites are the two main religious groups. These minorities often seek to preserve their religious and cultural identities within the dominant majority (Barakati, 2016).

6. The linguistic criterion:

The linguistic minority is a group of individuals who use a language different from the majority language or the official or recognized languages within the state. In this case, the language is considered the main factor and element that determines the identity of this minority and distinguishes it from other groups within the community. Language is not only a tool for communication, but it is also an expression of cultural, social, and linguistic identity, and it plays a key role in preserving the heritage, culture, and identity of the minority.

An example of this is the French-speaking minority in the Canadian province of Quebec, while the majority of the population in other Canadian provinces speaks English (Barakati, 2016).

Conclusion:

The researcher sees that minorities are classified based on their distinct identity (religious, national, ethnic, linguistic, or cultural) and their non-dominant economic, political, or social status within the state. Application varies depending on the historical and geographical context, and not all criteria must be met simultaneously. A minority may be a religious minority but not an ethnic minority, or vice versa.

2.1.1.2 Historical and Legal Development of Minority Protection

First: The development of minority protection during the League of Nations era:

Initially, the international community paid great attention to human rights and the protection of minorities and their rights. This began with what was stipulated in the final document of the Congress of Vienna in 1815, the Treaty of Paris in 1856, and the Berlin Congress in 1878 (Capotorti, 1979; United Nations, 1992). The post-World War I era witnessed the League of Nations, established in 1919, which demonstrated a complex system for the protection of minorities. It was based on numerous treaties that included specific provisions aimed at protecting minority rights. These provisions were included in the peace treaties signed with defeated countries after World War I. With the Allied powers including the principle of the right to self-determination as one of their most prominent slogans in the post-World War I period, the idea of international and national protection of minority rights was reinforced and embraced.

This principle raised many opportunities for finding international guarantees to protect minorities, as it was believed that achieving this principle would contribute significantly to ending the problem of the existence of minorities by granting minorities the full and legitimate right to self-determination, whether through voluntary integration or official independence (Capotorti, 1979).

The objective basis for the protection of minorities was defined in Articles 93 and 86 of the Treaty of Versailles, which stipulated the principle of the protection of minorities and the rights of minorities. Accordingly, numerous treaties and declarations were issued that included this principle, and seventeen states declared their acceptance of it, with international guarantees from the League of Nations. The Council of the League of Nations required states wishing to join it to issue a formal, unilateral declaration committing themselves to respecting the existence of minorities and the rights of minorities within their territories as a prerequisite for full membership in the League of Nations. As a result, a special system for the protection of minorities emerged under the auspices of the League of Nations, the legal framework that must be followed to ensure this protection was determined. This system was embodied in a number of treaties that were signed (League of Nations, 1920).

Although a special system for the protection of minorities emerged under the umbrella of the League of Nations, the League of Nations did not succeed in establishing an effective and strong system for the protection of minorities and the rights of minorities, as it did not aim to establish comprehensive rights for these minorities, but rather was limited to trying to limit all forms and policies of discrimination faced due to religious, ethnic, or cultural differences. It is noted that one of the most prominent reasons for the failure of the League of Nations in this regard was the duality of standards in applying the protection system for minorities, as it was imposed on weak countries while not on strong ones. This approach led to widespread disturbances that threatened international peace and security, especially with the intervention of some powerful countries, such as Germany, France, and Britain, in the affairs of other weak nations under the pretext of protecting minority rights. These interventions contributed to increasing international and regional tensions instead of resolving them, and ultimately the League of Nations system failed and collapsed completely as a result of the outbreak of World War II in the late 1930s (League of Nations, 1920).

Second: The development of minority protection during the United Nations era:

The rights of minorities have developed significantly during the United Nations era due to international efforts to promote human rights and preserve cultural, social, and economic diversity. Since the establishment of the United Nations in 1945, the UN has primarily focused on promoting and protecting the rights of minorities through a set of international declarations and agreements. Here is an overview of the evolution of these rights:

The international legal framework:

1. The Universal Declaration of Human Rights (1948):

The Universal Declaration of Human Rights, issued in 1948, is considered a cornerstone in the protection of human rights, and it is one of the most important declarations that guarantees and fights for the protection of human rights and freedoms, including the rights of minorities. Although it does not explicitly mention or announce minorities, it emphasizes principles of equality, justice, and non-discrimination, which form a strong foundation for the protection of minority rights.

However, its thirty articles include many clauses that are directly related to the rights of minorities, particularly religious freedom and equality. Its first article states that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should treat one another in a spirit of brotherhood." Article seven states, "All people are equal in the law and are entitled without any discrimination to equal protection of the law. They are also entitled to protection against any discrimination that violates this declaration and against any incitement to such discrimination.", Article 18 affirmed that "everyone has the right to freedom of thought, conscience, and religion. This right includes the freedom to change one's religion or belief, and the freedom to manifest one's religion or belief in worship, observance, practice, and teaching, either alone or in community with others, and in public or in private." It is worth noting that the right to change religion and religious belief was recognized, which it considered important, especially in Arab and Islamic countries with an Islamic culture, whose legislation still imposes many complexities and restrictions in this context mentioned above (Gerges, 2019).

2. International Convention on the Elimination of All Forms of Racial Discrimination : (1965)

Adopted on December 21, 1965 by the United Nations General Assembly and entered into force on January 4, 1969, this convention guarantees all individuals, including those belonging to minorities, the enjoyment of the rights stipulated in this convention.

This agreement contains procedures to eliminate all forms of racial discrimination. The agreement states that racial discrimination is any distinction based on gender, race, religion, etc., as stated in Article 1, and Article 2 obliges states to condemn and eliminate all forms of racial discrimination. These procedures aimed at eradicating all forms of racial discrimination can play a significant role in protecting minorities and their rights. Although there is no explicit provision specifically for the protection of minorities in the agreement, However, individuals belonging to religious, linguistic, and ethnic minorities can benefit from the rights set forth in this agreement and claim them in accordance with the principle of non-discrimination (Abdulrahim, 2006).

3. Protection of Minorities Under the International Covenants on Human Rights of (1966):

First: The International Covenant on Civil and Political Rights (1966):

The International Covenant on Civil and Political Rights was issued on December 16, 1966 and entered into force on March 23, 1976. The International Covenant on Civil and Political Rights (1966) is considered one of the most important international declarations that discussed the issue of minority rights and their protection, Article 27 of the covenant stipulates that 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language', This previous article is considered one of the most important international legal texts that clearly and specifically address the rights of minorities and focus on protecting the rights of minorities (Abdulrahim, 2006).

Second: The International Covenant on Economic, Social and Cultural Rights (1966) :

This covenant was adopted on 16/12/1966, but it entered into force on 01/03/1976, ten years after its adoption. This covenant includes the principle of protecting cultural, economic and social rights without discrimination based on sex, race, language, color or other grounds that lead to discrimination, This is what Article 1 of the International Covenant on Economic, Social and Cultural Rights and other articles point to, which enables individuals belonging to minorities to rely on and claim these rights in accordance with the principle of non-discrimination (Abdulrahim, 2006).

4. Declaration on the Rights of Persons Belonging to National or Ethnic Minorities, and to Religious and Linguistic Minorities (1992):

This declaration is considered the first official international document specifically and directly dedicated to minority rights. It affirms the right of minorities to preserve their cultural, religious, and linguistic identity and to participate fully in political, economic, and social life. The declaration constitutes the primary and fundamental reference for the International Council on minority rights (Minorities | United Nations, 2005).

The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities refers in Article 1. (States shall, within their

respective territories, protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities and shall promote conditions for the promotion of this identity. States shall adopt appropriate legislative and other measures to achieve these aims) (United Nations, 1992).

It is clear that the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic Minorities and to Religious and Linguistic Minorities of 1992 consists of several fundamental pillars, including: avoiding racial discrimination, effective participation, and the protection and promotion of identity. The declaration includes a list of rights that are enjoyed by persons belonging to minorities, and these rights are:

1. The right to enjoy their own cultures.
2. The right to declare and practice their religions.
3. The right to use their language.

The declaration also included measures that enable countries to create favorable environments for the enjoyment of these rights. These measures include: encouraging public knowledge of the history of minorities within the territories of those countries and learning about their traditions, languages, and cultures, and enabling persons belonging to minorities to fully participate in the economic development of their countries (Minorities | United Nations, 2005).

- Challenges and achievements:

The researcher believes that after the end of World War I and the establishment of the League of Nations, the League achieved significant progress in laying the foundations for the protection of minority rights internationally. However, the absence of effective mechanisms and political bias prevented its full success. After World War II, the United Nations was established, which adopted some of these principles and developed them within the framework of the Universal Declaration of Human Rights (1948) and subsequent agreements. Despite the notable achievements regarding the issue of minority rights under the United Nations, including the increasing recognition of minority rights in national and international legislation, minorities still face multiple challenges in many countries, including discrimination and persecution. As these challenges persist, there is a need for further international efforts to promote minority rights, including strengthening

national legislation and raising awareness of minority rights and their current situation in all countries of the world.

2.1.2 International protection of minority rights:

2.1.2.1 The content of Article 27 of the International Covenant on Civil and Political Rights

Article 27: This is the cornerstone of the protection of minorities and their rights at the international level. It states:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Interpretation: The Committee on Civil and Political Rights has noted that the right recognized by Article 27 is a right granted to all members of minorities, it is a distinct and additional right to all other rights that they are entitled to as individuals, like all other people, to enjoy under the covenant.

The International Covenant on Civil and Political Rights distinguishes between the right to self-determination and the rights protected under Article 27, the right to self-determination is addressed in a separate section (Part I) of the Covenant and is viewed as a right possessed by peoples. This right is not included within the scope of the Optional Protocol, As for Article 27 It relates to rights granted to individuals in their capacity and falls, like other articles relating to other personal rights granted to individuals, in Part III of the Covenant and falling within the scope of the Optional Protocol.

The enjoyment of the rights referred to in Article 27 does not affect the sovereignty of any State Party. At the same time, one or another aspect of the individual rights protected by the article—for example, the enjoyment of a particular culture—may consist of a way of life closely linked to the land and the use of its resources. This may apply in particular to members of indigenous communities, who constitute a minority.

The Covenant also distinguishes between the rights protected under Article 27 and the guarantees ensured under Articles 2(1) and 26. What Article 2(1) stipulates, which is the

enjoyment of rights guaranteed under the Covenant without discrimination, applies to all without exception, According to Article 26, there is a recognized and distinct right which entails equality in front of the law and the provision of equal legal protection, as well as non-discrimination concerning imposed obligations and rights granted by states. This right governs the exercise of all rights ¹.

Article 27 indicates that the persons to be protected are those who share a common culture, religion and/or language. They do not have to be nationals of the State party. The obligations arising from Article 2(1) require that the State party ensure that the rights protected by the Covenant are available to all individuals within its territory and subject to its jurisdiction.

Freedom of expression, protected under Article 19, is available to all persons, regardless of whether they belong to a minority. The right of individuals belonging to a linguistic minority to use their language interpersonally, both in public and in private, is distinct from the other linguistic rights protected under the Covenant, in particular, the general right to freedom of expression protected by Article 19.

Although the rights protected under Article 27 are individual rights, they in turn depend on the ability of the minority group to preserve its culture, language, or religion. Accordingly, states may be required to take positive measures to protect the identity of a minority and preserve the rights of its members to enjoy their culture, language, and practice their religion, , in association with other members of their group. It should be noted that these positive measures must respect the provisions of Articles 2-1 and 26 of the Covenant, both with regard to treatment between different minorities and the treatment between persons belonging to them and the rest of the population.

Regarding the exercise of cultural rights protected by Article 27, the Committee notes that culture consists of multiple forms, including a way of life linked to the use of land resources, particularly in the case of indigenous peoples. This right may include traditional activities such as fishing. The enjoyment of these rights may require positive

¹ *Article 27 (Minority Rights)* - *University of Minnesota Human Rights Library*. (1994). <https://hrlibrary.umn.edu/arabic/hrc-gc23.html>

legal protection measures and measures to ensure the effective participation of members of minority groups in decisions affecting them.

The Committee affirms that the exercise of the rights protected by Article 27 of the Covenant is prohibited in a manner incompatible with other provisions of the Covenant. The Committee on Civil and Political Rights concludes that Article 27 relates to rights whose protection imposes specific obligations on States parties, the aim of protecting these rights is to ensure the survival and continued development of the cultural, religious and social identity of the minorities concerned. Accordingly, the Committee notes that these rights must be protected as such and should not be confused with other personal rights granted to everyone under the Covenant, Therefore, the States Parties have an obligation to ensure the full protection of these rights, and they should indicate in their reports the measures they have taken to achieve this purpose ¹.

2.1.2.2 Classification of Minority Rights

The classification of minority rights includes a wide range of rights that aim to protect racial, religious, linguistic, cultural and ethnic minorities from discrimination, persecution and violence, and to ensure their full and effective participation in social, political, economic and religious life. Accordingly, minority rights can be classified into several main categories:

Individual rights:

1. Civil and political rights:

These rights include ensuring equality of fundamental rights among individuals regardless of their affiliation with a minority. They include:

- The right to life and personal security: The right of minority individuals to life and protection from violence and persecution is viewed as a mandatory obligation. According to Article 2 of the Universal Declaration of Human Rights and Articles 2 and 26 of the International Covenant on Civil and Political Rights, every human being has the right to life without distinction or discrimination of any kind, and all

¹ Article 27 of the International Covenant on Civil and Political Rights. (1966). <https://maqam.najah.edu/legislation/1268/item/14369/>.

individuals are ensured effective and equal access to remedies for violations of this right (Office of the United Nations High Commissioner for Human Rights, n.d).

- The right to vote and stand for election: The rights of individuals from minorities must be ensured to participate in free and fair elections, participate in the management of public affairs, and have the opportunity to hold public office. The International Covenant on Civil and Political Rights states in Article (25): Every citizen has the full right:
 - a. To participate in the management of public affairs, either directly or through representatives chosen freely.
 - b. To vote and be elected in fair elections held periodically by universal suffrage and on an equal basis among voters with secret ballot, ensuring the free expression of the will of the voters.
 - c. To have the opportunity, on an equal basis with others, to hold public positions in his country (United Nations, 1966).

2. Economic and social rights:

It directly aims to ensure that minorities have access to economic resources and effective social services without discrimination. It includes:

- The right of minorities to work: Minorities should be granted the right to work and access to government jobs, and discrimination in hiring and wages should be prohibited, protecting them from unemployment. Article (6) of the International Covenant on Economic, Social and Cultural Rights states that the States Parties to this Covenant recognize the right to work, which includes the right of every person to have the opportunity to earn a living by freely chosen or accepted work, and to take appropriate measures to safeguard this right (United Nations, 1966). International Covenant on Economic, Social and Cultural Rights. In addition, the Universal Declaration of Human Rights (1948) states in Article 23 that everyone has the right to work, to freely choose their work, to just and favorable conditions of work, and to protection against unemployment (United Nations, Universal Declaration of Human Rights, 1948).

- The right to health: Healthcare must be provided to individuals of minorities without discrimination. The International Covenant on Economic, Social and Cultural Rights states in Article (12) ... The States Parties to this Covenant recognize the right of every human being to the enjoyment of the highest attainable standard of physical and mental health and to create conditions that would ensure medical services and medical care for all in the event of illness (International Covenant on Economic, 1966).

3. Judicial rights:

Aims to ensure that minorities have access to justice without discrimination. Includes:

- The right to a fair trial: ensuring that minorities and their rights are treated fairly in the judicial system and national and international courts. Article (10) of the Universal Declaration of Human Rights states “Every human being has the right, in full equality with others, to a fair and public hearing by an independent and impartial tribunal, to decide his rights and obligations and any criminal charge against him (United Nations, Universal Declaration of Human Rights, 1948).
- The right of minorities to seek justice: Individuals from minority groups must be guaranteed access to judicial authorities in a way that ensures their ability to claim their rights and not to be deprived of their rights in front of the judiciary. Article 14 of the International Covenant on Civil and Political Rights states: All people are equal in front of the judicial authorities. Every person has the right, when charged with any criminal offense or in relation to their rights and obligations in any civil case, to have their case heard fairly and publicly by a competent, independent, and impartial court established by law (United Nations, 1966).
- The right to protection from discrimination: preventing discrimination in the application of the law concerning minorities and their legitimate rights. It is explicitly stated in the Universal Declaration of Human Rights in Article (7), which considers that: All people are equal before the law, and they are equal in their right to enjoy the protection of the law without any discrimination, as well as in their right to enjoy protection from any discrimination that violates this declaration and from any incitement to such discrimination (United Nations, Universal Declaration of Human Rights, 1948).

