MINORITY EDUCATIONAL AUTONOMY RIGHTS:
THE CASE OF ARAB-PALESTINIANS IN ISRAEL

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The Arab-Palestinian minority in Israel—some 20% of the country’s citizens—constitute both a substantial national minority and an indigenous minority. Nevertheless, the Arab education system does not reflect basic international minority rights standards; it is characterized by unequal allocation of state resources, lack of recognition of the Arab-Palestinian minority’s cultural needs and marginalization of Arab leadership in policy decision-making. This stands in stark contradiction to international law which provides for equality in educational outputs and financial allocations, the right to shape one’s identity and to establish educational priorities for oneself and one’s community and, no less importantly, minorities’ right to manage their own education system. Although Israel has ratified most relevant conventions this article argues that it has yet to enshrine or apply such standards in domestic legislation or practice. Following an analysis of educational autonomy for the Arab Palestinian minority through the lens of international and domestic legal standards, the article highlights Palestinian civil society initiatives seeking to promote educational autonomy. In line with suggestions for reform promoted by the community and taking into account current legal standards, the article will conclude with a series of recommendations intended to achieve this aim.

INTRODUCTION

Currently, there are some 1.4 million Arab-Palestinians citizens in Israel not including East Jerusalem Palestinians.1 This substantial

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1 Press Release, Isr. Cent. Bureau of Stat., 68th Independence Day—8.5 Million Residents in the State of Israel (May 9, 2016), http://www.cbs.gov.il/www/hodaot2016n/11_16_134e.pdf. Palestinians currently living in historical Palestine may be divided into three broad groups that each live under different legal and political systems. These groups are: (1) stateless Palestinians living in the West Bank and Gaza; (2) Palestinian Jerusalemites, or Palestinian residents of Israeli-occupied and annexed East Jerusalem; and (3) Palestinians living in Israel—minority citizens in Israel since the 1948 war. This final group is the focus of this Article. Since Israel’s annexation of East Jerusalem in 1967, the Israeli government includes East Jerusalem Palestinians—who are not holders of Israeli citizenship—in their statistics. For this reason, the citation states that the Arab population numbers approximately 1.77 million individuals.
national indigenous minority, like other minorities, faces significant challenges to equality and national recognition. Education is a central vehicle for ensuring socio-economic mobility and engendering meaningful participation in the public sphere. Thus, educational inequality and sub-par education can have grave consequences for youths’ ability to be productive and upstanding citizens within mainstream Israeli society.

Arab education in Israel is hindered by a number of factors including socio-economic disadvantage, cultural biases in official curricula, and unequal budget allocations. Curricula in both Jewish and Arab public schools are developed by the Israeli Ministry of Education. Yet, while the focal point of Jewish education is Zionist and nationalistic, the Arab education system is stripped of any parallel Palestinian national character.

This inequality stands in contradiction to international legal norms and standards, which clearly support equality in educational outputs, financial allocations, and the right to education. International law not only supports the right to shape one’s identity and to establish educational priorities for oneself and one’s community, it also supports minorities’ right to manage their own education systems and, in particular, self-administration of educational systems for indigenous minorities. Accordingly, the community itself determines appropriate educational goals and outcomes for its young people, taking into account cultural and religious identities, as well as historical circumstances. Israel has ratified most relevant conventions but has yet to enshrine and apply such standards in domestic legislation.

In light of the poor state of Arab-Palestinian education, discrimination in funding, and lack of control over educational outcomes, Arab-Palestinian community leaders are increasingly seeking alternatives to the status quo. These are, to a large degree, inspired and shaped by international legal standards while taking into account existing domestic legislation and arrangements in Israel.

This article will outline international legal standards that support Arab-Palestinians’ right to self-steering. It will then present an overview and analysis of the current legal situation in Israel and conclude with a description of key community-based initiatives, with a special focus on the establishment of the Arab Pedagogical Council. The article primarily intends to shed light on the right for educational autonomy in the context of the Palestinian minority in Israel light of international and domestic

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2 See Or Kashti, Israel Aids Its Needy Jewish Students More Than Arab Counterparts, HAARETZ, Aug. 12, 2009, http://www.haaretz.com/hasen/spages/1106955.html. For instance, the average government allocation to Arab junior high schools is only 20% of that in Jewish junior high schools, and Arab schools suffer from a lack of classrooms and even updated textbooks.

legal standards. As such, the article highlights the current situation—characterized by lack of recognition of the right to self-steering for Israel’s indigenous Palestinian minority—with the community’s increasing awareness of the discourse in international law. It will also highlight Palestinian civil society initiatives to promote their aims.

I. APPLICABLE LEGAL STANDARDS

Minority groups—and particularly indigenous groups—are often exposed to pressures of cultural erosion of their collective identities and historical narratives and even assimilation of their traditions and cultures. These pressures may come from the labor market, the public bureaucratic system, the political system, consumer forces, and the language of the mass media. This can lead to a weakening these minorities’ collective identities, and hinder their ability to preserve an ethnic, cultural or religious identity that would enable their members to pursue a meaningful life as collectives. Unsurprisingly, international discourse has reached a consensus that minority groups require special legal protections, as we will explain in the following section, while focusing on the right to education.

A. International Legal Standards

The right to education is particularly important for national, linguistic, religious, and indigenous minorities. It is also firmly embedded in international legal discourse. The first significant document, which laid the groundwork for future standards, was the Universal Declaration of Human Rights of 1948. Article 26(1) states that “[e]veryone has the

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5 Certain minority groups do not require the same group-based protections. For example, those of a small political party, a particular age group, a certain physical size, or “perpetual minorities” (those groups that arguably will statistically never constitute the majority, such as homosexuals, disabled persons, etc.), should be granted their full human rights, treated as full and equal citizens, and protected from de jure and de facto discrimination. However, any claims for collective minority rights based on the preservation of identity, language, and culture are less well-founded because these elements of their identities are not comparably endangered. In other words, there is little risk of their forced “assimilation.”


right to education” and 26(3) specifies that “[p]arents have a prior right to choose the kind of education that shall be given to their children.”

In 1960, UNESCO presented for ratification the Convention Against Discrimination in Education. Ratified by Israel in 1961, it not only speaks to the importance of non-discrimination, but also includes an obligation to affirmatively advance equality. Article 5(c) is instructive here: “It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and . . . the use or the teaching of their own language.” Article 5(c)(i) continues by noting that this should not prevent minorities from being active participants on the national level: “This right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities . . . .” Therefore, the convention includes a positive injunction regarding minorities’ right to education, while simultaneously noting that this should not come at the expense of national participation.

The U.N. further emphasized the importance of ending discrimination in the seminal International Convention on the Elimination of All Forms of Racial Discrimination of 1965. Articles 5 and 7 are important for our purposes. Article 5 declares: “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law . . . .” With specific regard to education, Article 7 instructs “States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups . . . .” Thus, this document, ratified by Israel in 1979, strengthens and adds legitimacy to the aforementioned UNESCO convention.

