

From Dhimma regime to One democratic State in Palestine/Israel

The International Community views the two-states solution as the only possible one to the conflict between the Palestinians and the Israelis. The main argument of the Israelis is that their state must be with a clear Jewish majority. This was in fact the reason for the expulsion of the non-Jews after the creation of the state of Israel. With a majority of Muslims, Jews will be again under the regime of dhimma which is in force since the seventh century in the Muslim countries. This regime means a discriminatory status for non-Muslims.

One has here to notice that the Islamic dhimma regime is now practiced by Jews against non-Jews in Israel itself. On the other hand, the land on which Israel has been established never belonged only to Jews, at any time in history. Furthermore, nobody can in a convincing way argue that the Russian Sharon, the Polish Peres or the Moroccan David Levi have the right to come in Palestine, but not the Palestinian refugees who live few kilometres far from their own lands and villages. Some may say that Israel has integrated many Jews from Arab countries, contrary to the Arab countries which maintained the Palestinian refugees in miserable camps instead of integrating them. The problem with this argument is that the Palestinians never accepted to be exchanged by Jews, and they never denied the right of the Jews from the Arab country to return to their country of origin. We have also to notice that in the occupied territories by Israel, there are now 27 refugee camps, and Israel did nothing to integrate them.

The following arguments can be presented in favour of one-state-solution.

First, there is the sentimental one: both Jews and Palestinians consider all Palestine/Israel as their own homeland. To divide the country means do deprive the Jews and the Palestinians from a part of their beloved land. Both will feel frustrated. If we maintain the country united, each one would be able to live and to travel wherever he likes, without borders. He will have the feeling that all the country is his own country. Today, Palestinians seem to accept the two-states solution, but they considered such a solution as temporary one, and in any way they never accepted to give up the right of return of the Palestinian refugees.

The second argument is the economic interdependence: Israelis had always recourse to the Palestinian workers since 1967. When they tried to punish the Palestinians by refusing them the right to work in Israel, they were obliged to search for workers from Asia and Eastern European countries. Even today, Sharon uses Palestinian workers to build his wall. On the other side, Palestinians have few economic possibilities in the overcrowded West-Bank and Gaza, particularly after the destruction of the economic structure by Israel, the confiscation of large part of their lands and uprooting of thousands of their fruit trees. Miserable situation has always been a fertile ground for extremism. You cannot sleep in peace when your neighbour is crying from hunger, especially when you are sleeping in his own land and home.

The third argument is the mixture of the population. Inside Israel itself, there are about 20% of Arabs. In the other side, there are the Jewish settlements in the West Bank and Gaza. There are also inside Israel a huge number of new non-Jewish immigrants who came from ex-Soviet union. In no way Israel can consider itself a Jewish state. Soon or later, Jews will become a minority in Palestine/Israel. And if we have to give to every minority in the region the right to establish its own state where it can be a majority, then we have to give this right also to the Arabs and the Druze inside Israel, as well as to the Samaritans and to the Christians. It means

that we will have in the end not two states, but five or six states in a small land. Unless these states practice ethnic or religious cleansing inside their borders, they will have to deal with discriminated minorities. This is an unavoidable result of any religious state. It is clearly proved by the draft of the Palestinian constitution which affirms that Islam is the official religion of the state. This means that non-Muslims will be considered second class citizens.

These reasons, among many others, push in favour of one-state solution. To avoid that a majority of Muslims return to the Islamic dhimma regime and discriminate non-Muslims, it is important that the state rejects the discrimination based on religion. A solution in which different communities coexist with their own laws and jurisdictions as in Lebanon or in Jordan is not acceptable because it is necessarily discriminatory whenever there is a minority and a majority. Such a solution will degenerate in frictions and internal conflicts. On the other side, the state must reject the discrimination against women. The gender discrimination in the Islamic and Jewish legal system is part of the religious norms. Maintaining religious laws and courts will perpetuate such discrimination.

Although the idea of one-state-solution has been presented by different groups, and recently developed by Colonel Kadhafi in his white book (<http://www.algathafi.org/medialeast/index.html>), the "Association for one democratic state in Palestine / Israel", recently created in Switzerland, is probably the first group to formulate a clear legal frame tackling the religious problem of the minority-majority relation. The following principles are considered by the Association as essential for the creation of one state in Palestine/Israel:

- 1) The Palestinian refugees have the right to return and to be compensated according to UN resolutions. An equitable solution must be found for those living on the lands and in the homes of the Palestinian refugees and for those living in the settlements created after 1967. All political prisoners and prisoners of war must be liberated. Reconciliation commissions must be created to heal and compensate the victims of both sides. A national fund must be created for this purpose. Citizens of the new State are entitled to live anywhere within its borders and are entitled to settle on their own property. Citizenship and immigration must be regulated by a law respecting the principle of non-discrimination.
- 2) The State must have a unified, democratically elected parliament and government. Political parties must respect the principle of non-discrimination in their programmes and membership. The State must have a unified army and a unified police force. The citizens shall decide upon a unified, democratic constitution respecting the principle of non-discrimination, on the name of the country, on its national anthem and on its flag.
- 3) The judicial and legal systems must be unified and based on the principle of separation of religion from the State. This implies the abolition of all the religious courts and laws, particularly in the field of family law, and the creation of civil courts, the adoption of one family law respecting the principle of non-discrimination, the creation of a civil register and the instauration of mandatory civil marriage with the possibility of subsequently holding a religious ceremony.
- 4) The State must respect the right to life and physical integrity. The death penalty and torture must be abolished. No infringement of physical integrity can be allowed except for compelling medical reasons and with the consent of the person concerned or of his or her representative. The State must also respect the right to freedom of religion, including the right to change one's religion.

- 5) The State must provide an education system integrating all of its citizens. This implies the creation of unified State schools and high schools and programmes respecting the principle of non-discrimination, with the possibility of establishing private schools, provided that they respect the principle of non-discrimination. Arabic and Hebrew are to be the official national languages. Principles for the peaceful solution of conflicts must be applied.
- 6) The State must create a social and economic system based on the equality of rights, integrating all of its citizens and respecting the principle of non-discrimination.
- 7) The State must take integrating measures to encourage reconciliation between the different communities. Such measures include the creation of unified cemeteries where any person can be buried, with the possibility of private religious ceremonies, and the opening of the present religious cemeteries to any person whatever his/her religion in conformity with the principle of non-discrimination.

Officially created in April 15, 2003 by Jews, Christians, Muslims and others, the Association for one democratic state in Palestine/Israel has now 154 members living inside and outside Palestine/Israel. Every day, new members adhere to the Association. Any person who accepts the bylaws, without reservation, can become a member. The bylaws of the Association in different languages as well as an invitation to join can be found in:

<http://www.lpj.org/Nonviolence/Sami/OneState/Association.html>

Sami Aldeeb, doctor of laws

Chairman

Ochettaz 17

1025 St-Sulpice, Switzerland

Tel. 0041 21 6916585 or 0041 21 6924968

E-mail: aldeeb@bluewin.ch

Private web: <http://go.to/samipage>