Collective rights:

1. The right to participate in public life and decision-making:

The right to participate in decision-making: ensuring the involvement of minorities in the decision-making processes that specifically affect them. This was stated in Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic Minorities and to Religious and Linguistic Minorities that individuals belonging to minorities have the right to participate at both the national and regional levels in decisions that affect the minority to which they belong or the areas in which they live, provided that this participation does not conflict with national legislation and national policies (United Nations, 1992).

The right to official legal recognition for minorities: The existence of minorities and their rights must be comprehensively and officially recognized in the constitution and local laws. Article (5) of the United Nations Declaration on the Rights of Minorities states that: 1. National policies and programs must be planned and implemented with due regard to the legitimate interests of persons belonging to minorities. 2. Inter-state cooperation and assistance programs must be planned and implemented with due regard to the legitimate interests of persons belonging to minorities (United Nations, 1992).

2. Educational rights:

Many international conventions focus on ensuring that members of minorities receive the necessary education that respects and enhances their cultural and linguistic identity. These include:

- The right to education without discrimination: Governments must provide minorities with the full right to access formal education without discrimination. According to Article 26 of the Universal Declaration of Human Rights, everyone has the right to education. Education shall be free of charge, at least in the elementary and basic stages. Primary education shall be compulsory and shall focus on the comprehensive development of the human personality and respect for human rights and fundamental freedoms ¹.

¹ Article 26 of the Universal Declaration of Human Rights. (1948). <https://maqam.najah.edu/legislation/1267/item/14338/>.

- Participation in developing educational policies: Minorities have the right to participate in developing their own educational policies that protect and promote the rights of minorities, especially the cultural and linguistic rights of minorities. The United Nations Declaration on the Rights of Minorities stipulates in Article 2 that members of minorities have the full right to participate in decisions and policies that affect their cultural, linguistic and educational identity (United Nations, 1992).
- The right to education in the mother tongue for minorities (that is, the basic and official language of minorities) :States must work to provide education in minority languages. Article (4) of the United Nations Declaration on the Rights of Minorities states that States should take appropriate measures to ensure, wherever possible, that persons belonging to minorities have adequate opportunities to learn their mother tongue or to receive lessons in their mother tongue (United Nations, 1992).
- The comprehensive right to cultural education :The history and culture of minorities must be included in educational curricula in a way that leads to increased awareness and in-depth knowledge of their history and culture. This right was stipulated in the United Nations Declaration on the Rights of Minorities, which stated in Article (4) States should, where appropriate, take measures in the field of education to encourage knowledge of the history, traditions, language and culture of minorities within their territories. Persons belonging to minorities should be given appropriate opportunities to learn about society as a whole (United Nations, 1992).

3. Religious rights:

States must ensure that the religious rights of minorities are protected from discrimination, persecution and violence. This includes:

- The right to practice religious rites: The freedom of minorities to practice their religious rites and to build and manage places of worship must be guaranteed. Article (18) of the Universal Declaration of Human Rights of 1948 states that everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching (United Nations, Universal Declaration of Human Rights, 1948).

- The Universal Declaration of Human Rights and Citizens of 1989 stated in Article (10) that "no person should be disturbed because of their opinions, including religious opinions, as long as the expression of these does not disturb the public order based on the law (Abdulrahim, 2006). The International Covenant on Civil and Political Rights of 1966 states in Article 27 that minorities shall not be denied the right to enjoy their religion and culture ¹.

Conclusion:

The researcher sees that the rights of minorities are an integral part of human rights and require national and international legal protection. Local governments and the international community must work to promote these rights and ensure their respect, taking into account and guaranteeing the cultural, linguistic, social, political, and religious specificities of each minority.

2.1.1.3 The role of United Nations bodies concerned with minority rights:

The protection of minority rights is considered one of the important aspects of the United Nations' work in the field of human rights. Several UN bodies work to promote and protect the rights of minorities, either directly or indirectly. Below is a detailed overview of the main bodies concerned with minority rights and their protection:

1. Special Rapporteur on minority issues:

The Human Rights Committee established the mandate of the Special Rapporteur on the issues of minorities in 2005.

The role of the Special Rapporteur on minority issues: The mandate of the Special Rapporteur seeks to monitor the situation of minorities around the world, highlight minority issues, focus on raising awareness of minority issues among United Nations institutions, Member States, other regional and international organizations, and the general public, and provide recommendations to improve their political, social, cultural, religious, and economic conditions. The special Rapporteur also strengthens the work of the United Nations bodies and its other mechanisms that address minority rights and their

¹ Article 27 of the International Covenant on Civil and Political Rights. (1966). <https://maqam.najah.edu/legislation/1268/item/14369/>.

issues, including the forum on minority issues and visits to all countries to assess the situation of minorities (Special Rapporteur on minority issues, n.d).

2. United Nations Forum on Minority Issues:

The United Nations Forum on Minority Issues was established as part of the United Nations human rights mechanism, providing an official platform for dialogue between states, minorities, and civil society to promote and protect the rights of minorities.

The fourteenth session of the Forum on Minority Issues was held on 2 and 3 December 2021, pursuant to Human Rights Council resolutions 6/15 of 28 September 2007 and 19/23 of 23 March 2012, the forum revolves around the topic of "Preventing Conflicts and Protecting the Human Rights of Minorities." It analyzes the practices, challenges, opportunities, and initiatives in the field of conflict prevention and the protection of human rights for minorities, in accordance with the principles and rights delineated in the Declaration on the Rights of Persons Belonging to National or Ethnic Minorities, the Declaration on the Rights of Persons Belonging to Religious or Linguistic Minorities, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and other relevant international instruments. The Forum on Minority Issues meets annually for two dedicated working days to discuss substantive topics. The Special Rapporteur on minority issues directs the work of the forum, prepares its annual meetings, and submits reports on the thematic recommendations of the forum to the United Nations Human Rights Council (Fourteenth session of the Forum on Minority Issues, n.d.).

Summary:

Minorities are groups that are distinct and differ from the majority of society in religion, race, or language. The rights of individuals within them are linked to their definition. Every member of a minority has the full right to express their identity without discrimination. Article 27 of the International Covenant on Civil and Political Rights affirms that persons belonging to minorities have the right to practice their religion, enjoy their culture, and use their language, in community with their group. This means that protecting the rights of minorities is an essential part of protecting individual human rights.

2.2 The indigenous peoples' approach

2.2.1 Definition of indigenous peoples and their distinction from similar groups

First: Definition of Indigenous Peoples:

- Definition of the United Nations:

According to the report of the Commission on the Protection and Promotion of Human Rights-Indigenous communities, peoples, and nations are those that have maintained a historical continuity in societies that developed on their lands before invasion and colonization, they consider themselves distinct from other sectors of the prevailing societies in those lands, or in parts of them, and they currently constitute non-dominant sectors in society. They are determined to preserve the lands of their ancestors and their ethnic identity and to develop and pass them on to future generations, as these are the foundation of their continued existence as peoples, according to their cultural patterns, social institutions, and their own cultural systems (Palestine Liberation Organization, n.d).

- Definition of International Labour Organization (ILO):

The ILO Convention No. 169 (1989) defines indigenous peoples as: the peoples in independent countries who are considered indigenous because of their descent from the populations that inhabited the country, or the geographical area to which the country belongs, at the time of conquest or colonization or the establishment of the current state borders, and who maintain, regardless of their legal status, some or all of their social, economic, cultural, and political institutions (International Labour Organization (ILO), 1989).

Second: Distinguishing indigenous peoples from similar groups:

1. Distinguishing minorities from the indigenous people:

The similarities and differences between minorities and indigenous peoples require analysis. Here, we will address the topic of the similarities and differences between minorities and indigenous peoples, referencing the international treaties and legal frameworks that recognize the rights of both.

Similarities between minorities and indigenous peoples:

1- The distinctive and unique cultural identity:

Both minorities and indigenous peoples have a distinct cultural, linguistic, religious and ideological identity that differs from the dominant culture of the country in which they live (Right to Education Initiative, 2023).

Many international treaties have guaranteed the protection of the cultural, linguistic, religious and ideological identity of minorities and indigenous peoples. Article 27 of the International Covenant on Civil and Political Rights of 1966 stipulates that states in which ethnic, religious or linguistic minorities exist have no right to deprive or prevent members of minorities from enjoying their culture, using their language or practicing their religion (International Covenant on Economic, 1966).

While the United Nations Declaration on the Rights of Indigenous Peoples (2007) affirmed the right of indigenous peoples to maintain their culture, traditions, customs, and shared spiritual and religious practices, and to express them openly; and the right to maintain and protect their religious and cultural sites (United Nations, 2007).

2- Exposure to discrimination and marginalization:

Both groups, minorities and indigenous peoples, are subject to discrimination and educational, religious and cultural marginalization. State policies, such as segregated classrooms or schools, often deprive minority and indigenous students of equal access to quality education. Examples of this include apartheid in South Africa and in the United States (*Minorities and Indigenous Peoples | Right to Education Initiative, 2023*), The 1965 International Convention on the Elimination of All Forms of Racial Discrimination stipulates that it protects both groups from discrimination on the basis of race or ethnicity and that all human beings are equal in a front of the law and have the equal right to protection from any discrimination and from any incitement to discrimination (United Nations, 1965).

3- The struggle for recognition of their rights:

Minorities and indigenous peoples have always struggled for recognition of their formal and legitimate rights as stipulated in international treaties and conventions, including cultural, political, economic and social rights, because they are often in a position of

dominance within the state. The rights of both groups have been recognized in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic Minorities (1992) and the United Nations Declaration on the Rights of Indigenous Peoples (2007) (Right to Education Initiative, 2023).

4- A shared desire to preserve and enhance their identity:

Minorities and indigenous peoples seek to preserve their identity, languages and cultural heritage from extinction, and there is a common desire to maintain and enhance their identity (Right to Education Initiative, 2023), UNESCO works and supervises the protection of endangered languages, which are often the languages of minorities and indigenous peoples. UNESCO works to preserve the world heritage and rare cultures of peoples such as minorities and indigenous peoples. UNESCO seeks, through its Silk Roads Program, to crystallize a deeper understanding of the diversity that characterizes cultures and peoples (UNESCO, n.d.).

The difference between minorities and indigenous peoples:

1. Adherence to the land and a traditional lifestyle:

Indigenous peoples: They have a very deep spiritual and cultural connection to the land they live on, and they consider themselves its guardians and rightful owners. The Declaration on the Rights of Indigenous Peoples in 2007 emphasized the right of indigenous peoples to their traditional lands and natural resources (Right to Education Initiative, 2023). Indigenous peoples are more prevalent in poverty than in other peoples, as they rely on the policy of self-sufficiency in practicing some handicrafts and agricultural products, which was stipulated in Article 23 of Convention 169, which stipulated the necessity of providing contributions and assistance from the state in which they are located for the benefit of these peoples to ensure the continuity of these activities, as they are important factors for preserving their culture (Anaya, 2010)¹.

Minorities: In some cases, minorities may also have a strong and long-lasting connection to their lands, but it is not necessary for minorities to have the deep, traditional, and

¹ Article 23 of ILO Convention 169, states shall provide legal guarantees and, where appropriate, economic and social assistance for the development and improvement of the conditions of life of indigenous peoples.

spiritual connection to their lands that Indigenous peoples have developed over long periods of time (Right to Education Initiative, 2023).

2. In terms of quantity:

The population of minorities must be less than half the population of the majority within a country, but indigenous peoples do not necessarily have to be smaller in number. For example, the indigenous population in Bolivia constitutes more than half the population (Right to Education Initiative, 2023).

Distinguishing national minorities from indigenous people:

Similarities between National Minorities and Indigenous Peoples:

1. **Non-Dominating Status:** Both Indigenous peoples and national minorities share a non-dominant status within a state, meaning they do not possess dominant economic, political, or social power compared to the rest of the population (Protection for minorities and indigenous peoples under African Charter, 2012a).
2. **Distinctive Characteristics:** Both Indigenous peoples and national minorities share and are distinguished by cultural, linguistic, religious, or ethnic characteristics that differ from the majority of the state's population. Indigenous peoples and national minorities strive to preserve these characteristics and their collective identity, passing them down through generations (Protection for minorities and indigenous peoples under African Charter, 2012b).
3. **Protection from Discrimination:** The legal frameworks for Indigenous peoples and national minorities aim to protect their members from discrimination, persecution, and violence, and to guarantee their rights to enjoy their culture, use their language, and practice their religion (Protection for minorities and indigenous peoples under African Charter, 2012a).

Differences between National Minorities and Indigenous Peoples:

1. **Definition:**

National Minority: These are groups within a state that are not numerically dominant and consider themselves distinct due to their cultural heritage, language (which differs from the official language of the state), religion, and other historical differences. They feel a

sense of solidarity in preserving their identity. A condition for a group to be considered a minority within a state is its long-term stability (Capotorti, 1979).

Indigenous Peoples: "Peoples in independent countries who are considered indigenous because they are descended from the populations that inhabited the country or a geographical region to which the country belongs at the time of conquest, colonization, or the establishment of the current state borders, and who, regardless of their legal status, still retain some or all of their own social, economic, cultural, and political systems" (Right to Education Initiative, 2023).

2. Connection to the Land:

National Minority: For members of a national minority, connection to and attachment to the land is not necessarily a fundamental element of the definition; rather, the focus is more on identity, language, and culture (Zhou, 2012).

Indigenous People: For Indigenous peoples, connection to the land is a fundamental and crucial element, such that their collective identity, culture, and material and cultural survival are inextricably linked to the lands of their ancestors (Protection for minorities and indigenous peoples under African Charter, 2012a).

3. The ultimate goal of the struggle:

National minority: The ultimate goal of the struggle for any national minority is achieving full national equality.

Indigenous peoples: The ultimate goal of the struggle for indigenous peoples is much higher; it is the restoration of their heritage, resources, language, and political participation, as well as the return of displaced persons and refugees and reparations for all historical injustices (Hebe & Diab, 2023).

4. The Right to Self-Determination:

National Minority: Under international law, national minorities do not have the right to claim self-determination, as this right is reserved for peoples whose rights are protected within the framework of state sovereignty and territorial integrity.

Indigenous People: International law recognizes their right to self-determination, which is usually interpreted as a right to internal autonomy, not a claim to secession, allowing them to manage their own affairs (Protection for minorities and indigenous peoples under African Charter, 2012b).

2.2.2 The rights of indigenous peoples

Individual rights:

These rights are guaranteed to everyone under international human rights treaties and are enjoyed by every individual belonging to indigenous peoples, as a citizen and a human being in the country in which they reside. These rights are guaranteed by the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

Individual rights are:

1. The right to non-discrimination:(article 2) Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination in the exercise of their rights, in particular discrimination based on their indigenous origin or identity (United Nations, 2007).
2. Right to Health: (article 24) Indigenous peoples have the right to their traditional medicine and to maintain their health practices, and individuals belonging to indigenous peoples also have the right to access all social and health services without any discrimination (United Nations, 2007).
3. The right to political participation:(article 25) Every citizen has the right to participate in the management of public affairs, to vote and to be elected in fair elections, and to have the opportunity to hold public office in their country (International Covenant on Economic, 1966).
4. The right to education: (article 14) Indigenous peoples have the right to establish and control their own educational systems and institutions and to provide education in their own languages, In accordance with their cultural methods of education and learning. Indigenous peoples, especially children, have the right to receive education at all levels and forms from the state without discrimination (United Nations, 2007).
5. Right to property:(article 17) Everyone has the right to own property, alone or in association with others (United Nations, 1948).

Collective rights:

Collective rights are the rights enjoyed by the indigenous people as a group, and they are essential for ensuring their survival and continuity as a distinct entity. These rights define their special status and protect their shared identity.