In 1991, Israel ratified the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 13 recognizes the univer-

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8 Id.
10 Id.
11 Id.
13 Id.
14 Id.
sal right to education and asserts “education shall be directed to the full
development of the human personality and the sense of its dignity, and
shall strengthen the respect for human rights and fundamental free-
doms.” Article 13(3) continues:

The States Parties to the present Covenant undertake to
have respect for the liberty of parents and, when appli-
cable, legal guardians to choose for their children
schools, other than those established by the public au-
thorities, which conform to such minimum educational
standards as may be laid down or approved by the State
and to ensure the religious and moral education of their
children in conformity with their own convictions.16

Thus, Article 13 clearly establishes the student’s right to an education
that promotes their fullest development, as well as the parent’s right to
direct their child’s education.

The 1966 International Covenant on Civil and Political Rights
(ICCPR), ratified by Israel in 1991, is another seminal body of interna-
tional law on the subject of minority rights. 17 Article 26 addresses the
issue of discrimination as follows:

All persons are equal before the law and are entitled
without any discrimination to the equal protection of the
law. In this respect, the law shall prohibit any discrimi-
nation and guarantee to all persons equal and effective
protection against discrimination on any ground such as
race, colour, sex, language, religion, political or other
opinion, national or social origin, property, birth or other
status.18

Article 27 grants minorities the right to fulfill the decrees of their
faith, the right to preserve their language and the right to preserve their
culture, and formed the basis for the subsequent development of a broad-
er minority rights legal regime. It reads as follows: “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
practise their own religion, or to use their own language.”19 Despite its
negative formulation, it is widely understood that in order to realize Arti-

16 Id.
17 U.N. International Covenant on Civil and Political Rights, Dec. 16,
18 Id.
19 Id.
Article 27, states must take active steps that enable ethnic and indigenous minorities to freely cultivate their cultural and national identities.\(^{20}\)

In addition to the aforementioned education and minority rights and the prohibition on discrimination, international law also has a long history of supporting the principle of self-determination for minority groups.\(^{21}\) The United Nations itself was founded “[t]o develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.”\(^{22}\) Furthermore, the right to self-determination is prominently declared in Article 1 of both the ICCPR and the ICESCR.\(^{23}\)

Francis Raday describes the contribution of three General Assembly Declarations to the evolution of this right:

The first, the Declaration on the Granting of Independence to Colonial Countries and Peoples, restricted the right to self-determination to colonized peoples. The second, the Declaration On Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations . . . extended the right beyond the previously accepted context of decolonization, defining it as the right of all peoples. The third, the 1993 Vienna Declaration, reinforced this right as a human right . . . .\(^{24}\)

A number of other documents have further strengthened the international human rights regime in relation to minority education. The 1989 Convention on the Rights of the Child (CRC), ratified by Israel in 1991, is arguably the most important international document on this topic, because it not only mentions the importance of collective rights, but also acknowledges that children are endowed with independent personalities and identities.\(^{25}\) Article 28(1) notes that “States Parties recognize the right of the child to education . . . on the basis of equal opportunity . . . .”


\(^{22}\) U.N. Charter art. 1, ¶ 2.

\(^{23}\) ICCPR, supra note 17; ICESCR, supra note 15.

\(^{24}\) Raday, supra note 21, at 455.

thus reinforcing previous documents that emphasized non-discrimination.  

26 Article 29(1) specifies the content and goals of such education, notably:

a) …;
b) …;
c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.  

27 This is strengthened by Article 30, which relates specifically to minority children:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.  

28 Importantly, Article 30, like Article 27 in the ICCPR, is understood to be a statement of obligation, as opposed to one of principle, and bestows a collective or group-based right. Thus, the CRC lays out the right to equal educational opportunities for all children, as well as a collective right of minorities to culturally appropriate education.

The CRC also makes a strong argument for the right to identity, which is integrally connected to the right to influence educational content and aims, as schooling holds a central role in the shaping of a child’s identity. The CRC articulates two relevant obligations: the child’s right to identity and the child’s right to shape their identity. Article 8 relates to the first—the child’s right to identity:

1) States Parties undertake to respect the right of the child to preserve his or her identity, including na-

26 Id.
27 Id.
28 Id.
tionality, name and family relations as recognized by law without unlawful interference.

2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

Article 12 addresses the second obligation—the right of each child to shape their identity:

(1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

The right to an identity and to shape that identity derives from the foundational principle of equality—thus minority children have the same identity rights as their majority counterparts.

In summary, all of the international agreements outlined above, each ratified by Israel, explicitly mention the right to education, including three crucial components of this right: the right to receive education, the right to equality in education, and the right to impact educational content and aims.

The last two decades saw the passage of two additional significant documents: the 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on Minorities) and the 2007 International Declaration on the Rights of Indigenous Peoples (UNDRIP). While both documents are non-binding, they enjoy universal recognition and support and reflect an aspiration and model for international best practices. Importantly, both also include clauses that grant minority groups the right to establish and independently manage their own educational and cultural institutions. Furthermore,
a broad and effective reading of these documents supports an understanding that ethnic minorities must be guaranteed a minimum level of cultural autonomy (including educational autonomy) in order to fully and effectively enjoy, maintain, and develop their own culture.36

The Declaration on Minorities contains several provisions allowing minorities to establish their own institutions. Article 2(4), for example, reads “Persons belonging to minorities have the right to establish and maintain their own associations.”37 However, the declaration falls short of granting minorities the kind of group-based autonomy that is necessary to ensure the continuation of their unique identities and ways of life.38 This omission might be due to states’ fears that such autonomy would threaten their sovereignty and encourage secessionist tendencies.39 However, such arguments have negatively affected indigenous peoples by preventing, inhibiting or weakening the realization of their legitimate rights.40 As we will see below, the UNDRIP largely corrected this omission, while also implicitly acknowledging that the granting of collective rights is rendered meaningless without concurrently empowering minority groups to determine the nature and scope of these rights.41

The truly significant development in the international minority rights regime—at least in relation to the indigenous Arab-Palestinian minority in Israel—came about as a result of the UNDRIP. While it was groundbreaking in a number of ways, its emphasis on autonomy, self-steering,


36 Thornberry, An Unfinished Story, supra note 20, at 70-71. Thornberry has rightly made it clear that there is a clear connection between effective participation, on the one hand, and autonomy, on the other. “Effective participation through local and national organization may,” as he explains, “necessitate the creation of autonomies to achieve the Declaration’s standard.”

37 Declaration on Minorities, supra note 33.


40 See Allen, supra note 39, at 330-31; see generally PATRICK THORNBERRY, INTERNATIONAL LAW AND THE RIGHTS OF MINORITIES (1991) [hereinafter THORNBERRY, INTERNATIONAL LAW].

41 See Anaya & Wiessner, supra note 35.
and the right of minority and indigenous groups to independently manage their own affairs are its most important contributions. Furthermore, the UNDRIP also grants indigenous peoples the right to establish and control their own education systems.42

The right to self-determination is noted a number of times in the UNDRIP. While the right to self-determination in the preamble is general and relatively undefined,43 subsequent articles clarify the point, advocating for self-steering within the existing political and social context of any given country.44 The right to self-determination is established in Article 3, which reads: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”45 Article 4 expands on this by declaring: “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”46 Thus, the Declaration not only establishes and proscribes the boundaries of this right, but also enjoins states to provide financing for its realization.

