

# The Palestinian Minority in Israel and the Middle East Peace Process

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For the past 20 years, the continuous presentation of the two-state solution as the preferred solution for the Israeli-Palestinian conflict has allowed for its uncritical adoption, ignoring important and serious questions about its different aspects and ability to resolve the conflict. In this paper, I will explore the relatively understudied issue of the impact of this solution on the Palestinian minority in Israel. I will approach this topic from the angle of Israel's political and constitutional regime and its strong ethnic element.

Israel's definition as a Jewish and democratic state contains a number of contradictions and tensions which are evident in a number of areas, mainly Israeli constitutional law and Israeli human rights regime especially with regard to equality rights. They also affect certain practices in specific policy areas such immigration, land allocation and the ability to participate in the democratic process. Although often denied by some scholars and by the Supreme Court, more thorough analyses of the situation seem to admit to certain problems in the current constitutional order, but often add the proviso that with the creation of a Palestinian state, the contradictions and tensions will be resolved, and Israel will be a liberal democracy.

Because of these tensions and contradictions in Israel's definition, partition, as envisioned by the model of the two states, will definitely impact the Israeli polity and legal system. This kind of formula implies an agreement, conceivably with international blessing, to create two *ethnic* states. This paper will argue that this kind of agreement will potentially have far reaching negative implications on the Palestinians living in Israel.

Evidence suggesting that this is the most likely scenario could be adduced on two levels: First, the political level, especially focusing on the repetitive declarations by Israeli officials, asserting that the Palestinian state will be the answer to *all political and national aspirations of Palestinians, wherever they are*. This phrase is meant to include the Palestinian refugees and the Palestinians inside Israel. Evidence on this level is further reinforced by the fact that as it stands today, the Palestinians in Israel and their interests are not represented by any of the parties at the negotiation table. The second level is the philosophical and politico-legal level. Since a lot of self-proclaimed liberal scholars assert that some forms of discrimination could be tolerated because they will become legitimate once a Palestinian state is formed, it is reasonable to assume that those discriminatory policies will be further entrenched and intensified once the Palestinian state is formed.