And collective rights are:

1. The right to self-determination: (article 3) Indigenous peoples have the right to self-determination. In accordance with this right, these peoples freely determine their political status and freely pursue their economic, social, and cultural development (United Nations, 2007).

2. The collective right to own lands, territories, and natural resources: (article 26).

First: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Secondly, indigenous peoples have the right to own the lands, territories, and resources that they possess by virtue of traditional ownership or other forms of traditional occupation or use, and the right to use, develop, and control them, as well as the lands, territories, and resources they have acquired in other ways.

Third: States shall provide legal recognition and protection for these lands, territories and resources, this recognition shall be carried out with due regard to the customs, traditions and land tenure systems of the indigenous peoples concerned (United Nations, 2007).

3. The right to self-government or to manage their internal affairs:

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-governance in matters relating to their internal and local affairs, as well as in the ways and means of funding the self-governance tasks they undertake.

Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions, while retaining the right to participate fully, if they choose, in the political, economic, social, and cultural life of the state (United Nations, 2007).

4. The right to preserve and develop their cultural identity:

Article 11: Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies, visual and performing arts, and literature.

Article 13: Indigenous peoples have the right to revive, use, and develop their history, languages, oral traditions, philosophies, written systems, and literature, and to pass them on to future generations, as well as to name their local communities, places, and individuals by their own names and to maintain them (United Nations, 2007).

5. The right to free, prior, and informed consent:

(article 19) Countries should consult and cooperate in good faith with the indigenous peoples concerned through the institutions that represent them to obtain their free, prior, and informed consent before taking and implementing any legislative or administrative measures that may affect them (United Nations, 2007).

2.2.3 The international framework for the protection of indigenous peoples' rights

1. The international instruments that protect the rights of indigenous peoples:

First: The Universal Declaration of Human Rights (1948):

The Universal Declaration of Human Rights of 1948 is the first international document to recognize that all human beings are equal in the enjoyment of rights and freedoms (Article 1), and that all human beings are entitled to all the rights and freedoms referred to in the Declaration, without distinction, in particular, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Article 2) (United Nations, 1948).

Second: Convention on the Prevention and Punishment of the Crime of Genocide (1951) :

In the present Convention, genocide means 'any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group.
- Causing serious bodily or mental harm to members of the group.
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
- Imposing measures intended to prevent births within the group.
- Forcibly transferring children of the group to another group' (United Nations, 1948).

Third: Protection of indigenous peoples under the two international covenants on human rights (1966):

The International Covenant on Civil and Political Rights (1966):

The International Covenant on Civil and Political Rights enables every individual to enjoy their civil and political rights, as well as their economic, social, and cultural rights. The covenant addresses the issue of collective rights in a limited and general manner. Article 27 of the International Covenant on Civil and Political Rights states that "in states where there are ethnic, religious, or linguistic minorities, persons belonging to these minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (United Nations, 1966).

International Covenant on Economic, Social and Cultural Rights (1966):

The Covenant addressed the social, economic and cultural rights of individuals, but it addressed the issue of collective rights in general and specifically (United Nations, 1966).

Fourth: ILO Convention No. 169 concerning Indigenous and Tribal Peoples (1989):

The ILO Convention No. 169 concerning Indigenous and Tribal Peoples in 1989 is the first international treaty related to human rights that protects the rights and special needs of indigenous peoples and takes into consideration the international standards outlined in the Convention and Recommendation for the Protection of Indigenous and Tribal Populations from 1957. The convention imposes in Article 2 that governments have the responsibility to establish systematic and coordinated procedures, with the participation of the peoples concerned, to protect the rights of these peoples and ensure the respect of their integrity (International Labour Organization (ILO), 1989).

Fifth. International Declaration on the Rights of Indigenous Peoples (2007):

The Declaration was adopted by the United Nations General Assembly on 13 September 2007 by an overwhelming majority (143 votes in favour, 4 against, 11 abstentions) (United Nations, n.d), but is not a legally binding instrument under international law and states cannot be sued in international courts for violating the Declaration (Adala, 2015).

Years after the Declaration's adoption, the four countries (Australia, Canada, New Zealand, and the United States) that voted against the Declaration have reversed their position and now support the United Nations Declaration on the Rights of Indigenous Peoples. Today, the Declaration is the cornerstone and most comprehensive protection of indigenous peoples' rights, It establishes a global framework of minimum standards for the survival, dignity and well-being of the world's indigenous peoples, and elaborates existing human rights and fundamental freedoms standards as they apply to the particular situation of indigenous peoples (United Nations, n.d). The United Nations considers this Declaration to be another important step towards recognizing and protecting the freedoms and rights of indigenous peoples and towards developing relevant activities for the United Nations system to undertake in this field, and that indigenous peoples have collective rights indispensable for their existence, well-being and integral development as peoples (United Nations, 2007).

The Declaration contains 46 articles, the most important of which are:

Article 3 states that indigenous peoples have the right to self-determination, which does not mean separation but can encompass the right to autonomy and the achievement of development in all fields. Articles 25-28 of the declaration recognize the spiritual and social rights of indigenous peoples concerning their traditional lands. Indigenous populations have the right to develop, promote, and preserve their lands, and they cannot be deprived of their lands without their free consent. Articles 11, 12, 13, and 31 address the right to use, transmit, and develop languages, history, and traditions for future generations, as well as the protection of cultural and intellectual property and the right to practice their inherited traditional religious rituals, Article (2) stipulates the protection of indigenous peoples from discrimination and that they must obtain all human rights recognized by international human rights treaties.

The United Nations General Assembly has acknowledged that the situation of indigenous peoples varies from one country to another and that the national and regional characteristics of indigenous peoples must be taken into account (United Nations, 2007). Some countries (such as Canada) have considered the International Convention on the Rights of Indigenous Peoples as a basis for national legislation, and have amended their laws to achieve appropriate harmony with the principles of the Declaration. The Canadian government has declared its commitment to working in consultation and cooperation with indigenous peoples to ensure that their priorities are met (Government of Canada, Department of Justice, n.d). The United Nations has described the International Declaration on the Rights of Indigenous Peoples as a standard of achievement that must be pursued in a spirit of partnership and mutual respect (United Nations, 2007).

2. United Nations bodies concerned with the rights of indigenous peoples:

First: The Special Rapporteur on the rights of indigenous peoples:

In 2001, the Human Rights Council decided to appoint the Special Rapporteur on the rights of indigenous peoples within the framework of the system of thematic special procedures. The Human Rights Council renewed the mandate of the Special Rapporteur in 2004, and the Human Rights Council renewed the mandate again in 2007. The Human Rights Council made the last renewal in 2019 under resolution 42/20.

And its goals:

- Promote and encourage good practices, including new laws, constructive agreements and government programmes between states and indigenous peoples, to implement international standards relating to the rights of indigenous peoples.
- Providing proposals and recommendations regarding appropriate measures and activities to prevent violations of the rights of indigenous peoples and to provide remedies for them.
- Continuously reporting on the human rights situation of indigenous peoples around the world.
- Addressing specific violations of the rights of indigenous peoples (Special Rapporteur on minority issues, n.d).

Second. United Nations Permanent Forum on Indigenous Issues (UNPFII):

The United Nations Permanent Forum on Indigenous Issues was established on July 28, 2000, by decision 2000/22 and is considered a high-level advisory body to the Economic and Social Council. It is one of the three UN bodies specifically tasked with addressing issues related to indigenous peoples. It has been assigned the mission of addressing the issues of indigenous peoples related to economic and social development, culture, environment, education, health, and human rights.

The tasks of the United Nations Permanent Forum on Indigenous Issues include:

- Providing advice and recommendations on indigenous issues to the Council, as well as to United Nations programmes, funds and agencies, through the Economic and Social Council.
- Raising awareness and enhancing integration and coordination of activities related to indigenous peoples' issues within the United Nations system.
- Preparing and publishing information on original issues.
- Promoting respect and fully implementing the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and monitoring the effectiveness of this declaration (Article 42 of the United Nations Declaration on the Rights of Indigenous Peoples) (United Nations, n.d).

Third. Expert Mechanism on the Rights of Indigenous Peoples:

Established by the Human Rights Council in 2007 by resolution number 6/36 as a subsidiary body of the Council. The Human Rights Council amended its mandate in 2016 by resolution number 33/25, and the mechanism of experts consists of seven specialized and independent experts concerned with all the rights of indigenous peoples.

The goal of the state:

The Expert Mechanism provides expertise and advice to the Human Rights Council on the rights of indigenous peoples. It also assists Member States in achieving the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

The mechanism of experts prepares studies to promote and protect the rights of indigenous peoples through:

- Clarification of the effects of fundamental principles, such as self-determination and free, prior, and informed consent.
- Considering good practices and challenges across a wide range of sectors related to the rights of indigenous peoples.
- Proposing measures that States and other parties can adopt at the level of laws, policies and programmes (Office of the United Nations High Commissioner for Human Rights, n.d).

Summary:

Indigenous peoples are those who lived in a certain land before the arrival of colonialism and the establishment of modern states. They share common traits represented in their language, traditions, and cultures. Indigenous peoples face many difficulties such as discrimination, marginalization, and loss of their lands; thus, international law works to grant them special rights that protect them. Among the most important of these rights are: the right to land, the preservation of their culture, and participation in decisions that affect them. Their rights are considered collective, meaning that the community as a whole exercises these rights together, not just individually, for example, they have a collective right to property, to preserve their language, culture, and traditions, and to self-determination. These rights essentially protect their existence and distinct identity, passed down through generations.

The researcher concluded in his study that there are some similarities between minorities and indigenous peoples, as both are culturally distinct population groups within a state with a different majority. They often face many common challenges related to preserving their identity, language, and heritage, and seek recognition of their rights and protection from marginalization and forced assimilation. The main difference between minorities and indigenous peoples lies in the fact that a minority, according to the general concept, refers to a group smaller than the rest of the population, differing from them linguistically, ethnically, or religiously, without requiring a specific historical connection to the land or a prior existence before the establishment of the state. Indigenous peoples, on the other hand, are groups whose roots trace back to the original inhabitants of the region before colonization or the emergence of the modern state. These peoples are connected to the traditional land and a distinct historical identity, and they possess special rights,

particularly regarding collective rights such as the right to self-determination and the right to preserve their culture, land, and identity. The study also showed that the international legal framework has evolved from focusing solely on individual protection to the gradual recognition of collective rights, especially for indigenous peoples, which represents a pivotal point for preserving their identity and existence.

The researcher also addressed the topic of religious, national, and ethnic minorities, as they all refer to a group of people within a state that has a different majority, sharing a distinctive collective identity, and often striving diligently for full recognition of their cultural rights and the preservation of their specific heritage to ensure its continuity and transmission to future generations. The fundamental difference among these minorities lies in the basis of the collective identity of each. The religious minority defines its identity through shared religious practices and beliefs, whereas the ethnic minority's identity is based on a common origin, language, heritage, and unified history, regardless of the religion of its members. In contrast, the national minority is more complex than the ethnic minority, as it possesses a political and historical consciousness and clear aspirations toward self-determination or broader autonomy within the state, and it may have or demand an official language and a specific region.

As for national minorities and indigenous peoples, they are similar in that they are two distinct groups within a state with a different majority. They possess a collective consciousness of a particular identity, a shared history, language, and cultural heritage that they strive to preserve, and they often demand some form of autonomy or decentralization to ensure their survival. The fundamental difference between national minorities and indigenous peoples lies in their historical and geographical foundations. A national minority is a group that forms part of the modern state but possesses a political and historical consciousness that drives them to demand collective rights. They may be integrated into the modern economy and live in areas that may be experiencing industrial development, but their struggle centers on recognition as a nation within a multi-ethnic state. While indigenous peoples base their identity on being the human groups that inhabited the land before the arrival of colonizers or before the establishment of the state, their connection is not only political but also spiritual and culturally deep to the land and the traditional way of life (such as hunting or herding), which gives them in international law special rights related to the protection of their lands, natural resources and traditional

ways of life, which distinguishes their demands from the purely political demands of the national minority.

In conclusion, international covenants and treaties related to minorities and indigenous peoples have defined the concept of each category and determined the scope of their specific rights. These covenants have ensured the full protection of their members. Based on what was discussed in the first chapter, the second chapter will answer the main research question: what is the position of the Palestinian community within the country in this classification (an ethnic and religious minority or a national and indigenous minority)? And what rights does international law guarantee for the Palestinian community within the country? This is what will be discussed in the second chapter of the research.

Chapter Three

Palestinians inside Israel: Their status and rights

3.1 Introduction

Palestinians who hold Israeli citizenship or residency and who remained within the borders of the State of Israel, within the Green Line, which is the armistice line of 1948 after the 1948 war and the establishment of the State of Israel, they are called Palestinians inside Israel, and are referred to in Israeli literature and media as the Arab minority, they are the indigenous people of the land (Badawi, 2024).

The Israeli Central Bureau of Statistics mentioned in a new statistic published that the population of the country has reached 9.19 million people, of which 6.806 million are Jews (74%), and 1.93 million are Arabs, which is 21%. It is worth noting that the number of Arabs in this statistic includes Palestinians in occupied Jerusalem and Syrians in the occupied Golan Heights (New statistics reveal Israel's population and the percentage of Arabs among them, 2020).

Muslims represent approximately 80% of the Arabs of 1948, Christians represent approximately 11%, While the rest of the percentage is between the Druze and the Circassians, 60% of the Arabs of 48 live in the northern occupied territories, while the rest are distributed between the Negev and the Triangle. Most of them obtained Israeli citizenship after 1952, with the exception of several thousand, particularly those residing in East Jerusalem, as Israel has limited itself to granting most of them permanent residency (Who are the Arabs of 1948? And why are they called that?, 2023).

The researcher sees that the Palestinian minority in Israel is part of the Israeli social and economic fabric, but they face many challenges related to identity and national belonging, as they consider themselves part of the Palestinian people as a whole. They enjoy the rights and duties of Israeli citizenship, but they continually suffer from ongoing discrimination in many sectors such as geographic distribution, economic resources, political representation, cultural participation, and others.

3.2 The legal status of the Palestinian community in Israel:

1. The Official Israeli Position: Palestinian community as a Religious/Ethnic Minority:

The official Israeli establishment has adopted a specific classification for Palestinians in Israel, based on officially considering them as “Israeli Arabs and not Palestinians, and most importantly, as a religious-ethnic minority like any other minority, not a national minority or an indigenous people.”

First: The Legal Basis for Official Classification: The Israeli Nation-State Law, which was passed by the Knesset in 2018, is considered the culmination of this conception. The Nation-State Law stipulated that "the right to exercise self-determination in the State of Israel is exclusive to the Jewish people alone." This text settles the debate regarding the nature of the state: it is a national state for Jews only, and therefore the Palestinian community does not constitute part of the entity entitled to self-determination.

The Israeli Nation-State Law also lowers the status of the Arabic language from an official language to a language with a special status, and stipulates that 'the development of Jewish settlement is a national value.' This approach embodies the view of Palestinians as individuals with limited personal rights, rather than as a national or ethnic group (Abou Shhadeh, 2025).

Second: Limited recognition of collective rights: The State of Israel recognizes some collective rights of the Palestinian community, such as the use of the Arabic language in certain contexts and official curricula, and a separate educational system in Arabic. However, this recognition does not reach the level of recognition afforded to a national minority. The Arabic language is given a status lower than Hebrew, and the Arab education system suffers from various forms of discrimination in budgets and curricula, which are subject to strict political and security control (Totry-Jubran, 2025).

Third: Recognizing the rights of the Bedouins as the rights of a "distinct way of life" without recognizing indigeneity: The case of the Arab Bedouins in the Negev reveals the contradiction in the official Israeli stance. The state implicitly acknowledges the existence of a distinct way of life that requires special treatment, yet it refuses to recognize them as an indigenous people with collective rights to the land. The number of Bedouin citizens

who have been stripped of their nationality is estimated at about 2,600 people, with the possibility that the number is much higher.