Self-determination, in the context of the UNDRIP, is not related to territorial autonomy, but is instead a prescription for internal autonomy, seeking to ensure active participation of indigenous peoples in the organs of the states in which they live. This is made clear in Article 5, which clarifies that the right of indigenous peoples to maintain their own “political, legal, economic, social and cultural institutions” does not affect their right to participate fully and effectively in the same state institutions.47 Thus, autonomy on the internal level was not meant to replace representation on the national level.48 Furthermore, the UNDRIP impos-

42 Id. Anaya and Wiessner argue that key parts of the declaration, or principles embedded in it, reaffirm customary international law. See generally Li-jphart, supra note 38.
43 UNDRIP, supra note 34. See, e.g., id., at pmbl. (“Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law . . . .”).
44 See, e.g., id. arts. 3-4; see also Siegfried Wiessner, Rights and Status of Indigenous Peoples: A Global Comparative and International Legal Analysis, 12 HARV. HUM. RTS. J. 57, 101-04, 116-20 (1999).
45 UNDRIP, supra note 34.
46 Id.
47 Id.
48 Id. Proscribed rights should not come at the expense of, or replace, basic citizenship and political rights, nor should they compromise influence on the national level. Article 5 of the Declaration states this clearly: “Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the
es crucial injunctions on states to involve indigenous peoples in decision-making bodies through fair and meaningful representation.\textsuperscript{49} It seems to envision new structures of governance within the framework of existing national systems, which would grant self-steering to indigenous peoples in several areas of life.\textsuperscript{50} Thus, indigenous peoples are given the right to run their own institutions within their countries of citizenship while simultaneously participating in the national life of the country.

The UNDRIP specifies a number of areas of autonomy, most of which can be defined as falling within the general confines of cultural rights.\textsuperscript{51} Most importantly for our purposes, Article 14 relates specifically to self-administration of education. It states:

1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2) ....

3) States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.\textsuperscript{52}

Thus, not only does the Declaration emphasize the importance of self-determination, it also specifies what this means in practice.

The UNDRIP also emphasizes preservation and development of indigenous peoples’ unique identities, while simultaneously supporting groups’ rights to freely preserve their identities as they see fit.\textsuperscript{53} Undoubtedly, this thorough treatment reflects difficulties faced by indigenous peoples on the ground and is an attempt to ensure that states do not shirk their obligations to support indigenous groups’ comprehensive autonomy.

state” (\textit{Id.}, art. 5, emphasis added). Articles 18 and 19, which emphasize consultation and participation along with recognition of indigenous groups’ representative leaders, are also instructive here.

\textsuperscript{49} See, \textit{e.g.}, \textit{id.} arts. 5, 27, 29-32.

\textsuperscript{50} Allen, \textit{supra} note 39, at 331; see also Rene Kuppe, \textit{The Three Dimensions of the Rights of Indigenous Peoples}, 11 \textit{INT’L COMMUNITY L. REV.} 103, 103-104, 111, 115 (2009); Anaya & Wiessner, \textit{supra} note 35.

\textsuperscript{51} See, \textit{e.g.}, UNDRIP, \textit{supra} note 34, arts. 11–13, 16, 24, 33; see generally Wiessner, \textit{supra} note 44, at 103 (discussing the history of treatment of indigenous peoples and the need to reengage those peoples and their values).

\textsuperscript{52} UNDRIP, \textit{supra} note 34.

\textsuperscript{53} See generally Anaya & Wiessner, \textit{supra} note 35.
Self-determination is viewed by indigenous groups as fundamental on a number of levels, firstly because it is regarded as a prerequisite for the realization of other rights—including social, political, legal, economic, and religious rights—enumerated by the UNDRIP.\(^{54}\) It also implicitly affirms the nature of indigenous peoples as distinct collectives and grants them the right to assert their legal standing as such.\(^{55}\) The inclusion of collective rights not only ensures that the unique characteristics of such groups are safeguarded, but also empowers indigenous peoples to compete on equal footing with dominant social groups.\(^{56}\) Furthermore, the deliberate inclusion of autonomy clearly shows that autonomy is not an extra, additional or optional right, but rather one fundamental to full and genuine realization of indigenous rights.\(^{57}\) Provision of such rights can help the state overcome the inherent tendency to favor the culture, legal system, religion, and norms of the dominant social group.\(^{58}\) Indeed, the creation of spheres of influence and legal protections for disadvantaged groups can mitigate the inherent imbalance between the “colonized” and the “colonomizer.”\(^{59}\) Thus, self-determination is a key demand of indigenous peoples and is viewed as an essential addition to the canon of international law.

The UNDRIP accordingly strengthens previous documents and also breaks important new ground. However, while the passage of these documents has been significant, governments are still grappling with how to balance the needs of minorities with various forms of pressure from majority groups.\(^{60}\) Indeed, enabling effective internal self-determination while also ensuring participation by indigenous minorities in national public and social institutions, as outlined in the international declarations, will require more substantial action on the legislative and policy levels both domestically and internationally.

The need for additional rights for indigenous minorities is augmented by the fact that indigenous communities are not merely disadvantaged segments of a nation’s population requiring special attention or aid in order to improve their socio-economic and political status. Rather, they are groups with deep roots in specific geographic regions and with cultural practices associated with those regions.\(^{61}\) Their disadvantaged posi-

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\(^{54}\) See, e.g., UNDRIP, supra note 34, arts. 5, 14, 23, 31-34.

\(^{55}\) See Stéphanie C. Janet, Development, Minorities and Indigenous Peoples: A Case Study and Evaluation of Good Practice 10 (2002); Anaya & Wiessner, supra note 35; Wiessner, supra note 44, at 120.

\(^{56}\) See Vijapur, supra note 38, at 387.

\(^{57}\) Jabareen, Redefining Minority Rights, supra note 35, at 130 n. 49.

\(^{58}\) Kuppe, supra note 50, at 111.

\(^{59}\) Id.

\(^{60}\) Jabareen, Redefining Minority Rights, supra note 35, at 145-59.

\(^{61}\) Allen, supra note 39, at 323; see generally Kuppe, supra note 50, at 103-06.
tion is directly related to the introduction of an unfamiliar governing structure, which has been forcibly imposed upon them and their traditional ways of life. Indigenous claims to self-determination are thus even stronger than those of immigrant groups in a particular society. The introduction of immigrants into any given society is often regarded as a choice and an embodiment of the immigrant’s individual will to move to another place, whereas indigenous groups have made no such choice. Accordingly, the disadvantages faced by indigenous groups are unique and strengthen their claims for additional rights.