The policy of "revocation of citizenship" is systematically and repeatedly applied to Bedouins, with many discovering they have lost their Israeli citizenship when they visit Israeli Interior Ministry offices to renew their documents and identity cards. The human rights organization Adalah argues that this policy is "illegal and violates international law because it leads to statelessness and deprives them of their civil rights" (Cook, 2017a).

2. Limited Theoretical Progress and Continued Government Rejection:

Orr Committee:

It was formed as a result of the events of October 2000, during which 13 Palestinian citizens were killed by Israeli police, which led to a shift in the discussion about the status of the Palestinian community in Israel. The Israeli government formed an official investigation committee headed by Judge Theodore Orr, and this committee was named the official Orr Committee.

First: Recommendations Presented by the Orr Committee: The Orr Committee presented several recommendations, which were considered relatively advanced in the Israeli context. The Adalah Legal Center documented that the committee's report is "the first official legal document issued since 1948 after the Nakba that addresses the historical discrimination against the Palestinian community in Israel." The Orr Committee called for addressing the various forms of systemic discrimination against the Palestinian community in state budgets, the necessity of integrating the Palestinian community in Israel into civil service and public jobs, and addressing the problem of unrecognized villages in the Negev region through adopting the "principle of fair land distribution and proper planning." The committee also paid special attention to the living conditions of the Bedouins and their problems (Adalah, 2023).

Second: The Israeli government's position on the recommendations: Although the recommendations do not reach the level of recognizing the indigenous people or the national minority, successive Israeli governments have refused to adopt them seriously. Official disregard for these recommendations has continued under multiple Israeli governments from various political spectrums. This stance reflects an institutional

consensus on rejecting any recognition of the national dimension of Palestinians within the State of Israel (Totry-Jubran, 2025).

"The Joint List" proposes a law recognizing the Palestinians of '48 as a national minority:

The Joint List submitted a Basic Law project called 'The Arab National Minority,' which stipulates the recognition of Arab citizens in Israel as a national minority with collective rights, aiming to obtain official recognition through a constitutional Basic Law of the Palestinian Arab minority as a minority with rights, and to establish it on the basis of full civil equality for Arab citizens.

The proposed bill was presented by Jamal Zahalka, the deputy for the Joint List, and he explained that "the law in Israel does not recognize Arabs as a national minority, nor does it recognize collective rights and national rights, and it treats them only as religious and ethnic groups. They are referred to in terms such as 'members of minorities,' 'non-Jews,' and 'Muslims, Christians, Druze, and Bedouins,' but not with the word Arabs or Palestinian Arab national minority".

He added that 'the provisions of the proposed bill are derived from the text of the international treaty on the rights of minorities, from the universal principles of human rights, from international treaties and charters concerning indigenous peoples, and from the values of equality and natural justice.' The law was presented as a constitutional law with its own immunity and cannot be amended except by a special majority. The proposal includes numerous provisions concerning the rights of Arab citizens in Israel.

Jamal Zahalka said that "the bill proposal is not a project for a political settlement between us and the state, but rather a framework for demanding basic rights under the complex conditions of the Palestinians of 1948. As for our main general issue, it has many dimensions that the law did not address, and its place is within dealing with the Palestinian issue, of which we are an inseparable part".

Members of the Joint List and Meretz voted in favor of the law, while the rest of the Knesset factions in the opposition and coalition opposed it (The Joint List proposes a law recognizing Palestinians of '48 as a national minority, 2016).

Critique of the Israeli stance: The official Israeli position suffers from multiple fundamental contradictions. On the one hand, the State of Israel describes itself as the “only democratic state in the Middle East” and uses the presence of the Palestinian community in Israel to enhance its international image, by appointing many Arab diplomats and ambassadors such as Ali Yahya, the first Arab ambassador of Israel to Greece and Finland, and George Deek, an ambassador to Azerbaijan. On the other hand, it pursues many discriminatory policies and racist legislative projects aimed at undermining the rights of these Palestinians in Israel (Totry-Jubran, 2025).

3. Moving beyond the official stance towards classifying Palestinian society in Israel as an indigenous national minority:

Considering indigenous peoples as mere minorities is a violation of international law. Defining the Palestinian masses who remained on their homeland after the 1948 Nakba as merely an ethnic and religious minority with rights to equality is insufficient and does not encompass the full true definition of this population group. There is a need for deep scientific and historical review. It is true that this national group constitutes about 20% of the population in Israel, and they are the indigenous people of historic Palestine who were forcibly transformed into a national minority as a result of the ethnic cleansing policies applied against them. Being a minority in an occupied state does not negate the fact that they are part of an indigenous people who were dispossessed by a ruthless colonizer. They deserve to be defined as an indigenous people, not merely a national minority.

Considering indigenous peoples as part of the minorities in any country is a violation of international human rights law and a crime against indigenous peoples. Indigenous peoples are the owners of the land, its history, culture, and civilization, while minorities are different groups with their own origins who came as outsiders to those countries and whose rights differ from those of indigenous peoples.

Why is this definition important? First, because this definition protects rights according to international conventions in the event of achieving historical reconciliation and ending conflict in any country, starting from the recognition of indigenous peoples as indigenous peoples in that country. There can be no reconciliation without recognition of indigenous peoples, their identity, their culture, and their ownership of the land and natural resources in that country.

Second, the new definition guarantees international protection according to international laws and charters, and the right to appeal to courts and international bodies in cases of ongoing persecution, ethnic cleansing, or attacks on heritage, antiquities, and language.

Third, it ensures communication with all segments of the Palestinian people wherever they are, regardless of geography or demographics, and this has important implications.

Fourth, the highest goal of any national minority's struggle is to achieve full national equality, whereas the highest goal for indigenous peoples is much greater: it is the restoration of heritage, resources, language, political participation, the return of displaced persons and refugees, and compensation for all historical injustices suffered (Hebe & Diab, 2023).

Based on the international standards we reviewed in Chapter One, strong arguments can be made to classify the Palestinian community in Israel as an indigenous national minority (original people).

First: The criterion of historical precedence: The Palestinians were the indigenous inhabitants of historical Palestine before the establishment of the State of Israel. Contrary to the Zionist claim of a 'land without a people,' historical documents indicate the existence of a complete Palestinian community with its economic, social, cultural, and civil institutions. United Nations reports have documented the ethnic cleansing carried out in 1948, during which approximately 750,000 Palestinians were displaced from their lands and villages and were prevented from returning to them (Cook, 2017b).

Second: The criterion of settler colonialism: Evidence shows that the State of Israel was established through a settler colonial project. The Law of Return of 1950, which grants every Jew in the world the right to immigrate to the State of Israel, is matched by the denial of Palestinians who were displaced from returning to the historical land of Palestine. Moreover, the policy of land confiscation and the building of settlements within the Green Line and in the West Bank reflects the model of settler colonialism, which replaces the indigenous population rather than exploiting them (Legal Department of the Democratic Front for the Liberation of Palestine, 2026).

Third: The criterion of a special relationship with the land: For Palestinians in Israel, the land is not merely an economic resource. The depopulated Arab villages that still exist in

the collective memory, the confiscated agricultural lands, and the cemeteries and religious sites all form an original relationship with the land that goes beyond private ownership. The case of the Bedouins in the Negev, with their historical relationship to the land and their pastoral way of life, represents a striking example of this original relationship (Cook, 2017b).

Fourth: The Criterion of Discrimination and Marginalization: Official data indicates marginalization and systematic discrimination against Palestinians in Israel. In education, the budget allocated to a Jewish high school student is 75% higher than that of their Arab counterpart. In the labor market, Arab workers are concentrated in lower-level jobs and leave the labor market early. In terms of land, Bedouin communities in the Negev live without basic services under the constant threat of demolition and building prohibition (Totry-Jubran, 2025).

Fifth: The Right to Self-Determination: Since the Palestinians in Israel constitute part of the Palestinian people who enjoy the right to self-determination under United Nations resolutions, depriving them of this right within Israel is contrary to international law. International law recognizes that indigenous peoples retain the right to self-determination, even if this may mostly take internal forms (Castellino, 2014).

3.3 Negative discrimination against the Palestinian community in Israel in legislation, government policy, and public administration

3.3.1 Discrimination in legislation

Israel has enacted many Israeli racist laws against the Palestinian community in Israel aimed at enhancing the influence of the Jewish majority in Israel. These racist laws and policies have been widely criticized by the Arab community in Israel as they directly affect them and deprive them of many of their legitimate rights. I will next present the most prominent and important Israeli racist laws and legislation that target the Palestinian community in Israel:

1. Nationality Law (2018):

The law was voted on by the Israeli Knesset on July 19, 2018.

The Knesset finally approved the Nationality Law by a majority of 62 members, 55 against, and 2 Knesset members abstained from voting on the law.

Basic principles of the Nationality Law:

First: The Land of Israel belongs to the Jewish people alone, and the State of Israel was founded in it.

Second: The State of Israel is the nation-state of the Jewish people, and within Israel the Jewish people have the right to exercise their natural, cultural, religious, historical and political right to self-determination.

Third: Limiting the full right to self-determination to the Jewish people only¹.

The Nation-State Law affirms Israel's character as a Jewish religious state, grants privileges and protections only to Jews and imposes racial discrimination against Israel's Arab community².

2. Law of Return (1950):

The Law of Return stipulates that every Jew in any country in the world has the right to obtain Israeli citizenship the moment they immigrate to the State of Israel. The law guarantees and ensures the right of the children and grandchildren of Jews to obtain Israeli citizenship, as well as the children and grandchildren of their children and grandchildren.

It appears that there is no law in Israel that guarantees the full right of Palestinians to return to their homeland from which they were displaced ,even if they were born or were inside Israel, to the families of Palestinian refugees (Adalah, 1950).

3. Absentee Property Law (1950):

The definition of absentees according to the Absentee Property Law is every Palestinian who emigrated, was displaced, or left the borders of the State of Israel until November 1947, especially as a result of the 1948 war, all the properties owned by absentees (including lands, houses, bank accounts, etc.) are considered 'absentee properties' and their ownership is directly transferred to the State of Israel, which is managed by a guardian appointed by the Israeli government, the Absentee Property Law is the primary

¹ *Text of the "Nation-State Law" voted on by the Israeli Knesset.* (2018). <https://www.aa.com.tr/ar>

² *Basic Law - Nation-State - Justice.* (2018). <https://www.adalah.org/ar/content/view/9571>

tool used by the Israeli government to control the property of Palestinian refugees as well as Islamic endowment properties in Israel (Adalah, 1950).

On April 15, 2015, the Israeli Supreme Court ruled in the case of the Custodian of Absentee Property's seizure of lands in East Jerusalem belonging to Palestinians living in the West Bank, the Israeli Supreme Court confirmed in its ruling the continued enforcement of the 'Absentees' Property Law' issued in 1950 in East Jerusalem, affirming that all previous confiscations are legal and granting the green light for further land confiscations in the future based on the Absentees' Property Law. In this ruling, the court ratifies the continued effect of the most dangerous and discriminatory Israeli laws against Palestinian refugees and the Palestinian community in Israel (Adala, 2015).

4. Citizenship Law (2003):

On July 31, 2003, the Knesset passed the Israeli Citizenship Law. The law prohibits granting Israeli citizenship to Palestinians from the territories occupied by Israel in 1967 and to Palestinians in the Gaza Strip who are married to citizens of the State of Israel (Adala, 2012).

It is clear that this law explicitly affects Palestinians and not Israeli Jews, denying them their right to family reunification. Due to the imposition of this Israeli racist policy, many Palestinians have been forced to live away from their families, while others have been compelled to leave the country, or to live constantly in fear of being arrested, deported by the Israeli government. Through this law, Israel aims to minimize the Palestinian presence to the lowest level inside Israel and in the occupied Palestinian territories (Amnesty International, 2022).

5. The Planning and Building Law (1965):

The law aims to regulate the activities of planning institutions within Israel, and the legal framework includes violations of the law, imposing penalties for any violations committed, as well as orders that can be issued in these cases, cases such as issuing a stop construction order or issuing an order to demolish a building that was constructed without a permit (Adalah, 2022a).

The Israeli government imposes on the Palestinians in Israel the requirement to obtain a building permit, but it rarely issues them a permit, unlike the requests submitted by Israeli

Jews, which the Israeli government accepts quickly and without complications, many Palestinians are then forced to build without a permit due to the refusal to grant building permits, the Israeli forces then deliberately demolish the homes, considering them to be built “illegally” and without the approval of the relevant Israeli authorities (Amnesty International, 2022).

6. Nakba Law (2011):

The Israeli Knesset approved the "Nakba Law" in 2011, which states that any institution or association that holds activities to commemorate the "Palestinian Nakba" will have its funding withdrawn or its budget reduced after approval from the Attorney General and the Israeli Minister of Finance.

Arab Knesset members and the Arab community in Israel consider the law to be racist and to encourage racism in Israel, and a stain of disgrace on Israel's democracy (BBC News Arabic, 2011).

7. Organic Law (2017) :

The main goal of the Organic law is to displace the Palestinian residents of Jerusalem and expel them from the city of Jerusalem. The law has granted legitimacy to the control of more than 40% of the area of Jerusalem, transforming it into zones where construction is completely prohibited for Palestinians. These areas are used as reserves for the construction of settlements, as happened in the Abu Ghneim area. These Israeli measures have led to a significant Arab population migration from the city of Jerusalem to the surrounding neighborhoods and areas due to the ease of construction and lower costs compared to Jerusalem, where it is extremely difficult for Palestinians to build and expand. The suffering of the residents of occupied Jerusalem does not only lie in the tight living conditions and the prohibition of construction, but also in the completion or renovation of existing homes for the residents of Jerusalem (Issa, 2017).

8. State Education law (1953):

The State Education Law of 1953 (which defines the objectives of Israeli state education and regulates the administration and oversight of the Israeli Ministry of Education over public and private schools, determines educational curricula, and appoints specialized teachers).

It seems that the law grants Palestinian children and students in Israel full educational, cultural, and linguistic rights. However, a deeper look at the issues reveals that the Government Education Law of 1953 is intended to deliberately marginalize and neglect Palestinian students in Israel. For example, let us look, for example, at Article 2 (amended in 2000) of the State Education Law of 1953.

The second article specifies the eleven objectives of Israeli government education, mentioning some of them as instilling 'the values of the State of Israel as a Jewish and democratic state' and 'teaching the Torah of Israel, the history of the Jewish people, the heritage of Israel and Jewish traditions, Promoting awareness of the memory of the disaster and heroism" ,although Article 11 of the second item indicated that the goal is "to recognize the language, culture, history, heritage, and unique traditions of the Arab population and other populations in the State of Israel," this item, which comes at the end of the list, pertains only to Jewish students (to divert attention from accusations of racism in Hebrew education), It refers only to the cultural and civilizational distinction of the "Arab population" and not as a ethnic group, and does not negate in any case the fact that the law as a whole refrained from specifying specific objectives for the education of Palestinian students in Israel (Total Events Table, 2025).

9. Prevention of Infiltration Law (1954):

The infiltrator is defined as any person who was a Palestinian citizen or resident at any time between November 29, 1947, and the date of their entry into Israel, and who left during the mentioned period their place of residence, which became part of the territory of the State of Israel, to another place outside of Israel.

The definition of an infiltrator also includes any person who held Lebanese, Egyptian, Syrian, Saudi, Jordanian, Iraqi, or Yemeni nationality at any time between November 29, 1947, and the date of their entry into the State of Israel.

The Prevention of Infiltration Law (1954) established special military courts to hold accountable and prosecute “infiltrators” and those who provide them with housing and protection. The law specifies the penalties that will be applied to infiltrators and those who shelter them, and gives the Israeli Minister of Defense the authority to issue an order “to deport infiltrators, whether they are charged or not.”

The purpose of enacting this law is to prevent and deprive Palestinian refugees from returning to Israeli territory, and to arbitrarily expel Palestinians residing in Israeli territory illegally or unlawfully (Total Events Table, 1954).

10. Loyalty Law (20210):

On October 10, 2010, the Israeli government approved, by a majority of 22 ministers to 8, the Loyalty law proposed by the Israeli Prime Minister, which amends the "Citizenship Law." According to the Loyalty law, all non-Jews who officially apply for Israeli citizenship must pledge to swear an oath of loyalty to the State of Israel as a "Jewish and democratic state" and declare their loyalty to the State of Israel as a Jewish state.