The adoption of the UNDRIP signaled that international law distinguished between the rights of minority groups and those of indigenous peoples; indigenous minorities are understood to enjoy the combined protections of both declarations. As Patrick Thornberry points out, “There is clearly an overlap between the general case of minorities and the specific issue of indigenous groups.” Similarly, Erica-Irene A. Daes notes that the concepts of “indigenous peoples” and “minorities” are “logically and legally related.” Irrespective of definition, there is no doubt that the concept of minority rights recognizes collective rights for distinct groups within society. Individual rights are guaranteed to each member of a group; indeed, all citizens are entitled to equality of rights regardless of whether they are members of a group that may deserve special rights. However, collective rights derive from group differentiation that sets the minority group apart from the majority group. Realizing collective rights requires the application of special measures on a permanent or semi-permanent basis in order to assure appropriate protec-
tion of the minority group’s unique and usually fragile identity and interests.\textsuperscript{70} The specific rights guaranteed to the group depend on the nature of the group, but irrespective of the particular rights, they are conferred upon the minority due to its uniqueness as a group.\textsuperscript{71}

B. Domestic Legal Standards

Following the establishment of the State of Israel in 1948, the Palestinian-Arab minority lost the educational autonomy they enjoyed under the British during the Mandate period.\textsuperscript{72} In its place, the new state established a centralized education system under the purview of the Ministry of Education. Today, Arab education is managed by the Department for Education for Arabs, within the Ministry. The major difference between Arab education and general state Jewish education is that the Arab education system teaches in Arabic. The curricula for the two systems are almost identical in mathematics, sciences, and English but vary across the systems in the humanities (history, literature, etc.). Hebrew is taught as a second language in Arab schools, while only basic knowledge of Arabic is taught in Jewish schools. Arabic is not obligatory for Jewish schools’ matriculation exams.\textsuperscript{73}

Issues of governance are almost exclusively in the hands of Jewish administrators. Members of the Arab-Palestinian community enjoy only the most marginal influence in decision-making regarding curricular policies, finance, strategic thinking, and other management issues. As this section will demonstrate, these contrasts sharply with the legal and practical power granted to other sectors of Israeli society and stands in opposition to international law. Indeed, other sectors of the population wield meaningful influence over their own education.

Public education in Israel is regulated primarily through the State Education Law of 1953. The law establishes and specifies the functioning of two separate and independent education streams: a secular state

\textsuperscript{70} See WILK K YMLICKA, MULTICULTURAL CITIZENSHIP: A LIBERAL THEORY OF MINORITY RIGHTS 126-29 (1995) [hereinafter KYMLICKA, MULTICULTURAL CITIZENSHIP]; KYMLICKA, POLITICS IN THE VERNACULAR, supra note 38, at 82-88; Vijapur, supra note 38, at 383.

\textsuperscript{71} See KYMLICKA, MULTICULTURAL CITIZENSHIP, supra note 70, at 149–50; KYMLICKA, POLITICS IN THE VERNACULAR, supra note 38, at 83-84. Special measures for groups generally provide them with legal protection, both on individual and collective levels, with the aim of achieving equality with majority groups. They are in particular need of these protections due to being the frequent target of discriminatory actions and pressure to assimilate.

\textsuperscript{72} MAJID AL-HAJ, EDUCATION, EMPOWERMENT, AND CONTROL: THE CASE OF THE ARABS IN ISRAEL 61-68 (1995) [hereinafter AL-HAJ, EDUCATION, EMPOWERMENT, AND CONTROL].

\textsuperscript{73} See Jabareen, Law and Education, supra note 3, at 1060-62.
system and a state religious system. It defines the institutional setup of the public education system in Israel, as well as its goals—yet only in Jewish terms and only for Jewish students. Arab education is only mentioned in passing and by inference. Article 4 of the aforementioned law features a laconic reference to special curricula in “non-Jewish” institutions. The clause reads: “the Minister shall prescribe the curriculum of every educational institution; in non-Jewish educational institutions, the curriculum shall be adapted to the special conditions thereof.” Historically, and to this day, all functional aspects of the non-Jewish education system have been determined by the Ministry of Education. Beyond this vague reference, the collective educational interests of the Palestinian community are completely excluded from the scope of the law in its original formulation.

The lack of a legal foundation for Arab-Palestinian education stands in stark contrast to the two principal Jewish education systems (state secular and state religious) whose existence and operation are clearly defined in the State Education Law. The religious stream of state education is provided with wide-ranging powers to shape its curriculum. Students in this system study secular topics, along with lessons tailored to their religious affiliation and belief system. They also benefit from the guidance and services of an autonomous and fully funded pedagogical council, whose roles and responsibilities are clearly recognized by a number of articles in the law. Article 15, for example, states:

[T]he Minister shall . . . consult the Council for Religious State Education before exercising any of the powers vested in him by this Law relating to religious State education, including the power to appoint the Director of the Religious Education Division in the Ministry of Education and Culture and the power to appoint of inspectors, principals and teachers of religious State-educational institutions.

Article 16 states: “supplementary programs for religious State-educational institutions shall be prescribed by the Minister with the con-

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74 See State Education Law, 5713–1953, § 4-18, 50 (Isr.).
76 State Education Law, 5713–1953, 7 L.S.I. 113, 113 (1952–1953) (Isr.) (this article is now article 4(1) of the Law).
77 Jabareen, Law and Education, supra note 3, at 1052.
78 Id. at 1059.
79 State Education Law, 5713–1953, 7 L.S.I. 113, 115 (1953–54) (Isr.).
sent of the Council for Religious State Education.”\textsuperscript{80} Therefore, children in this stream of education benefit from the oversight of a committee that enjoys clearly established powers and fairly wide-ranging authority.

As noted, basic legislation regarding public education in Israel does not officially recognize the existence of an Arab education system,\textsuperscript{81} thus rendering the Arab education system devoid of formal recognition or legal distinction. Given that Arab-Palestinians are an indigenous minority, it is important to note the lack of a parallel autonomous education system designed to meet the diverse national, cultural, and religious needs of the Palestinian community at both the legal and administrative levels of education policy in Israel.\textsuperscript{82} In practice, the Arab education system functions as a separate, subordinated, and marginalized body within the state education system. The result is that the influence of Arab educational leaders on curricular policies and resource allocation is scant and sporadic, to say the least.\textsuperscript{83}

Worth noting, in 2000, the State Education Law was amended in some important ways and specifically with regards to the goals of state education.\textsuperscript{84} In an important addition, article 2(11) now refers explicitly to the Arab minority and states: “to know the language, culture, history, legacy and unique tradition of the Arab population and of other Israeli population groups, and to acknowledge the equal rights of all Israeli citizens.”\textsuperscript{85} In some ways, this amendment represented an improvement in comparison to the complete lack of recognition that preceded it.\textsuperscript{86} Saban notes that this change “evidences an increased awareness of the minorities’ existence as well as an openness to greater consideration of its cultural-educational values.”\textsuperscript{87} Irrespective of the wording, and despite the fact that this change is over fifteen years old, no meaningful effort has been made to further the type of curricula specified in the law in Arab schools.\textsuperscript{88}

\textsuperscript{80} Id.
\textsuperscript{81} Jabareen, Law and Education, supra note 3, at 1052.
\textsuperscript{84} Jabareen, Law and Education, supra note 3, at 1061.
\textsuperscript{85} State Education Law, 5713–1953, 50 (as amended) (Isr.).
\textsuperscript{86} See Saban, supra note 75, at 941.
\textsuperscript{87} Id.
Jabareen, while acknowledging the inclusion of universal values such as human rights and basic freedoms in the new text, believes that this amendment only further served to marginalize Arab-Palestinians. For the first time, State education was legally defined as “Jewish and democratic.” This definition necessarily forces all students in Israel into one of two groups: those who are recognized by the law and included in its mandates by virtue of being “Jewish,” and those who are excluded or outside the scope of the law. It strengthens the status of Israel as a Jewish state and, accordingly, grants more legal privileges to Jews. Thus, Jabareen notes that this change has continued to perpetuate the inferior position of Arab-Palestinian students in comparison to their Jewish peers on the structural level. This criticism is also noted by Abu Nimer, who believes that education in Israel is clearly meant to promote a national agenda of one group only: Jewish Israelis in the context of the Zionist national movement. Thus, the reformulation of this legislation reinforced the pre-existing situation whereby Hebrew education maintains a much stronger status than Arab education. The problem, as noted by Jabareen, is not only that Arab students receive less funding, or that they cannot develop their own independent identity, but also that they study in a system that views them as inferior. Arab students need to be able to feel the same connection to their homeland that Jewish students do.

As the amendment did not grant any level of autonomy to the Arab education system or provide for the amendment’s objectives to be implemented in the curricula, its reformulation was far from that envisioned by the Arab-Palestinian community, which has continued to seek recognition as an indigenous national minority with an integral connection to the Arab and Palestinian people and a need for values and identity education. In an effort to ensure that the amended law would reflect their educational interests, in 2000, the Follow Up Committee for Arab Affairs submitted a letter to the Minister of Education at the time, Yossi Sarid, with a request that he include in the law goals developed by the community. This request was rejected; however, as we will see below, the community has continued to make efforts to change the nature of Arab education in Israel.

89 State Education Law, 5713–1953, 50 (as amended) (Isr.); see also Saban, supra note 75, at 941.
II. THE STATE OF PALESTINIAN ARAB EDUCATION IN ISRAEL

Due to the lack of educational autonomy and the weak legal standing of Arab education, Palestinian students study a curriculum virtually identical to that of their Jewish counterparts. They are educated not to love the country as their own homeland, but as the homeland of the Jewish people.92 Students devote more hours of classroom time to studying Jewish religious studies than Arab religious studies, and are usually examined on Judaism, but not Islam or Christianity, on the matriculation exams.93 In addition, until recently, Arab teachers were prohibited from engaging in political discussion about the contents of the curriculum.

Furthermore, the Arab education system is almost entirely managed by Jewish administrators and decision makers. While local councils and principals have some leeway in decision-making, their roles are primarily technical in nature; fundamental decisions lie with the Ministry of Education.94 Saban writes that a large part of the pedagogic decisions in regard to curricula are made by the Jewish majority. For example, Palestinian-Arab educators lack meaningful influence in determining budgets or in influencing teaching content.95 Saban argues that the state Arab education system is “centralized”—[it] has always been headed by the Jewish Education Minister, a pedagogical council composed of Jews, and a senior bureaucracy that is almost exclusively Jewish, even on the district level.”96 Saban also notes the difference in freedom of action between the Arab minority and the Jewish community, writing: “the powers of the Education Ministry were not constrained, in terms of content and structural requirements in regard to Arab education. This lack of self-government rights stands out sharply when one compares Arab state education to the state education system for the national-religious minority within the Jewish majority community.”97 Al-Haj additionally notes:

The fact that Arabs have no say in the matter of Hebrew-Jewish education is understood . . . but amazingly they also play but a miniscule role in the administration of

94 AL-HAJ, EDUCATION, EMPOWERMENT, AND CONTROL, supra note 72, at 217-18.
95 Saban, supra note 75, at 952, 959.
96 Id. at 950.
97 Id. at 951.
their own educational matters. As far as questions of curriculum are concerned, the Arab educational system is under Jewish control. For years now, committees in charge of drafting lesson plans and educational objectives for Arabic schools have been mostly populated by Jews.98

Furthermore, since the early days of the state, the Israeli General Security Services (Shin Bet) has intervened in the appointment of teachers and headmasters in the Arab education system. Current forms of management and control not only ignore Arabs’ needs to develop their own cultural and national identities, but also actively prevent the natural and independent development of these same identities.99

Some believe that this deliberate governmental process of denationalization is “structured to create a submissive Arab who lacks a clear identity,”100 and that the new state intentionally sought to eliminate all Arab-Palestinian national content from the curriculum.101 It is also contended that the current policy attests to a “de-Palestinization.” Peled,102 basing his argument on Rawles103 and Kymlicka,104 notes that as a con-

99 Agbaria, In Your Face Democracy, supra note 83, at 144; In the matter of the Association of Hosni Alqawasmi Advocates, the Tel-Aviv administrational court overruled the decision of the Ministry of Education to cancel the ninth-grade class in the private Alqasmi high school in Baqua G’at, justified by the fact that the ninth-grade class belongs to the middle school rather than to the high school. In its ruling, the court expanded upon parents’ right to determine their children’s education, stressing the fact that “in the case of a minority group, the freedom to choose to attend a private school is critical for the realization of the right to choose one’s education, due to the inherent difficulties in enabling the minority group to maintain its legacy and its cultural and national identity in the framework of a state-educational system.” AdminA (TA) 35243-03-10 Association of Hosni Alqawasmi Advocates v. Israeli Ministry of Education (2011) (Isr.).
101 See Saban, supra note 75, at 939.
103 See generally JOHN RAWLS, A THEORY OF JUSTICE 179, 442, 545 (1971).
sequence, Arab education impairs Arab students Israel of the ability to fashion its own agenda as a self-aware collective.\textsuperscript{105}

Others have gone further. Mar'i,\textsuperscript{106} Al-Haj,\textsuperscript{107} and Abu-Asbah\textsuperscript{108} believe that the way in which Arab education is currently managed actually constitutes a mechanism of control over the Palestinian-Arab population. Others have argued that the Arab education system is a strategy of co-option—through it the government co-opts Arab academics and transforms them into technocratic and apolitical teachers.\textsuperscript{109}

III. FAILED REFORMS

In 1996, the Minister of Education revised regulations pertaining to State education with the declared aim of increasing Arab involvement in Arab education. To this end, a professional committee was established in accordance with the State Education Regulations Act, a series of regulations drawn up by the Ministry of Education. The committee’s role, as specified by the regulations, included “examining the state of Arab education and recommending programs and endeavors which would promote the advancement and full integration of Arab education in the State education system.”\textsuperscript{110} Regulation 5, which established the authority of the committee, declared the committee responsible for the “formulation of educational and pedagogical policy . . . which would ensure the equal status of Arab citizens in Israel while taking into account their linguistic and cultural distinctiveness and their heritage.”\textsuperscript{111} In addition, the committee was tasked with “outlining policies for the development of curricula which will give expression to the Arab public’s needs and culture,

\textsuperscript{104} See \textit{generally} WILL KYMLICKA, LIBERALISM, COMMUNITY AND CULTURE 183 (1989) [hereinafter KYMLICKA, LIBERALISM, COMMUNITY AND CULTURE].

\textsuperscript{105} Peled, \textit{supra} note 102, at 3; see \textit{generally} AL-HAJ, EDUCATION, EMPOWERMENT, AND CONTROL, \textit{supra} note 72, at 127.