The Loyalty Law is considered a racist expression against the Palestinian community in Israel and forces the Palestinian community to give up its national identity in exchange for obtaining Israeli citizenship and nationality, It forms a strong entry point for stripping the citizenship and Israeli nationality from the Palestinians in Israel and expelling them from their land on one hand, and it will also serve as a barrier for Palestinian refugees to obtain the right of return on the other hand (The Loyalty Law: A blatant racist expression against Palestinians, 2010).

11. Law prohibiting the harming of the State of Israel through boycotts:

The Israeli Boycott Law, passed on July 11, 2011, prohibits all Israeli citizens, institutions, and organizations from working to impose a boycott on Israeli institutions or illegal Israeli settlements in the West Bank, The law allows civil lawsuits to be filed in the courts against any person calling for a boycott on the grounds that this causes civil harm, and the court can order compensation from any person or institution calling for a boycott.

The law significantly reduces freedom of expression and opinion in Israel and affects political and peaceful opposition to the occupation (Adalah, 2011).

12. Law of Rights for Those Serving in Military or Civil Service:

The law grants more privileges and benefits to any person who performed military or national service compared to those who did not serve in Israel, considering these provided privileges as a proof of the person's loyalty to the State of Israel, under this law, several benefits are provided. Individuals who have completed military service are entitled to

financial support for higher education tuition and are exempt from paying taxes to the Israeli government for a full year after completing their military service. Exempt soldiers who have completed civil service also receive financial assistance from the government to purchase a home or apartment, the law deprives Arab citizens of Israel of these privileges and benefits because the majority of them are exempt from military service for political, historical and cultural reasons¹.

3.3.2 Discrimination by the government and public administration:

Several Israeli institutions and government agencies are working to issue and implement racist laws that affect the Palestinian minority in Israel, as racist laws aim to deprive Palestinians in Israel of their legitimate rights and impose the power and dominance of the Jewish race inside Israel. The following are the relevant Israeli authorities that issue and implement these racist laws:

1. The Israeli government (the executive authority):

It is the main executive authority within the State of Israel. At the head of its hierarchy is the Prime Minister, and the government consists of a number of ministers, whom the Prime Minister has the authority to appoint and dismiss with the approval of the Knesset. The Israeli government is responsible for managing state affairs and its institutions, and it has the authority to represent the State of Israel officially abroad and to implement the laws enacted by the Knesset (Government of Israel (GoI), n.d).

The Israeli government's policy towards the Palestinian community in Israel:

- Resource allocation: The Israeli government systematically and consistently directs available resources to Jewish citizens as a privileged majority within the Jewish state. Jews also enjoy privileges in many policy areas, including the identification of national priority areas and the use of military service as a primary criterion for resource allocation. The state supports and perpetuates inequality toward the Palestinian community in Israel.

¹ *New discriminatory laws and draft laws in Israel.* (2010). <https://www.alwatanvoice.com/arabic/news/2010/12/02/160303.html>

- Urban Planning: The lack of development, investment, and urban planning in Arab cities and villages within Israel aims to reduce the area of Arab regions in Israel and increase the expansion of Jewish areas and housing projects in Israel.

There are an estimated 30 racist Israeli laws, directly or indirectly, directed against the Palestinian community in Israel. The current government is presenting several new racist law proposals, which are in various stages of the legislative process (Adalah, 2010).

2. The Judicial System (Israeli Supreme Court):

The judiciary consists of several courts, and the highest judicial authority in Israel is the Supreme Court. In the court system, there are three judicial bodies: the Supreme Court, the district courts, and the magistrate courts. The judiciary is protected against interference from the legislative and executive branches (Government of Israel, n.d).

The decisions of the Supreme Court regarding Palestinians in Israel:

- Support for Discriminatory Laws: The Israeli Supreme Court has endorsed many racist laws against Palestinians in Israel, and the Israeli court has ratified numerous racist laws such as the Law of Family Reunification, the Admissions Committee Law, and the Anti-Boycott Law, and many other racist laws. The Israeli Supreme Court has rejected the petition submitted against the Nation-State Law, and through this decision, it confirms the principle of Jewish supremacy as a constitutional identity of the Israeli system (Adalah – The Legal Center for Arab Minority Rights in Israel, 2012).
- Land Issues: The Supreme Court has issued a number of rulings that support and endorse the confiscation of Palestinian lands in Israel for the benefit of Jewish projects. For example, on May 5, 2015, the Israeli Supreme Court issued a final decision to demolish and evacuate the Arab village of Umm al-Hiran in the Negev region, with the aim of establishing a Jewish town on the ruins of the village of Umm al-Hiran (Adalah – The Legal Center for Arab Minority Rights in Israel, 2015).

3. Ministry of Interior:

The Israeli Ministry of Internal Affairs specializes in local governance issues, including: elections in local authorities, assisting local authorities in Israel to prepare for compulsory

emergency situations, granting licenses to shops and businesses, tax (Arnona), and managing and collecting biometric data (Government of Israel, Ministry of Interior, n.d).

The Ministry of Interior's racist policy toward Jerusalem residents:

Nationality restriction: Any person born in the city of Jerusalem will be stateless. Therefore, the Israeli government enacted a law allowing for naturalization, but kept the conditions hidden and unannounced, which gave the Israeli administrative apparatus the ability to reject or delay any naturalization applications for an indeterminate period, without announcing the reason for rejection or delay, as Israeli law grants the Minister of Interior the right to reject and delay naturalization requests, the matter became publicly visible when a judge from the Jerusalem Magistrate's Court ordered the Israeli Interior Ministry to publish Article 4 of the Israeli Citizenship Law, which does not include the requirements for applying for citizenship for residents of East Jerusalem aged 19-21, and those requirements do not include the Interior Minister's right to override the order. This means that around twenty thousand Palestinian residents of East Jerusalem have the right to apply for Israeli citizenship, and if they meet the conditions for obtaining Israeli citizenship, the Israeli government will be directly obliged to grant them citizenship (Maan News, 2020).

4. Ministry of Housing:

Mainly responsible for planning and implementing the policies of the Israeli government on topics such as: providing housing solutions for residents, renovating neighborhoods and cities, and providing housing loans. Among the services of the Ministry of Housing: providing information regarding tenders and bids, offering housing assistance, providing information about contractors, and engineering information and land vouchers (Government of Israel, Ministry of Construction and Housing, n.d).

The racist policy of the Ministry of Housing towards Palestinians:

- The policy of the Israeli Ministry of Housing aims to prevent needy Palestinian residents from exercising their right to obtain apartments in public housing. A committee has been authorized to consider the eligibility criteria for public housing, while there are no public apartments in the Arab towns and cities in Israel.

- On January 30, 2022, the Adalah Center sent a letter to the Minister of Housing and Construction and the Legal Advisor to the Government, requesting them to expand the mandate of the public committee to examine the criteria for eligibility for public housing and to empower it to discuss the lack of public housing in Arab towns and cities. Attorney Suhad Bishara of Adalah stated in the letter: "The Israeli Housing Ministry's policy has led to a lack of public housing in the overwhelming majority of Arab towns. The committee's current mandate will not contribute to resolving the crisis, but will rather deepen existing discrimination (Adalah – The Legal Center for Arab Minority Rights in Israel , 2022).
- Tendering :The Israeli Ministry of Housing is issuing several tenders for the expansion of Jewish settlements and housing projects. The Ministry has issued a tender for the construction of 387 housing units in the Ramot Shlomo settlement, expanding the settlement toward the town of Shuafat, located north of Jerusalem.

The specialist in settlement affairs clarified that the Israeli committee for completing the settler construction plans, which belongs to the district planning and building committee, approved the plan (11085) in February 2012, pointing out that the project aims to confiscate 580 dunams of land from the town of Shuafat, therefore, it will work to control more of the lands of Palestinian citizens in the town of Shuafat, and it will also work to limit the opportunities available for the towns of Beit Hanina and Shuafat to expand towards the western side of the two towns, pointing out that many objections have been submitted against it, but the Israeli planning committees rejected them.

It has been clarified that 387 is part of the settlement plan aimed at building 1,500 settlement units in "Ramat Shlomo", and this is the second time that the Israeli Ministry of Housing has issued tenders for construction (State of Palestine, 2014).

5. Ministry of Education:

The Israeli Ministry of Education is responsible for educational institutions, including kindergartens, public and private schools, higher education, and non-formal education. The Ministry's work focuses on legislation and planning of educational and cultural services, as well as national culture, and provides appropriate licensing for professionals in the field of education and teaching (Government of Israel, Ministry of Education, n.d).

The Israeli Ministry of Education imposes central control over the educational curriculum in Arab schools in Israel, and there are only a few Arab specialists involved in setting the general policy of the Israeli Ministry of Education, the Education Law sets educational goals for schools that emphasize teaching Jewish history and culture, and provides low investment and financial support for Arab schools in Israel, threatening to widen the gaps, both now and in the future, between the Jewish majority and the Arab minority in Israel (Adalah – The Legal Center for Arab Minority Rights in Israel, 2011).

6. Israel's internal security and counterintelligence service (Shabak):

It works to protect Israel's internal security, protect the democratic system and its institutions, combat espionage, and secure people, information, and places designated by the government, It primarily focuses on the citizens of the State of Israel and practices this with complete and comprehensive secrecy. It is clear that the activities of the Shabak are considered very sensitive because they involve the violation of the privacy of Israeli citizens¹.

Arab society suffers from a high crime rate, and despite Palestinians in Israel demanding the intervention of the relevant authorities to contain the "widespread crime," the Palestinians in Israel rejected the involvement of the Shabak and the Israeli army in the crime file. This is because the Shabak has extensively tortured thousands of Palestinians, and this memory is still fresh in the minds of Arab citizens in Israel, Moreover, the intervention of the Shabak and the Israeli army into the civilian space, which is not within their legal powers, constitutes a serious violation of human rights and the basic rights of Israeli citizens.

It is clear that the Israeli police force is able to fulfill its duties, as it has been significantly successful in eliminating criminals and criminal organizations in Jewish cities, and that the Israeli police are not concerned with stopping crime in the Arab community. This is the reason for the high crime rates in the Arab community, and their hands are tied—acknowledged by their leaders—due to the cooperative relations between the Shabak itself and the criminal organizations prevalent in the Arab community. The Shabak continuously monitors the Arab community in Israel and works to restrict their freedom

¹ *Al-Quds newspaper*. (2025). <https://www.alquds.com/ar/posts/154837>

and right to express themselves, and the Shabak always seeks to spread its conspiracies against the Arab community in Israel (Ma'an News Agency, 2021).

7. Local Governance:

Local government is one of the most important and primary bodies in the State of Israel, as it is the political and regulatory body that addresses the daily issues of Israeli citizens and follows up on their cases on a regular basis. Since the establishment of the State of Israel, the Israeli government has announced a series of rapid practical decisions and measures aimed at developing governmental authorities in Israel, and it has become the center of gravity in the central government.

The powers and duties of local governance include: health and sanitation services; city planning; water supply; management of educational matters; and welfare, social, and religious affairs services. All of these powers and duties are exercised in cooperation with the relevant ministries and institutions (Mustafa, 2020).

It is noteworthy that Arab local authorities in Israel suffer from discrimination in budget allocation and the distribution of available resources, including land resources. In 2018, for example, the total revenues of Arab local authorities amounted to approximately NIS 8.4 billion—less than 10% of the revenues of local authorities across Israel, even though the percentage of residents in Arab local authorities in the same year was 14.4% of the population of the State of Israel.

Due to the lack of revenues and income in the Arab local authorities, they have been harmed and their ability to develop engines of growth to create self-generated income sources has declined significantly, and their ability to provide quality services to the population in their areas of influence has greatly diminished. While the expenses per person in Arab local authorities amount to only 5,403 shekels, the expenses per person in Jewish local authorities reach 7,914 shekels, meaning that the expenses per person in Arab local authorities are about 30% lower compared to Jewish local authorities, this means that residents of a Jewish local authority receive a higher level of services in health, transportation, infrastructure, education, welfare, recreational activities, sanitation, and more, compared to residents of an Arab local authority, who suffer from a persistent and severe shortage of services provided by Arab local authorities as a result of the

discriminatory policies practiced by the Israeli government in terms of budget allocation and resource distribution.

These gaps have clear reasons. One of the primary reasons for the gap is the lack of income-generating areas (industrial zones, offices, operational areas, commercial areas, etc.)—these constitute the main sources of income for local authorities (contrary to popular belief, the property tax (Arnona) on housing is not the main source of income for local authorities).

Arab towns and villages suffer from a severe shortage of income-generating properties due to discriminatory and unjust policies regarding land allocation and resource distribution, which ignore the needs of Arab local authorities. In addition, Arab towns and villages in Israel face a lack of development land, inadequate planning, and other obstacles to implementation. For example, the area of income-generating zones in vulnerable Jewish local authorities is 9.6 square meters per resident on average, whereas in Arab local authorities ranked 1-5 on the socio-economic scale, the area of income-generating zones is 2.8 square meters per resident, which is only about 30% of the amount of income-generating areas in the vulnerable Jewish local authorities.

In addition, Israeli government budget mechanisms that aim to reduce gaps between strong local authorities and weak local authorities- Such as the Gap Reduction Fund and the Budget Grant - include criteria that discriminate against vulnerable local authorities, including Arab local authorities in Israel. (*The New Five-Year Plan for Arab Society - Recommendations of the Sikkuy Association, 2021a*)

3.4 Palestinian in Israel: individual and collective rights

Individual rights:

1. Civil Rights:

Israel declared the Declaration of Independence in 1948 in Tel Aviv, which included many key points, the most important of which is the principle of equality for all its citizens without discrimination in all rights and its commitment to the civilizational principles stated in the United Nations Declaration (Orbit - Declaration of Independence, n.d).

But in reality, Israel practices a policy of civil rights discrimination against the Palestinian community in Israel as an integral part of Israeli citizenship laws, an expression of the "Jewishness" of the state in Israel, and a tool to ensure a Jewish majority. On July 5, 1950, the Israeli Knesset enacted the Law of Return, which allowed every Jew in the world to immigrate to Israel, settle there, and automatically acquire citizenship. At the same time, it severely limited Palestinians' ability to obtain Israeli citizenship.

The Knesset also enacted the Citizenship Law on July 14, 1952, which grants Israeli citizenship to Jews based on the Law of Return and restricts the eligibility of Palestinians to obtain Israeli citizenship by imposing burdensome conditions on them (for example, a Palestinian must meet all the following conditions: be a Palestinian before the establishment of the state; be residing in Israel or have entered it legally; have been residing in Israel until July 1, 1952; be a resident of the state at the time the law comes into effect) (The Interactive Encyclopedia of the Palestinian Question, 1992).

These restrictions on citizenship were completed with the Entry to Israel Law in 1952. This law regulates the entry of foreign nationals into Israel, prioritizing new immigrants based on the Law of Return, treating them as citizens of the state while tightening restrictions on Palestinians in terms of nationality, residency, and entry into Israel (Adalah, 1952).

The Law Preventing Infiltration (Crimes and Judicial Jurisdiction) of 1954. This law is part of the Israeli campaign to prevent the return of refugee individuals across the ceasefire lines and to expel Palestinians residing in areas under Israeli control (Interactive Encyclopedia of the Palestinian Cause, n.d).

The low status of Palestinians has been entrenched by a set of Israeli laws and policies that made the acquisition of certain rights and services conditional upon military service. As a result, most Palestinians were deprived of many rights due to their exemption from recruitment in the army, with the exception of the Druze community (Institute for Palestine Studies, 2022).

Discrimination in citizenship rights has increased from the second intifada until now. Consequently, the amendment of the Citizenship Law of 2003 and the Entry to Israel Law prohibits granting any residency status or obtaining citizenship to Palestinians from the

occupied Palestinian territories who are married to Israeli citizens. In 2007, the Knesset amended this law again, preventing residents from hostile states such as Lebanon, Syria, Iran, and Iraq from family unification with Israeli citizens within Israel.