\textsuperscript{106} SAMI KHALIL MAR’I, ARAB EDUCATION IN ISRAEL 178, 180 (1978).

\textsuperscript{107} AL-HAJ, EDUCATION, EMPOWERMENT, AND CONTROL, \textit{supra} note 72, at 123.

\textsuperscript{108} ABU-ASBAH, \textit{supra} note 88, at 36-37.


\textsuperscript{110} State Education (Advisory Committee for Arab Education) Regulations, 5756–1996, r. 1, KT 5770 p. 1407 (Ist.).

\textsuperscript{111} Id., r. 5(1).
and in accordance with the policy of the Ministry.\footnote{Id., r. 5(2).} After a series of discussions, the committee submitted a report to the minister outlining suggested improvements for Arab education and its structure. In its recommendations, it advocated for the establishment of an Arab pedagogic council, which would work together with the Ministry’s general pedagogic council.\footnote{KHALED ABU-ASBAH, GIV AT HAV I VA: INST. FOR PEACE RES., THE ARAB EDUCATION SYSTEM IN ISRAEL: CURRENT CONDITIONS AND POSSIBLE ORGANIZATIONAL ALTERNATIVES 15 (1997) (hereinafter: ABU-ASBAH, THE ARAB EDUCATION SYSTEM IN ISRAEL).} However, the Minister rejected the committee’s recommendations, leading to the resignation of most of its members. Although the regulations are still in place, the committee never reformed, its work never resumed, and its recommendations were never adopted.\footnote{Id.}

While the establishment of this committee appeared to be a positive step forward, in actuality, it failed to present a real alternative to the status quo. A close reading of the committee’s mandate reveals that it was merely an advisory body; the Minister was neither required to consult with the committee nor required to adopt its recommendations on key matters such as curriculum or staffing.\footnote{See Saban, supra note 75, at 952.} Therefore, the proposed committee’s structure and authority indicated an influence of the most negligible type. This stands in stark contrast to the council governing national religious education, which, as demonstrated above, is a separate, independent, and much more powerful body.\footnote{See State Education Law, 5713–1953, § 13–18, 50 (Isr.). Clause 13 seeks “the establishment of a state religious education council; council members will be appointed by the Minister and approved by the government, each for a period of four years. Two members will serve as the Minister's representatives, six members will be chosen out of a list of twelve candidates submitted by the Minister of Religions, three members will be appointed out of a list of at least six candidates which will be suggested, in accordance with regulations, by teachers' organizations representing religious teachers and three members will be chosen out of the Educational Board's religious members.”}

Arab members of the Knesset have also sought to institute desired changes on the legislative level. Some prominent proposed bills include: The Basic Law on Equality of the Arab Population;\footnote{Draft Basic Law: Equality of the Arab Population, 5761–2001, HH No. 2670 (Isr.).} the 2003 Inclusion...
of Arab Heritage amendment to the State Education Law;\textsuperscript{118} the 2006 Arab Education amendment to the State Education Law;\textsuperscript{119} the 2009 Inclusion of Arab Heritage amendment to the State Education Law;\textsuperscript{120} the 2009 amendment to the State Education Law on the subject of Arab representation in the Education Council;\textsuperscript{121} and the 2009 Arab Education amendment to the State Education Law.\textsuperscript{122} These bills addressed a number of related issues. First and foremost, they sought to outlaw all forms of discrimination and to achieve basic equality. They also sought to establish a separate stream of “Arab National Education,” or educational autonomy for the Arab minority. As such, the education system they envisioned would be Arab in terms of language, curricula, and identity. It sought to cultivate Arabs’ national (and Palestinian) identity, would have been guided by Arab, Palestinian and universal values, would inculcate the ideas of equal citizenship and co-existence with the Jewish people in Israel, would be based on equal rights and mutual respect, and, on the technical level, would have ensured adequate Arab representation in the Ministry of Education’s pedagogic secretariat. Needless to say, these legislative amendments were never passed into law.

As we have established, autonomy and authority of the type provided for the state religious stream by Israeli legislation remains an unrealized hope for Arab-Palestinians. This is despite the fact that Arab-Palestinians constitute a distinct community and national group with their own language, culture, history, and national identity.\textsuperscript{123} The lack of Arab-Palestinian mandated involvement in education has left all aspects of the functioning of non-Jewish education completely in the hands of the Ministry of Education.\textsuperscript{124} In the face of this legislative vacuum, government decision-makers in the Ministry from the highest levels on down, virtually all Jewish, have had the authority to create whatever policy they feel appropriate.\textsuperscript{125} The authority of Arab-Palestinians working

\textsuperscript{118} Draft Bill Amending the State Education Law, 5763–2003, HH No. 362 (Isr.).
\textsuperscript{119} Draft Bill Amending the State Education Law, 5766–2006, HH No. 338 (Isr.).
\textsuperscript{120} Draft Bill Amending the State Education Law, 5769–2009, HH No. 440 (Isr.).
\textsuperscript{121} Draft Bill Amending the State Education Law, 5769–2009, HH No. 769 (Isr.).
\textsuperscript{122} Draft Bill Amending the State Education Law (Arab Education), 5770–2009 (Private Member Bill No. 1655/18) (Isr.).
\textsuperscript{124} Jabareen, Law and Education, supra note 3, at 1052.
\textsuperscript{125} See Saban, supra note 75, at 902.
on the ground to impact education is purely technical; all substantive matters are determined by the Ministry of Education. This has meant that neither Palestinian educators nor communal leaders have enjoyed meaningful involvement in the decision-making process, not in relation to budget allocations nor regarding educational content.

IV. COMMUNITY DESIGNED INITIATIVES AND THE ESTABLISHMENT OF THE ARAB PEDAGOGICAL COUNCIL

The Arab-Palestinian community is acutely aware of the discrepancies between Jewish education and Arab education in Israel, and that Israel is not acting in accordance with international minority rights standards in relation to equality, self-steering, and the right to identity. To this end, they have taken a number of initiatives intended to realize their right to equal education. In the previous section, we presented some of these steps, including suggested amendments to the State Education Law approved in 2000, participation in a 1996 government-established committee, and the introduction of various other remedial legislative amendments. In this section, we will present an overview of the prevailing discourse in the community regarding this issue—discourse which culminated into the establishment of the Arab Pedagogical Council (APC).

Some of the most significant initiatives to promote self-administration of Arab education have been spearheaded by the Follow-Up Committee for Arab Education (FUCAE). Founded in 1984 as a public non-profit, the FUCAE was created under the auspices of the National Committee for Arab Mayors and the Supreme Follow-Up Committee for Palestinian Arabs in Israel. According to Majid Al-Haj, the FUCAE first called for, and approved the establishment of, a special pedagogical secretariat for Arab education in May 1984 at the second annual convention of Arab local authority heads and mayors. They envisioned this body as being exclusively led by Arabs and bearing responsibility for curricular issues. The idea was raised again in 1989 at the third annual convention. However, it would take many more years before more concerted action was taken to realize this vision.

More recently, Arab civil society organizations have situated the struggle for Arab educational autonomy as a central prong in their overall struggle for equality and recognition of the Palestinian minority in Israel. One of the ways this has been expressed has been through formulation of a seminal political document entitled “The Future Vision of the Palestinian Arabs in Israel.” This document, published by “The National Committee for the Heads of the Arab Local Authorities in Israel” in late

\[126\] See AL-HAJ, EDUCATION, EMPOWERMENT, AND CONTROL, supra note 72, at 63.

\[127\] See ABU-ASBAH, THE ARAB EDUCATION SYSTEM IN ISRAEL, supra note 113, at 15.
2006, was co-written by dozens of Arab academics and public figures\(^\text{128}\) and is considered to be widely representative of the Arab public’s views. The document envisions all-encompassing cultural autonomy—including educational autonomy—and grounds such autonomy in legislation. It conceptualizes this system as being fully funded and state-supervised; however, the community would have administrative and curricular autonomy. As such, this would give the Palestinian-Arab minority direct influence on the pedagogic content taught in Arab schools. The idea of cultural autonomy is frequently referenced in the document. Generally speaking, the document calls for:

> The State [to] recognize the Palestinian Arabs in Israel as an indigenous national group (and as a minority within the international conventions) that has the right within their citizenship to choose its representatives directly and be responsible for their religious, educational and cultural affairs.\(^\text{129}\)

This idea is reinforced by the legal chapter, which calls for ensuring “self-rule of the Palestinian Arabs in the fields of education, religion, culture and media.”\(^\text{130}\) It also calls for effective representation and participation of Arab-Palestinians in decision-making procedures within official bodies and the right to veto matters influencing their lives, along with “appropriate representation on a collective basis in the state system.”\(^\text{131}\) Thus, this representative document calls for the collective right to self-steering in education in accordance with Arab Palestinian’s rights as an indigenous minority.

The document includes an entire chapter on education, and education is also frequently referenced in other parts of the document. The legal chapter specifically and more generally the education chapter note the importance of the community to manage their own educational system and to be responsible for their educational policies.\(^\text{132}\) The Future Vision elaborates upon different kinds of curricula that should be developed for Arab education, including those dealing with the social narratives of the Arab population. For instance, the chapter on social development of the community calls for developing “education for values programs and preparing national collective identity curricula.”\(^\text{133}\)


\(^{129}\) Id. at 10-11.

\(^{130}\) Id. at 15.

\(^{131}\) Id.

\(^{132}\) Id.

\(^{133}\) Id. at 26.
document also advocates for inter-generational interaction in order to ease the social and mental suffering of the elderly. This is viewed as an important means of strengthening social and national identity. Accord-

ingly, the document is simultaneously inward and outward looking.

These statements were important and necessary to help the community formulate collective thinking regarding the nature of Arab-Palestinian self-administration of education. However, they were not sufficient to effect change, and recently the time came to take action. At a press conference in September 2008, the FUCAE announced the launching of a new public campaign, “The Arab Pedagogical Council: Collective Right and Educational Need,” establishing the Arab Pedagogical Council (APC) for the Arab education system. The formal establishment of this body came to fruition in June of 2010, after several years of discussions and meetings among leading educators and activists. The APC was established under the auspices of the National Committee of the Heads of Arab Local Authorities. Its establishment and mandate received widespread support from the Arab public. A 2011 poll showed that the vast majority of individuals in the Arab sector—more than 90%—supported statements that called for regulating the status of Arab education in a unique new law, increasing Arab influence and participation in crafting curricular policies, reflecting Arab culture and heritage in the curricula, and establishing an Arab pedagogical council similar to the state religious education.

The APC was intended to serve as a mechanism for self-steering of Arab education by the Arab community. While established initially as an independent body, its founders hoped to garner recognition by, and cooperation with, the Ministry of Education. Furthermore, they sought to ensure that its operation would be grounded in Israeli law. The Council envisioned for itself the following roles: to combat widespread inequalities in resource allocation between Arab and Jewish education nationally; to gain recognition of the collective right of the Palestinian minority to include its national and cultural narrative within the curriculum (especially in key identity-building subjects, such as language, history, civics, geography, and social studies); to improve engagement with

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134 See id.

Ayman K. Agbaria, Arab Civil Society and Education in Israel: The Arab Pedagogical Council as a Contentious Performance to Achieve National Recognition, 18 RACE ETHNICITY AND EDUC. 675, 683 (2015) [hereinafter Agbaria, Arab Civil Society and Education].


136 See Agbaria, Arab Civil Society and Education, supra note 135, at 684.

137 See id.

138 See id.

139 See id. at 685.
Palestinian history and culture, as well as the social problems facing Arab society, such as violence and poverty,140 and to provide a forum for meaningful Arab Palestinian professional engagement in decision-making, the establishment of policy within the council and, generally speaking, within the Ministry of Education.141

The APC created a list of ten different goals relating to the content of Arab education. Generally speaking, they could be divided into two categories: general educational and social goals, and goals which could be characterized as more nationalistic and identity-based in nature. An example of the first is “To prepare students to cope with the complex systems and advanced technologies of the information revolution, and enable them to compete for academic and employment opportunities in a global setting and in multicultural and interdisciplinary fields.”142 The document also mentions a number of additional, related goals such as “reforming teacher education, elevating scores on national and international exams, increasing parental involvement, and promoting decentralization.”143 The identity-based goals include, for example:

To deepen the Arab-Palestinian identity as a national identity, taking pride in its culture, and maintaining constant and effective contact with its Arab and Islamic roots. This identity will be based on solidarity among members of the Palestinian people, on the strengthening of the Palestinian memory and narrative, on holding firmly to the historic and political rights of the Palestinian people and on cultural, religious and social pluralism.144

Undoubtedly, the importance of cultivating Palestinian identity is a prominent aspect of the document despite the fact that such goals have yet to achieve mainstream acceptance in Israeli society. However, such statements are coupled with a desire for dialogue and coexistence. For example, one goal aims:

To instill the values of dialogue with the Jewish Israeli other and the search for a horizon of a joint life in a single homeland, without the control or supremacy of any side. This is an education with an enduring aspiration for living in safety, coexistence and equality, and seeks to establish a civil society reflective of the mutual respect

140 See id.
141 See id.
142 Id. at 686.
143 Id. at 688.
144 Id. at 687.
between the two nations of this country and instigate a considerate, equal and encompassing citizenship.\textsuperscript{145}

Therefore, the framers attempted to reach out to Israeli society and garner support from the Israeli public along with decision-makers.

Arabic was another emphasis of the established goals. Goal six reads: “To foster Arabic as the primary language amongst Palestinian students and provide a rich and supportive linguistic environment in order to advance written and verbal Arabic, establishing it as both representative of identity and affiliation and as a means for everyday communication, cultural creativity and research.”\textsuperscript{146} Thus, the framers viewed Arabic not only in the practical linguistic sense, but also as a tool for identity-building and affiliation. This document, and its stated goals in Arabic, were subsequently strengthened by a mission statement in relation to the Arabic language, also produced by the APC. The Arabic mission statement, which compliments the goals of the APC, views Arabic education as integral and recommends, among other things, a complete reconstructing of the policies of teaching the Arabic language and Arabic literature, such that it will serve as a language of identity, belonging and interconnection, and as a medium of cultural and scientific creativity. The framers of the Arabic mission statement (who were also involved in the establishment of the APC) view educational institutions as playing a key role in bringing about Arabic language education reform, as well as education reform for Arabs, generally speaking.