Finally, another amendment was made in 2008 to the Citizenship Law, which increases restrictions on citizenship rights and allows for the revocation of nationality in cases of breach of trust or disloyalty to the State of Israel. This amendment indirectly targets the citizenship rights of Palestinian community in Israel. There are numerous attempts to pass additional laws that grant the state the authority to violate citizenship rights and impose an oath of loyalty to the State of Israel, which are still currently under discussion in the Knesset, there are many attempts to pass additional laws that grant the state the authority to violate citizenship and impose an oath of loyalty to the State of Israel, which is still currently under discussion in the Knesset (Tossi, 2010).

The discriminatory policies practiced by Israel regarding the civil rights of the Palestinian community in Israel constitute a violation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), and the Universal Declaration of Human Rights (1948).

The Universal Declaration of Human Rights (1948) states in Article 15 that everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality (United Nations, 1948).

The International Covenant on Civil and Political Rights (1966) states in Article 24 that every child has the full and legitimate right to acquire a nationality (United Nations, 1966).

The International Convention on the Elimination of All Forms of Racial Discrimination (1965) states in Article 5 that countries must fully commit to ensuring full equality in civil rights, including the right to acquire nationality without discrimination (United Nations, 1965).

2. Political rights and political participation:

Israeli law has guaranteed the political rights of Palestinians in Israel, including the right to political participation by participating in Knesset elections and electing and voting for

their representatives during the elections, either through their own lists or within other lists. However, in reality, the Palestinian community in Israel has been subjected to numerous attempts to delegitimize them and to restrict or prevent them from having genuine political representation within the Israeli political entity since the establishment of the State of Israel in 1948 until now (B'Tselem, 2022).

The political situation of the Palestinian community in Israel remains constrained due to their exclusion from important national discussions and decision-making at the local, national, governmental levels, and in civil services, representatives of the Palestinian community are also excluded from formulating major public policies within the state and have never formed part of the ruling coalition within Israel. Moreover, Arab members of the Knesset are increasingly subject to police investigations, harassment, and criminal charges due to their participation in legitimate political activities. The far-right political parties and Jewish Knesset members have repeatedly tried to deprive Arab political parties and Arab politicians of participating in the Israeli parliamentary elections, (Natalie Tossi, 2010) Israel seeks to deprive them under the basic law of the Knesset, specifically section 7.A, by accusing them of opposing the existence of the State of Israel as a Jewish and democratic state. Section 7(A)(3) added "support for armed struggle, against the State of Israel, by an enemy state or a terrorist organization," as additional criteria for disqualifying Arab candidates or lists. The main objective of this law is to prevent the nomination of Arab candidates and Arab parties and to restrict the ability of Arab politicians to fully advocate for equality in rights and freedoms among their electorate in a democratic state (Adalah, 1958).

What ignites the flame of political marginalization of the Palestinian community in Israel is the existence of other practices similar to the application of the Regional Councils Law (Local Elections Date) (1994) Special Amendment No. 6, 2009, which grants the Minister of the Interior absolute authority to declare the postponement of the first elections for a Regional Council after its establishment for an indefinite period of time ,The law previously stipulated that elections should be held within four years of establishing a new regional council. The Knesset passed the law shortly before the elections that were supposed to be held for the Abu Basma Regional Council, which included ten Arab Bedouin villages in the Negev (with a total population of 25,000) that was established nearly six years prior. The law resulted in no elections being held and a lack of

representation for the local population in the local governing body managing their affairs. The current government appointed a council made up of a majority of Israeli Jewish members appointed by the Minister of Interior, and they continue to hold their positions until today (Al-Watan Voice, 2010).

In 2015, the Israeli government made a decision to ban the Islamic Movement in Israel, which was considered a historical turning point in the relationship between Israel and Palestinian community in Israel, due to the decision's representation of a change in the political rules of the game between the Arab community and the Israeli establishment.

The Islamic movement formed a central and essential trend in Palestinian community in Israel, and the decision to ban it was a blow to Palestinian political work in Israel, as it created a political-ideological current deeply rooted in all segments of Arab society, and its areas of presence (Ghazzawi, 2021).

After years of political discrimination against the Palestinian community in Israel, Palestinian citizens in Israel still suffer from vulnerability, marginalization, insecurity, and alienation from the state. This has directly led to a systematic decline in the participation rate of the Palestinian community in Israel in elections, with one of the results in the 2009 elections being a general voting rate of 64%, while among Arabs it was 54%.

The Israeli government treats the Palestinian community in Israel as a fifth column for the purpose of controlling it and imposing its influence over it. Israel uses various methods such as violence and racist treatment against it. Thus, Israel undermines stability and the culture of respect for democracy in the region, and it risks reducing the status of human rights issues to "threats" to security and sovereignty in the state's dealings with them (Adalah, 2010).

It is considered that the discriminatory policies practiced by Israel regarding political rights and political participation against the Palestinian community in Israel are a violation of the International Covenant on Civil and Political Rights (1966), the United Nations Declaration on the Rights of Minorities (1992) and the Universal Declaration of Human Rights (1948).

The Universal Declaration of Human Rights (1948) states in Article 21 that everyone has the right to participate in the government of their country, directly or through freely chosen representatives, and it also emphasizes that 'the will of the people is the basis of government authority (United Nations, 1948).

The United Nations Declaration on the Rights of Minorities (1992) states in Article 2 that individuals belonging to minorities have the full legitimate right to participate in the political, economic, social, cultural, and linguistic life of the state (United Nations, 1992).

The International Covenant on Civil and Political Rights (1966) states in Article 25 (c) that every citizen has the right to participate and have the opportunity to hold public office in their country (United Nations, 1966).

3. The right to employment:

Regarding employment, the results of the labor force survey for October 2023 indicate a significant impact on employment rates among the Arab community in Israel. In this month, the unemployment rate according to the broad definition in the Arab community reached 15.6%, compared to 8.6% in the Jewish community. Additionally, the percentage of workers who were absent from work in the Arab community was 4.5 percentage points higher than their counterparts in the Jewish community. This gap reflects a significant disparity in employment conditions between the Arab and Jewish groups during the mentioned period.

The unemployment growth rate among men in the Arab community has witnessed a significant rise compared to Jewish men, reaching 13.6 percentage points for Arab men versus 4.3 percentage points for Jewish men. On the other hand, there were no statistically significant differences among women in both communities, with a growth rate of 5.1 percentage points among Arab women and 6.3 percentage points among Jewish women.

The significant decline in interaction between Jews and Arabs in the Israeli labor market is due to the deteriorating security situation and the decrease in the concept of personal security, and it constitutes a risk factor for the decline in employment in the Arab community in Israel. This effect may appear in the fear of Arab workers of reaching Israeli workplaces, and the preference of employers for Jewish workers, as well as not employing or reinstating Arab workers to their works despite the fact that Israeli labor law states that

there shall be no discrimination between citizens in Israel, including the Palestinian community in Israel (Bank of Israel, 2023).

Discrimination in the field of employment against the Palestinian community in Israel constitutes a violation of the 1965 Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights of 1966.

Israel, as a signatory state to the 1965 Convention on the Elimination of All Forms of Racial Discrimination, must take effective and direct measures to eliminate discrimination in employment against the Palestinian community in Israel, as Article 5 of the Convention states that everyone has the right to work, to freely choose their work, to favorable and just working conditions, and to protection against unemployment (United Nations, 1965).

Israel has a responsibility to respect the 1966 International Covenant on Economic, Social and Cultural Rights, which affirms the right of every individual to work without discrimination, and the state must ensure equal employment opportunities. Article 6 of the Covenant recognizes the right of every individual to work, including the right to equal employment opportunities (United Nations, 1966).

4. The right to health care:

Although Israeli law requires the provision of equal and high-quality healthcare services to all residents of Israel without exception, there are significant obstacles that prevent this from being achieved, especially for Palestinian community in Israel, among these obstacles are the lack of clinics and hospitals in Arab cities and villages, in addition to difficulties in transportation. These problems mainly lead to depriving many Palestinians of their right to receive good and appropriate healthcare.

The situation is considered even more critical in the unrecognized Bedouin villages in the Negev, where healthcare services are almost nonexistent or insufficient. This neglect in providing healthcare services is viewed as a deliberate policy by Israel, aimed at making life in these villages extremely difficult or impossible, thereby pressuring their residents to leave and resettle elsewhere (Anaya, 2010).

Data shows that the Palestinian community in Israel is facing a growing incidence of chronic diseases, with 16.2% of Palestinians suffering from at least one chronic disease.

In addition, the data clearly shows the disparity in life expectancy rates and child mortality between the Arab and Jewish populations as follows:

The life expectancy rate for men:

- Arab men: 77.5 years.
- Jewish men: 81.4 years.
- The gap: 3.9 years in favor of Jewish men.

Life expectancy for women:

- Arab women: 82 years.
- Jewish women: 85 years.
- The gap: 3 years in favor of Jewish women.

Infant mortality rate (per 1,000 live births):

- Arab children: 5.9
- Jewish children: 2.3
- Gap: 3.6 additional deaths per 1,000 live births among Arab children compared to Jewish children.

Despite the overall improvement in health indicators in Israel over the years, there are still many clear gaps between Arabs and Jews in both life expectancy rates and child mortality statistics (Galilee Society, 2014).

Israel's discrimination in the field of health against the Palestinian community in Israel is a violation of international human rights law and international humanitarian law. The following are some international legal texts that protect the health rights of the Palestinian community in Israel:

- The Universal Declaration of Human Rights (1948) states in Article 25 that everyone has the right to a standard of living adequate for the health and well-being of themselves and their family, including necessary medical care.

Article 25 of the Universal Declaration of Human Rights (1948) can be used to pressure Israel to ensure the provision of equal health services and institutions for the Palestinian community in Israel (United Nations, 1948).

- The International Covenant on Economic, Social and Cultural Rights (1966) in Article 12 recognizes that the States Parties to this Covenant affirm the right of everyone to the highest attainable standard of physical and mental health.

The researcher sees that Israel is a party to the International Covenant on Economic, Social and Cultural Rights (1966), and thus it can be held accountable for any shortcomings or deprivation in providing health services equally to all Israeli citizens, including the Palestinian community in Israel (United Nations, 1966).

- International Humanitarian Law (Geneva Conventions):

The Fourth Geneva Convention (1949): Protects civilians within occupied territories, including the right to access appropriate and sustainable healthcare (OHCHR, 1949).

The researcher sees that despite the fact that the Palestinian community in Israel officially lives within the borders of the Israeli state and is subject to its official laws, the situation in some areas, such as the Negev region, is more complex due to land disputes and the lack of full recognition of some Palestinian population centers within the Negev. This makes the agreement partially applicable.

5. The right to redistribute resources and social welfare:

Although the principle of equality requires the state to take practical measures to close the gaps between different segments of society, Israel actively and effectively allocates resources in favor of Jewish citizens, who enjoy the status of a distinctive majority in the 'Jewish state' Through multiple policies, such as identifying areas of national priority and adopting military service as a criterion for resource allocation, the state is working to reinforce and sustain inequality between Arab and Jewish citizens in Israel.

Israel has systematically failed to take effective and sufficient measures to address the widespread poverty within the Palestinian community in Israel. When it attempted to propose developmental programs targeting this Palestinian community in Israel, such as

the "multi-year plan," Israel tends to implement it in a limited or gradual manner, or even not to implement it at all.

Public policy measures aimed at reducing poverty are implemented unevenly, with greater focus directed towards Jewish citizens, this is due to the significant decrease in poverty rates among Jews compared to Arab citizens. As a result, the gap of inequality between the two groups remains and persists (Adalah, 2010).

The discrimination practiced by Israel in the area of redistribution of resources and social welfare against the Palestinian community in Israel is considered a violation of Article 25 of the Universal Declaration of Human Rights (1948), which states that everyone has the right to an adequate standard of living for themselves and their families, ensuring their health and well-being. This includes the provision of food, clothing, housing, healthcare, and basic social services. They also have the right to have guarantees that protect them in the face of crises resulting from unemployment, illness, disability, loss of the breadwinner, old age, or any other circumstances beyond their control that may deprive them of the ability to meet their basic life needs (United Nations, 1948).

6. The right to economic property - land:

Israel practiced a policy of deprivation and discrimination against Palestinian community in Israel, denying many Palestinians the possibility of accessing or benefiting from land. Israel has enacted many racist laws that deny and violate the rights of Palestinians within its borders, including the Law of the 'Absentees' Property', which allows for the seizure and confiscation of the lands and properties of Palestinians whom Israel considered 'absent'. This also includes the confiscation of land from Palestinians who remained as internally displaced refugees in Israel and who were unable to return to their homes and properties due to the military force imposed by Israel.

In addition to the properties of the absentees, there were large areas of confiscated land allocated for the development of Jewish towns and cities. At the same time, other areas, which had been Palestinian villages and were destroyed by Israel, were declared closed Israeli military zones, and Israeli army camps were established there. The Jewish National Fund acquired some of these confiscated lands.

Israel issued the Israel Land Administration Law in 1960, which stipulated that the ownership of Israeli lands may not be transferred through sale or any other method, except in exceptional cases, and considered that Israeli lands are lands belonging to the State of Israel only (Negotiations Affairs Department, 2021).

Israel issued the Planning and Building Law in 1965, based on which the National Committee for Planning and Building was established, as well as the district committees for planning and building. The composition of the national and district planning and building committees did not include any representatives from the Arab community in Israel, and the law ensures representatives from other groups such as women and settlement institutions (according to the final recommendations of the Jewish Agency (Adalah, 1965).

The Planning and Construction Law of 1965 allow the Israeli government to issue a stop-work order on the presumption that construction is taking place without a permit or in violation of a building permit, and to also issue an order to demolish a building constructed without a permit. The primary target of this law is the Palestinians in Israel (Adalah, 2022a). Israel issued the Agricultural Settlement Law (1967) based on this law, the Israeli government worked diligently to confiscate Palestinian lands and to restrict their use almost exclusively to Jewish citizens (Tossi, 2010).

Furthermore, Israel has used new methods to confiscate Palestinian land – such as a new land reform plan in 2009 and an amendment to the land decree in February 2010 – which primarily aimed to reinforce state ownership of land confiscated from Palestinians forever and rejected demands for its restitution by Palestinian citizens.

The Israeli government established acceptance committees that operate in about 700 agricultural and community towns to deny Arab applicants based on 'social unsuitability' for future residency in those towns. The procedures of the acceptance committees primarily aim to create racially segregated towns within the state and deprive Palestinian citizens of equality in owning and utilizing land (Adalah, 2010).

The Arab municipalities supervise and operate in areas that do not exceed 2.5% of the total area of the State of Israel. Since 1948, the Israeli government has established around

600 Jewish local authorities within Israel, but so far, no Arab village or city has been built inside Israel.

While the Arab population in the Negev numbers about 170,000 people, or 14% of the total population of the Negev, the areas recognized as Arab by the Israeli government in the Negev do not exceed 0.9%. The Israeli government continuously works to forcibly evacuate the unrecognized villages in the Negev under the pretext of violating Israeli planning and building laws, viewing them as intruders of state land and not considering them part of the Israeli fabric (Adalah, 2010).

Currently, 93% of all land in Israel is under the control of the Israeli government, including 13% under the control of the Jewish National Fund, which grants it and provides it in the form of rent or settlement to Jews exclusively (Tossi, 2010).

The discriminatory practices exercised by Israel regarding economic property and land towards the Palestinian minority in Israel constitute a violation of the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the Declaration on the Rights of Persons Belonging to National or Ethnic Minorities (1992), and the International Convention on the Elimination of All Forms of Racial Discrimination (1965) .

Article 17 of the Universal Declaration of Human Rights (1948) states that everyone has the right to own property alone as well as in association with others, and that no one shall be arbitrarily or forcefully deprived of his/her property (United Nations, 1948).

The International Covenant on Economic, Social and Cultural Rights (1966) states in Article 26 that all people are equal in front of the law and are entitled without any discrimination to equal protection of the law . (International Covenant on Economic, 1966).

The declaration on the rights of persons belonging to national or ethnic minorities (1992) states in Article 4 that states should ensure persons belonging to minorities participate in the economic advancement and development of their country (United Nations, 1992).

The International Convention on the Elimination of All Forms of Racial Discrimination (1965) stated in Article 5 that every person has the full right to own property alone or in association with others (United Nations, 1965).

7. The right to security and safety:

Israel practices a policy of discrimination in terms of provide security and safety for the Palestinian community in Israel, as a result, murder crimes are widely spread due to the deliberate neglect and refusal of the Israeli authorities to contain it and enforce the law against the criminals, as well as their direct refusal to fulfill their duties of providing security and safety in the Palestinian community and the institutions of the Palestinian community in Israel (Arab48, 2024).

The Arab community in Israel represents only about 21% of the population of the State of Israel, but the victims in the Arab community constitute 73% of the total victims of crimes in Israel, and it is estimated that three out of every four victims in Israel are members of the Arab community.

Considering that the Arab community represents only about one-fifth of the total population of Israel, the gap in murder rates is significant, showing that it is disproportionately high compared to the Jewish community (Makan, 2024).

A study conducted by the Taub Center for Research has shown that the crime rate in the Arab community in Israel ranks third after Colombia and Mexico. In 2023, the number of murders in the Arab community in Israel has consistently increased every month, and in September alone, 29 Arabs from various segments of the Arab community in Israel were killed. The total number of deaths in 2022 reached 233 people (i24NEWS, 2024). In the first eight months of 2024, the number of deaths in the Arab community in Israel reached 149 (Makan, 2024).

It will present below the Arab towns that have the highest murder rates in Israel according to police data from the period extending from the beginning of 2018 to August 2024:

- Lod ranked first, with 44 victims.
- Jerusalem ranked second, with 36 victims.
- Umm al-Fahm ranked third, with 36 victims.

- Nazareth ranked fourth, with 35 victims.
- Tel Aviv-Jaffa ranked fifth, with 30 victims.
- Ramla ranked sixth, with 28 victims.
- Tira ranked seventh, with 27 victims.
- Taybeh ranked eighth, with 21 victims.
- Shefa-Amr ranked ninth, with 20 victims.
- Rahat ranked tenth, with 20 victims (Makan, 2024).

Israel's discriminatory practices regarding the provision of security and safety to the Palestinian community in Israel constitute a violation of the Universal Declaration of Human Rights (1948), the Convention on the Elimination of All Forms of Racial Discrimination (1965), and the International Covenant on Civil and Political Rights (1966).

The Universal Declaration of Human Rights (1948) states in Article 3 that everyone has the full right to life, liberty, and security of person (United Nations, 1948).

The International Convention on the Elimination of All Forms of Racial Discrimination (1965) stipulates in Article 5 that everyone has the right to personal security and to protection by the state against any violence or bodily harm (United Nations, 1965).

The International Covenant on Civil and Political Rights (1966) states in Article 9 that everyone has the right to personal security and to be protected against arbitrary arrest in any form (United Nations, 1966).

8. The right to road infrastructure:

The road infrastructure in Arab towns and villages within Israel is in poor and deteriorating condition. Many of these Arab towns and villages have rough roads and a severe shortage of sidewalks and safety equipment, the deteriorating level of infrastructure prevents public transportation from reaching Arab towns and villages, and hinders the ability of members of the Palestinian community in Israel to move freely and smoothly, attend schools and universities, and the opportunity to obtain suitable work to earn a living with dignity and receive basic and necessary medical services, In addition,

the state of road infrastructure and the severe shortage of public transportation are the main reasons behind the large number of traffic accident victims in Arab towns and villages, as well as the high number of fatalities resulting from traffic accidents, which is equivalent to double their proportion of the total population of the State of Israel (Sikkuy Association, 2021).

It is clear that the discriminatory practices carried out by Israel regarding transportation and the deteriorating level of infrastructure towards the Palestinian community in Israel are considered a violation of international agreements, including the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Universal Declaration of Human Rights (1948).

The Universal Declaration of Human Rights (1948) states in Article 2 that everyone is entitled to full enjoyment of all rights and freedoms without distinction of any kind (United Nations, 1948).

The International Convention on the Elimination of All Forms of Racial Discrimination (1965) also stipulates in Article 5 that all persons must be guaranteed the right to complete equality of treatment in all areas, including public transportation, as it states directly in Paragraph 1 that every person has the right to freedom of movement and residence within the borders of the state (United Nations, 1965).

Collective rights:

1. The right to self-determination:

Jews consider that they have the right to self-determination in all of Palestine's territories, not just within Israel, while this is denied to the Palestinian people inside and outside Israel. In recent decades, this right has become internationalized in two types: external and internal; the external is the end of colonial occupation as occurred in the twentieth century with Third World countries, which leads to the emergence of an independent national state that reflects the aspirations and vision of the national and ethnic people, the internal, which has developed in recent decades, is a demand of indigenous nationalist groups in multi-ethnic states that provide equal individual citizenship but do not offer collective equality, and do not express the national aspirations of those minorities or nationalist groups.

In our case, the State of Israel claims that it provides individual equality among all its citizens within Israel, and Israeli Prime Minister Benjamin Netanyahu emphasized this after the recent approval of the 'Nation-State Law, Recently, but it limited the collective or national rights to the Jews only. One of the main objectives of the "Israeli Nation-State Law" is to constitutionally block the possibility for Palestinian community in Israel to claim the right to self-determination (Arab48, 2018). The law overlooks fundamental principles such as democracy and equality, making it different from previous foundational documents, resulting in the Palestinian community in Israel living under discriminatory conditions, with a continual reduction of their rights to land and equality (Mansour, 2018).

As is known, it is impossible to provide complete individual equality without ensuring collective equality, foremost the right to self-determination for the Palestinian people within Israel, because the provision of liberal individual rights does not negate discrimination in collective rights.

Based on the experience of the twentieth century, the right to self-determination, whether internal or external, cannot be claimed without referencing universal values, the foremost of which is the right to freedom and equality. This is because it is assumed that the right to self-determination expresses the free will of the people, and it is logically impossible to express this free will without freedom and equality.

Therefore, there is no room to separate equality in individual rights from collective rights, specifically in the case of the Palestinian people inside Israel (Arab48, 2018).

International law has stated that every people have the right to self-determination, including the Palestinians in Israel, as mentioned in:

Article 1 of the International Covenant on Civil and Political Rights (1966) affirms the right to self-determination for all peoples. Under this right, Peoples have the right to determine their political status and the freedom to pursue their economic, social, and cultural development. The article also states the right of peoples to freely dispose of their wealth and natural resources, taking into account the obligations arising from international economic cooperation based on the principle of mutual benefit and international law (United Nations, 1966).

The United Nations resolutions such as General Assembly 1514 (1960) on the decolonization, also known as the "Declaration on the Granting of Independence to Colonial Countries and Peoples." This resolution aims to end colonialism in all its forms and manifestations, emphasizing the right of all peoples to freely determine their own destiny, whether through independence or union with another state (OHCHR, 1960).

The researcher sees that Israel considers Palestinians in Israel to be a "national minority" rather than a people entitled to self-determination, which creates a political and legal dilemma and thus violates international resolutions that guarantee the right to self-determination for indigenous peoples and national groups.

2. The right to cultural heritage:

The education system in Israel suffers from profound gaps between Arab and Jewish citizens. Over the years, a system of budgetary discrimination has emerged between the Jewish and Arab education sectors, which is seen as particularly glaring in light of the various economic difficulties facing the Palestinian community in Israel.

In addition, there is a clear and discriminatory separation between Jews and Arabs in the education system, as Jews and Arabs study in completely separate and different educational systems. In addition to the apartheid, the education system currently lacks advanced education for coexistence, and the Israeli Ministry of Education tends to handle the issue randomly and irresponsibly, especially in the aftermath of manifestations of extreme racism (Sikkuy-Aufoq, n.d).

Government financial support for public education in Arab schools is much lower than financial support for Jewish schools, leading to a shortage of classrooms, a shortage of educational facilities, a shortage of educational curricula, and neglect of teacher training, which has led to large gaps in the qualifications and skills acquired by Jewish and Arab students, this shortage has also led to a significant decline in the level of Arab students studying in universities and colleges compared to Jewish students. Moreover, the government education system places a heavy emphasis on Israeli history, religion, culture, and Jewish literature in school curricula, while excluding both ancient and contemporary Palestinian history and heritage, Thus, the members of the Palestinian community in Israel are raised as Arab Israelis, with their history beginning in 1948 when the state of

Israel was established, and their rights stemming from their Israeli identity and loyalty. This gap in educational attainment generally widens when considering the situation of Arab Bedouin women, as the status of Arab Bedouin citizens is particularly dire due to the disproportionately high rates of leaving higher education among them and their low representation in higher education institutions. This can largely be attributed to Israel's failure to fulfill its obligation to provide mandatory access to educational facilities (Tossi, 2010).

Discrimination in education against the Palestinian community in Israel constitutes a clear violation of the Israeli State Education Law of 1953, the International Covenant on Economic, Social and Cultural Rights of 1966, and the Universal Declaration of Human Rights of 1948.

The Israeli government education law of 1953 stipulated the provision of education for every child in Israel. The state provides education according to a curriculum without any connection to a partisan, sectarian, or any other organization outside the government, and under the supervision of a minister or an authorized person. The law states that there should be a unified education for all children in Israel¹.

The International Covenant on Economic, Social and Cultural Rights of 1966 states in Article 13 that the states parties to this Covenant must recognize the right of every individual to education (United Nations, 1966).

.The Universal Declaration of Human Rights of 1948 states in Article 26 that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages (United Nations, 1948). .

3. The right to practice the Arabic language:

Arabic is an official language in Israel. However, there is a clear inequality in Israel regarding the number of opportunities given to Arabic speakers compared to Hebrew speakers to enjoy their language and use it in official and public forums and institutions. This creates numerous obstacles and gaps for the Palestinian community in Israel in accessing public services and institutions and in fully participating in public life within

¹ *State Education Law (Laws) - All Rights Reserved* (1953).

Israel. Practically, the status of the Arabic language is lower than that of the Hebrew language in terms of the resources allocated for its use, which negatively impacts the quality of education in Arabic, the scarcity of cultural and media materials in Arabic, and the weak linguistic infrastructure in the Arab regions of Israel. Although it is the duty of the State of Israel, according to international human rights law, to protect the language rights of minorities, including the Palestinian community in Israel, Article 27 of the International Covenant on Civil and Political Rights states that countries are obligated to protect the rights of national or ethnic minorities to use their languages and enjoy their cultures. As a state party to this International Covenant on Civil and Political Rights, Israel is directly required to ensure equality in the linguistic and cultural rights of Arab citizens in Israel (Adalah, 2010):

- The representation of the Arab community in educational materials in Hebrew in formal education in primary schools: 0.3%
- Only 1.6% of the total Jewish population can conduct a daily conversation in Arabic due to school education.
- Only 7% of Jewish students from first to twelfth grade have learned Arabic (up to 2019).
- Only 10% of Arab and Jewish students in Israel meet within the framework of activities initiated by the Ministry of Education. (*Education* , n.d.-b)

3.4.1 Israeli basic law: human dignity and liberty, (1992)

On March 17, 1992, the Knesset passed the Israeli Basic Law: Human Dignity and Liberty with a majority of 32 votes against 21, with one member abstaining from voting. Among the supporters of the Basic Law was the Hadash party, the only Jewish-Arab party, and the party's representative at the time, Knesset member Mohammed Nafa, affirmed that Hadash's support for the law aimed to ensure the "lesser of two evils" regarding the recognition of constitutional rights, despite enshrining the Jewish character of the State of Israel as a constitutional principle in the Basic Law, and although it did not include recognition of the right to equality.

The ultra-Orthodox religious bloc (Haredi) opposed recognizing the right to equality for two main reasons, both related to the Jewish character of Israel. It claimed that

recognizing the right to equality as a constitutional right would lead to a violation of the Israeli Law of Return of 1950, which is one of the most important laws concerning the preservation of Israel's Jewish character and allows Jews to immigrate to Israel smoothly and without restrictions. It also argued that recognizing the right to equality would harm Jewish religious institutions, particularly the religious courts that have the authority to adjudicate matters of personal status law. Thus, during discussions regarding the recognition of rights as having constitutional status, there were simultaneous demands to ensure that the Jewish character of the State of Israel was not compromised or jeopardized (The Interactive Encyclopedia of the Palestinian Question, 1992).

The Basic Principles of the Basic Law:

1. The basic human rights in Israel are based on the recognition of the value of the human being, the sanctity of his life, and his being a free person, and they shall be upheld in the spirit of the principles included in the Declaration of the Establishment of the State of Israel.

- Purpose of the Law: is to protect human dignity and liberty, in order to embed the values of the State of Israel as a Jewish and democratic state, in a basic law.
- Preservation of life, body and dignity: One should not violate the life, body, or dignity of a human being as such.
- Protection of property: The property of a human being shall not be violated.
- Protection of life, body, and dignity: Every human being is entitled to protection of his life, body and dignity.
- Personal liberty: The liberty of a human being shall not be taken or restricted, by means of imprisonment, detention, extradition, or in any other manner.
- Leaving and Entering Israel:
 - (a) Every person is free to exit Israel.
 - (b) Every Israeli citizen has the right to enter Israel from abroad.
- Privacy:
 - (a) Every person has a right to privacy and to intimacy in his life.

(b) There shall be no entry into the private premises of a person, without his permission.

(c) No search shall be held on the private premises of a person, upon his body, in his body, or among his private effects.

(d) The confidentiality of conversation of a person, his writings or his records shall not be violated.

- Violation of Rights:

One is not to violate the rights accorded by this Basic Law save by means of a law that corresponds to the values of the State of Israel, which serves an appropriate purpose, and to an extent that does not exceed what is required, or on the basis of a law, as aforementioned, by force of an explicit authorization therein.

In 1994, an amendment to the Basic Law was enacted by adding a new article, Article 1, titled 'Basic Principles,' which defined the constitutional status of the 'Declaration of the Establishment of the State of Israel' in 1948:

Basic human rights in Israel are based on the recognition of the value of the human person and the sanctity of life as a free human being, and shall be respected in the spirit of the principles contained in the Declaration of the Establishment of the State of Israel.

In addition to the constitutional recognition of the Jewish character of the State of Israel (Articles 1, 1A) and the consolidation of fundamental rights (Articles 2–7) (Interactive Encyclopedia of the Palestinian Question, 1992).

Supreme Court Interpretation of the Basic Law of 1992:

The case of 'Hamizrahi Bank' was the first legal file submitted to the Supreme Court, during which numerous arguments related to the Basic Law of 1992 were raised. The judicial ruling issued by the Supreme Court regarding this case initiated the 'constitutional revolution' in the Supreme Court's rulings and analyzed for the first time the status of the Basic Law and the status of the rights stipulated therein. The majority of judges ruled that the Basic Law of 1992, and likewise, all other basic laws hold a constitutional status that places them above ordinary legislation, and they actually constitute the unwritten constitution of the State of Israel. The ruling also stipulated that the Supreme Court enjoys

the authority of judicial review over ordinary laws and can declare them null and void if they conflict with the conditions set forth in the 'limitation clause' (infringement of rights).

The court noted that the provision stating that any infringement of rights in the 1992 Basic Law must "not exceed what is necessary" is, in fact, a "proportionality clause" test.

The constitutional analysis conducted by the Supreme Court in its ruling in the 'Mizrahi Bank' case is still relied upon today. Over the years, the Supreme Court has developed interpretative tools that include further justifications for the constitutional analysis outlined in this ruling. It has also examined the scope of rights enshrined in the Basic Law, particularly the scope of the right to dignity, in a manner that has led, as part of the latter, to the inclusion of additional rights not explicitly recognized in the Basic Law, such as the right to equality, freedom of expression, the right to education, due process, the right to water, and more recently, the right to electricity (Interactive Encyclopedia of the Palestinian Question, 1992).

This Israeli Basic Law regarding human dignity and liberty is considered one of the most important legislations enacted by the Knesset since 1949. The law defines and guarantees fundamental human rights (preservation of life, liberty, and dignity; protection of property; the right to privacy...) that should serve to establish the values of the State of Israel as a Basic Law, recognizing it as a Jewish and democratic state. However, the law does not specify which of the Jewish or democratic identities takes precedence in the event of a conflict between these values, which raises concerns regarding the rights of Palestinian citizens of the state (Interactive Encyclopedia of the Palestinian Question, 1992).