Despite the strong legal case—both domestic and international—for the establishment of the council, the founders realized that its establishment was risky, due to a lack of consensus in the Arab community around educational goals, insufficient political power to ensure that the APC would receive recognition, and a lack of overall agreement in Israel regarding the content of the basic curriculum. Nevertheless, they believed that these obstacles could be overcome, in particular, through public discussion and cooperation with Jewish colleagues.

As expected, the unveiling of the APC and its goals were greeted with some controversy. However, those involved in its formulation view it as an attempt at integration into Israel, not a move towards further separation. The founding document asserts: “Our demand for a separate Arab educational system is not an expression of a (separatist) desire to break away from the State of Israel. On the contrary, it is a demand for recognition and for support to practice our unique culture, just like the Israeli religious educational system.”\textsuperscript{147} Nevertheless, to this day, the Ministry of Education has not recognized the council as an official body and has refrained from any cooperation.

\textsuperscript{145} \textit{Id.}
\textsuperscript{146} \textit{Id.}
\textsuperscript{147} \textit{Id.} at 685.
Despite this generally chilly response, a number of Jewish academics have come out in support of the APC and its aims. Rabin and Saban are among those who support this proposition.\footnote{Yoram Rabin, The Right to Education 458 (2002) (in Hebrew) (hereinafter: Rabin, The Right to Education); Ilan Saban, The Minority Rights of the Palestinian-Arabs in Israel: What Is, What Isn’t and What is Taboo, 26 Tel Aviv U. L. Rev. 241, 319 (2002) (in Hebrew).} As Rabin states, the essential right of a national minority in terms of education is to sustain an educational-cultural autonomy, within the framework of formal public education, in order to safeguard its identity and national-cultural legacy, to fashion and develop it.\footnote{Rabin, The Right to Education, supra note 148, at 458.} Ruth Gavison also comments on this. She writes that self-steering would mean that minority educators and administrators would be given the authority to dictate the curricular content, priorities and foci, including the ability to teach the minority group’s unique history and to set the school calendar to accommodate holidays and other cultural needs.\footnote{See Ruth Gavison, Does Equality Require Integration? A Case Study, 3 Democratic Culture 37, 47-48 (2000).} They and others have worked with the community to garner support for its recognition.

Thus, the APC is calling for an independent body to oversee Arab education, contextualized and recognized by the Israeli state. The Ministry of Education is under an international obligation to recognize the right of the Palestinian community to educational autonomy, and accordingly, to recognize the establishment and management of this newly established pedagogic council.\footnote{See e.g., UNDRIP, supra note 34, arts. 14-16, 18-19, 30.} Such recognition would necessarily include the allocation of appropriate resources to enable its operation, in addition to granting it decision-making powers.

\section*{Conclusion}

Minorities in general, and indigenous minorities in particular, face various challenges in safeguarding their identities and in achieving equality and recognition. Therefore, international law provides for a variety of rights for such groups and calls on states to establish legal protections. This is particularly pronounced when it comes to the group’s right to equality and self-steering within the realms of education, language, religion, mass media, and more.\footnote{See Geoff Gilbert, Autonomy and Minority Groups: A Right in International Law?, 35 Cornell Int’l L.J. 307, 308 (2002); Hurst Hannum, Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights 59, 458-61 (1996). For an overview of minority groups’ demands for self-government, see Kymlicka, Multicultural Citizenship, supra note 70, at 27-30. But cf. Susan Moller Okin, Is Multiculturalism Bad for Women? 9-24 (1999).} While the right to equality is
well-established, the right to self-steering for minority groups is also increasingly gaining recognition. This right is featured most prominently in the UNDRIP. Article 3, for example, specifies that “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”\(^\text{153}\) Article 4 further builds on and strengthens this point by granting the right to self-government.\(^\text{154}\) Article 14, as noted previously, relates specifically to self-steering in education: “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.”\(^\text{155}\)

The basic justification for self-administration and autonomy is the fundamental right of all minority groups to preserve their unique identity and to develop and “enjoy” their culture, as enshrined in all the major bodies of minority rights law.\(^\text{156}\) The underlying assumption of this right is that only the minority group understands its own cultural needs, practices, and sensitivities enough to effectively administer the institutions that require such awareness.

Consistent with international law, Arab-Palestinians in Israel are not seeking to withdraw from the state, but rather to establish their own independent institutions within the broader national framework. Members of the Arab community, in their writings, particularly emphasize the need for self-steering in the realms of education, culture, higher education, religion, and media.\(^\text{157}\) Despite how it is often perceived by the Jewish majority in Israel, self-steering, along with participation in national institutions, could actually strengthen stability and social solidarity.\(^\text{158}\) The community also calls for equitable funding in the allocation of all public resources, and even affirmative action on the national level.\(^\text{159}\)

\(^{153}\) UNDRIP, supra note 34.

\(^{154}\) Id., art. 4 (“Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions”).

\(^{155}\) Id.

\(^{156}\) Raday, supra note 21, at 476. For a defense of self-government rights, see KYMLICKA, POLITICS IN THE VERNACULAR, supra note 38, at 108-15.


\(^{158}\) See KYMLICKA, POLITICS IN THE VERNACULAR, supra note 38, at 36. “We could predict, then, that recognizing minority rights would actually strengthen solidarity and promote political stability, by removing the barriers and exclusions which prevent minorities from wholeheartedly embracing political institutions.” Id.

\(^{159}\) THE FUTURE VISION, supra note 128, at 10-11. “The state should recognize Arab-Palestinians in Israel as an indigenous national group (and as a minority according to international conventions) that has the right, as citizens, to...
International legal standards stand alongside existing domestic legislation and court rulings in articulating Israel’s obligations in regards to minority education. The education plan proposed by the APC would reflect the identity and unique group-based characteristics of Palestinian society, taking into account culture, history, heritage, language, and religion. Similarly, the system would enjoy equitable funding, along with the ability to make curricular decisions, and autonomy in teacher training. Just as other groups enjoy strong legal protections safeguarding their right to their own education systems, so too should Palestinians: Israeli legislation should be modified to embed educational self-steering for the Arab community in a similar capacity to what currently exists for Hebrew language education. This would ensure that legal norms are in place that are collective in nature and that prevent the current situation, where the majority has the legal ability to make decisions on the minority’s behalf.

The Arab community has made substantial efforts to advocate for their international rights and for domestic equality. As a national and indigenous minority, they will not compromise on their right to cultivate their identity through education. The establishment of the Arab Pedagogical Council was an important step in the right direction. What remains is its recognition on the national level and the ability to function freely and effectively to realize its vision for quality, appropriate and equal education. Recognition of this central right will not only be good for the Arab minority, but for the entire society in Israel as well.

choose its representatives directly and be responsible for their religious, educational and cultural affairs.” Id.

Rabin, supra note 32, at 267-80.