The following is a prominent example of a petition submitted to the Supreme Court regarding the rights of Palestinian citizens of the state:

The impact of the Basic Law (Nationality Law) on the right to dignity stipulated in the Basic Law of 1992 concerning its application to Palestinian citizens in Israel.

The Supreme Court issued a ruling in 2021 regarding petitions submitted to annul the Nation-State Law enacted by the Knesset in 2018. Among the arguments relied upon in the petition submitted on behalf of the political leadership of Arab citizens in Israel—the Higher Follow-Up Committee for Arab Citizens of Israel—was one concerning human

dignity, a right recognized by the Basic Law of 1992 as a constitutional right. However, the ruling rejected all petitions to repeal the Basic Law, among other reasons, on the grounds that the identity of the State of Israel as a "Jewish and democratic" state is already stipulated in the Basic Law of 1992, in the Basic Law: Freedom of Occupation, as well as in the Declaration of the Establishment of the State of Israel. Consequently, in reality, the Nation-State Law does nothing more than consolidate the character of the state that had already been established by previous legal documents (Interactive Encyclopedia of the Palestinian Question, 1992).

3.4.2 The Orr commission (2000)

In November 2000, the Israeli government announced the formation of the Or Commission, an official investigative committee that worked to investigate the events of October 2000, which led to clashes and demonstrations between security forces and Jewish and Arab citizens in various parts of the Galilee, resulting in the deaths of 13 Palestinians living inside Israel at the hands of the Israeli police. The Or Commission was headed by Supreme Court Judge Theodor Or, in conjunction with Justice Hashem Khatib and Professor Shimon Shamir. The commission submitted its report on the October events on September 2, 2003 (Seeds of Peace, n.d).

The report presented several recommendations issued by the Or Commission following the investigations into the October events. These recommendations include:

1. **Police:** The Orr Commission concluded that the Israeli police had used excessive force against protesting citizens. Several police officers were reprimanded, and two were dismissed from duty.
2. **Arab Leadership:** The commission concluded that the Arab leadership in Israel must demonstrate greater responsibility in its messages and actions, as encouraging violence as a means of achieving goals, even legitimate ones, contradicts the Arab leadership's commitment to acting with a primary concern for public safety and social welfare (Inter-Agency Task Force on Israeli Arab Issues, 2013).
3. **At the methodological level:** the committee found that the Israeli government primarily deals with the Palestinian community in Israel with neglect and discrimination. The government has not shown sufficient attention to the needs of Palestinian citizens in Israel and has not taken adequate measures to ensure equitable

distribution of state resources. The Israeli government has not made enough effort to achieve full equality for its Palestinian citizens in Israel or to eradicate discriminatory or unjust phenomena. At the same time, insufficient efforts have been made to enforce the law to eliminate illegal and undesirable phenomena that have taken root within the Palestinian community in Israel (The Official Summation of the Or Commission Report, 2003), the committee criticized the government for its failure to give their needs fair and equal attention, concluding that this issue had been neglected for many years, and the resulting frustrations led to the outbreak of the events of October in 2000. The committee called on the government to take immediate, medium-term, and long-term measures to address gaps in various areas including education, housing, industrial development, employment, and services (Inter-Agency Task Force on Israeli Arab Issues, 2013).

The Or Commission noted that the Jewish majority must recognize that Israel is not only a Jewish state, but also a democratic one. It stated that achieving equality is one of the fundamental elements of the state's constitutional structure, and that the prohibition of discrimination applies to all citizens of the state. The majority must understand that the events that made Arabs a minority in the state were a national catastrophe for them, and that their integration into the State of Israel was accompanied by many painful sacrifices. The majority must work to respect their identity, culture, and language. The Commission also noted the possibility of publicly expressing the commonalities that bind all residents by incorporating official state events and symbols. It considered the need to find ways to strengthen Arab citizens' sense of belonging to the state without compromising their belonging to their culture and society (The Official Summation of the Or Commission Report, 2003).

Implementation: Recently, there has been a partial implementation of most of the commitments outlined in the Orr Committee, including:

1. Police: The Israeli police have adopted a new approach to handling civil demonstrations, which aligns with most of the recommendations of the Or Committee, and have issued new regulations regarding the use of rubber bullets. In addition, the police Internal Investigations Unit has initiated investigations in all areas recommended by the committee.

2. **Economic Development Authority:** The Economic Development Authority for the Arab, Druze, and Circassian communities was established in 2007 under the Israeli Prime Minister's Office. The authority is tasked with improving the economic capabilities of minorities in order to enhance their economic conditions and promote the principles of equality. It also works to coordinate and monitor government activities aimed at improving the overall economic development of the minority sector.
3. **National/Civil Service:** The Israeli government established a special committee titled 'Institutionalizing National Civil Service' in 2005, and its recommendations, which were adopted in 2007, led to the creation of the Civil Service Administration (Minhalit) under the office of the Israeli Prime Minister. This provided the opportunity for national civil service for Arab youth (and other population groups who do not serve in the Israel Defense Forces) (Inter-Agency Task Force on Israeli Arab Issues, 2013).

Although the findings and recommendations of the Or Commission, issued in 2003, criticized the Israeli police for using excessive force as well as systematic discrimination against Palestinian citizens in Israel, the Israeli judicial system did not prosecute any individual officials for the killing of Palestinian victims during the October events, and all cases were ultimately closed due to insufficient evidence in September 2005. However, the leaders of the Arab masses refused to accept this committee because its mandate was limited and did not meet the required purposes. After that, a judicial committee was formed to investigate the events of October, and the committee issued its report without directing any charges at those in security and political positions. Instead, it merely provided a general description of the conditions of Arabs in Israel and the circumstances of the events during October 2000, which led popular and representative Arab bodies in Israel to reject most of what the report presented, demanding justice, non-discrimination, and an investigation into the Israeli police officers who fired at Arab demonstrators (Asil Asla, n.d).

This incident not only highlighted that achieving equality is difficult, but also showed that Palestinians in Israel are treated more as subjects in a settler-colonial state than as citizens within Israel, particularly in moments of crisis that can be seen as challenges to the settler-colonial state system. These moments, recurring in their personal experiences (at airports

and checkpoints, for example) and their collective experiences (with the police, land expropriation, and immigration laws, ...), were crucial in awakening the Palestinians' awareness that their relationship with Israel is, in fact, a settler-colonial one (Rouhana & Sabbagh-Khoury, 2013).

Chapter Four

Conclusion

4.1 Conclusion

The research addressed the issue of the rights of minorities and indigenous peoples under international law, with a focus on the situation of Palestinians within the Green Line .It can be said that the international legal system has established a general framework for the protection of minorities and indigenous peoples and their rights, whether through international covenants and treaties such as the International Covenant on Civil and Political Rights, the United Nations Declaration on the Rights of Minorities, the United Nations Declaration on the Rights of Indigenous Peoples, and others, or through international oversight mechanisms such as the Committee on the Elimination of All Forms of Racial Discrimination and the Expert Mechanism on the Rights of Indigenous Peoples, and others, However, the gap between theory and practice remains deep, especially in cases where local practices and policies conflict with international commitments and standards.

In the case of Palestinians inside the Green Line, they are considered a national minority because they constitute a numerically and politically non-dominant majority within the borders of the State of Israel, despite historically being part of the Palestinian people. At the same time, they are described as an indigenous people due to their close connection to their land and their continuous presence there before the establishment of the State of Israel in 1948. They face legal, political, social, economic, and other challenges that hinder their full exercise of legitimate rights, starting from being considered merely an ethnic and religious minority and the issuance of many discriminatory laws in employment and housing, through restrictions on educational and cultural rights, up to the lack of full recognition of their collective identity. Although Israel is a party to many international agreements that prohibit discrimination, their implementation in reality still suffers from significant shortcomings, necessitating more effective and mandatory international intervention to ensure the protection of these rights from any violation.

Through this study, it has been demonstrated that ensuring the rights of the Palestinian community within the Green Line is not limited to internal legal and political reforms alone. It also requires effective international oversight mechanisms, sustained diplomatic

pressure, and increased awareness of human rights within the international community, Furthermore, promoting and activating solutions based on full equality and transitional justice can constitute a fundamental approach to addressing the structural problems facing the Palestinian community within the Green Line.

In conclusion, the question remains: Can international law be an effective means of protecting the rights of minorities and indigenous peoples in the context of systems whose policies contradict the principles and values of equality? The answer requires further research and legal and political struggle, as human rights are not a field that can be compromised, and the protection of minorities and indigenous peoples represents a true measure of the international community's commitment to the values of fairness and justice.

4.2 Results

Conceptual distinction between indigenous peoples and minorities:

The legal adaptation of the Palestinian community in Israel cannot be classified solely within the framework of an 'Arab minority' in the traditional sense of minorities, as stated in the official Israeli discourse. The criteria established in the first chapter, when applied to the case under study, reveal characteristics that go beyond the narrow definition of a cultural minority.

First: it becomes clear that the Palestinian community in Israel possesses an integrated collective national identity, based on a shared historical consciousness, a specific political narrative, and affiliation with a broader people that extends beyond the state's borders. This element places them within the concept of a national minority representing a people within the framework of an existing state, rather than merely a religious or ethnic group seeking only to protect its cultural uniqueness.

Secondly, the study shows that the presence of the Palestinian community in Israel predates the establishment of the modern state, and that their relationship with the land is not a subsequent settlement, but a deep-rooted historical connection. This matter approaches one of the essential criteria associated with the characterization of indigenous peoples, which is represented in historical continuity and prior existence before the emergence of the existing political system.

Thirdly, in terms of the scope of rights, limiting recognition to individual rights, or accepting only certain cultural manifestations, is not consistent with the nature of the collective identity of the Palestinian community in Israel. Theoretical standards show that a national minority deserves recognition of collective rights with an institutional and political dimension, while the concept of the indigenous people goes further in acknowledging forms of internal self-determination and the preservation of specific ways of life.

Fourth, it is evident that the official Israeli stance, despite acknowledging the existence of gaps and discrimination as indicated by reports such as the Or Commission Report, has not led to a fundamental redefinition of the status of the Palestinian community in Israel. Instead, it has maintained an approach focused on abstract individual citizenship, while avoiding recognition of their national dimension or their historical particularity as a community that predates the establishment of the state. Israel clearly refuses to classify them as an indigenous people and a national minority, and suffices with describing them as an ethnic minority and a religious minority. Israel's main objective with this classification is to deprive them of some of their individual rights, particularly collective rights, such as the right to self-determination and the right to preserve their cultural and linguistic heritage.

Rights guaranteed to the Palestinian community in Israel:

Many international conventions, such as the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, the United Nations Declaration on the Protection of Minorities, and the United Nations Declaration on the Protection of Indigenous Peoples, guarantee the right of the Palestinian community to exercise its individual rights, such as the right to nationality, the right to health care, the right to work, the right to political participation, the right to land, the right to security and safety, and the right to social welfare. They also exercise collective rights, such as the right to self-determination, the right to cultural heritage, and the right to practice their own language. All of these rights are guaranteed to them and may not be deprived of them in any way.

Structural discrimination:

Although international conventions related to the rights of minorities or indigenous peoples and others stipulate the protection of the rights of the Palestinian community in Israel, the Palestinian community in Israel still suffers from discriminatory Israeli policies in many areas such as the distribution of resources, urban planning, political representation, etc., despite the fact that they are Israeli citizens.

The Orr Commission's Impact:

The Orr Commission worked on recognizing the rights of the Palestinian community in Israel and is one of the most important commissions that acknowledged the rights of the Palestinian community in Israel. The commission acknowledged that Israel practiced long-standing discrimination against them and called for the protection of their rights from discriminatory policies implemented by the Israeli government in various areas such as education, health, housing, services, budgets, and resources...etc. The committee has worked to transform the Palestinian community in Israel from an individual force into a collective force seeking to defend its rights against discriminatory Israeli policies. Despite the importance of the committee, it is considered more of a symbolic force than an actual one on the ground, because the committee's recommendations have not been tangibly implemented due to the influence of Israeli government policies on all aspects of the state.

Israeli legislation affecting rights:

Israel restricts the individual and collective rights of Palestinians inside Israel by issuing racist legislation. Israel issued the “Jewish Nation-State Law” in 2018, which affirmed Jewish national superiority and abolished the legal and symbolic status of the Palestinian community inside Israel. This contradicts the collective rights of indigenous peoples, especially with regard to the Arabic language, their Palestinian identity, and the right to self-determination. It can be concluded that there is an imbalance in achieving equality among Palestinians inside the Green Line, whether at the level of all rights.

Absence of international protection:

The ineffectiveness of United Nations mechanisms in obliging Israel to protect the rights of the Palestinian community in Israel has led to Israel's non-compliance with international standards regarding the rights of minorities or indigenous peoples. There are

numerous Israeli laws (such as the 2018 Jewish Nation-State Law) that do not comply with international standards on the rights of minorities or indigenous peoples, as stipulated in: the United Nations Declaration on the Rights of Indigenous Peoples (2007), human rights conventions, and the International Covenant on Civil and Political Rights (1966).

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كلية الدراسات العليا

حقوق الأقليات وفقاً للقانون الدولي: ال فلسطينيون داخل الخط الأخضر

إعداد

إبراهيم علي عطا الله صلاح

إشراف

د. جوني عاصي

قدمت هذه الرسالة استكمالاً لمتطلبات الحصول على درجة الماجستير في قانون دولي وحقوق الإنسان
بكلية الدراسات العليا في جامعة النجاح الوطنية في نابلس، فلسطين.

2026

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الملخص

تهدف هذه الدراسة إلى تسليط الضوء على حقوق الأقليات والشعوب الأصلية وفقاً للقانون الدولي، مع التركيز على وضع الفلسطينيين داخل الخط الأخضر كدراسة حالة (مواطني إسرائيل من أصل فلسطيني). وقد استخدم الباحث في هذه الدراسة المنهج الاستنتاجي بحيث تطرقت الدراسة في البداية إلى التمييز بين مفهومي الأقلية والشعوب الأصلانية، وبحثت الدراسة في مدى انطباق كل من المفهومين على وضع المجتمع الفلسطيني داخل الخط الأخضر، في ظل النظام السياسي والقانوني الإسرائيلي الحالي، وما يترتب على هذا التصنيف من حقوق فردية وجماعية في ضوء الاتفاقيات الدولية ذات العلاقة، خصوصاً العهد الدولي الخاص بالحقوق المدنية والسياسية (1966)، إعلان الأمم المتحدة بشأن حقوق الشعوب الأصلية (2007) وغيرها. وقد توصلت الدراسة إلى عدة نتائج وهي أن الفلسطينيين داخل الخط الأخضر، يُعتبرون أقلية قومية لأنهم يشكلون أغلبية غير مهيمنة عددياً وسياسياً داخل حدود دولة إسرائيل، على الرغم من كونهم تاريخياً جزءاً من الشعب الفلسطيني. وفي الوقت نفسه، يُوصفون بأنهم شعب أصيل نظراً لارتباطهم الوثيق بأرضهم ووجودهم المستمر فيها قبل قيام دولة إسرائيل عام 1948. ويواجهون تحديات قانونية وسياسية واجتماعية واقتصادية وغيرها تعيق ممارستهم الكاملة لحقوقهم المشروعة، بدءاً من اعتبارهم مجرد أقلية عرقية ودينية، والعمل على إصدار العديد من القوانين التمييزية في العمل والسكن، مروراً بالقيود المفروضة على حقوقهم التعليمية والثقافية، وصولاً إلى عدم الاعتراف الكامل بهويتهم الجماعية. ورغم أن إسرائيل طرف في العديد من الاتفاقيات الدولية التي تحظر التمييز، إلا أن تطبيقها على أرض الواقع لا يزال يعاني من قصور كبير، مما يستدعي تدخلاً دولياً أكثر فعالية وإلزامية لضمان حماية هذه الحقوق من أي انتهاك.

الكلمات المفتاحية: الأقليات، الشعوب الأصلانية، الفلسطينيون داخل الخط الأخضر.