

Application for removal of JNF UK from register of charities

To:

The Charity Commission
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Date:

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Registered charities affected:

JNF Charitable Trust (225910)
The JNF Educational Trust (290267)
KKL Charity Accounts (1105998)

Submitted by:

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Introduction and Summary

This application is for the removal of the following JNF UK charities from the register:

- JNF Charitable Trust (225910)
- KKL Charity Accounts (1105998)
- The JNF Educational Trust (290267)

In making this application we refer to Section 36 (1)(b) of the Charities Act 2011 which states *“a person who is or may be affected by the registration of an institution as a charity may, on the ground that it is not a charity... apply to the Commission for it to be removed from the register”*.¹

In addition, we refer to the Charity Commission’s commitment to take decisions about charitable status and public benefit by making judgements ***“based on available evidence, about whether the aims of a particular organisation, taken in the context of the circumstances in which it carries out its work, are charitable for the public benefit”***.²

Recently appointed Chair William Shawcross reaffirms the Charity Commission’s mission to act in the public interest and to hold charities to account³, saying in November 2012 that *“public confidence is vital. Indeed, it is why the Commission exists”*.⁴

We believe that the Jewish National Fund in the UK (JNF UK) operates what should be considered ‘sham’ charities by portraying them as having genuine charitable purposes when their real objects are contrary to public policy.⁵

Continued registration confers benefits on the JNF that are inappropriate and undeserved, including the significant fiscal benefits that are available to registered charities in the UK.

In a period when the public is losing confidence in the ability of regulatory bodies to carry out their duties effectively, it is especially important that the Charity Commission finally take steps to end the decades-long registration of the JNF charities.

The JNF

JNF UK is the British branch of an organisation known as KKL-JNF and was founded and continues to function as a key institution of the Zionist movement. A statement of the KKL-JNF in Israel stressed that JNF UK is *“one of its most important branches in the world”* (2009).⁶ JNF UK’s important role in the Zionist movement is highlighted by JNF UK Chair Samuel Hayek in the 2009 annual report of the JNF Charitable

¹ Charities Act 2011, Section 36 (1) (b), <http://www.legislation.gov.uk/ukpga/2011/25/section/36/enacted> [accessed 11 March 2013]

² Charities and Public Benefit: The Charity Commission’s general guidance on public benefit (2011), p.9, http://www.charitycommission.gov.uk/Library/guidance/publicbenefittext_1.pdf [accessed 11 March 2013]

³ Charity Commission, Charity Commission Governance Framework, http://www.charity-commission.gov.uk/About_us/About_the_Commission/govframe.aspx#I3 [accessed 7 March 2013]

⁴ Shawcross, W., Charity Commission, ACEVO Annual Conference 2012, http://www.charity-commission.gov.uk/About_us/About_the_Commission/Speeches/william_shawcross_291112.aspx [accessed 7 March 2013]

⁵ Maintenance of an Accurate Register of Charities (2000), p.8, <http://www.charity-commission.gov.uk/Library/guidance/rr6.pdf> [accessed 7 March 2013]

⁶ KKL-JNF, WNEW2-2-UKHayek-eng, ‘JNF UK - On a New Road with KKL-JNF’, February 1, 2009, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=15&cad=rja&ved=0CEcQFjAEoAo&url=http%3A%2F%2Fwww.ticketbox.co.il%2Fhanof%2Fkeshet%2F..%255Cutilities%255Cwnew2-2-ukhayek-eng.doc&ei=Dsc9UfSrKMuN7AatnIGYBw&usq=AFQjCNH3iYvBCJTLGwnq9MvWRMMT7oeNpw&sig2=f1j7R7i2yvwCw5GYfkbBA&bvm=bv.43287494,d.d2k> [accessed 11 March 2013]

Trust, JNF UK's main registered charity, explaining that JNF *"heritage and history with the State of Israel is unrivalled"* and that *"for over 100 years we have had one mission: to settle and develop the Land of Israel"*.⁷ The support JNF UK and its charities receive from successive Israeli Prime Ministers⁸ and government Ministers, such as Avigdor Lieberman who was Foreign Minister when hosted by JNF Charitable Trust in 2011⁹, further illustrates their continuing role in the settlement of Jews in Israel-Palestine.

The main objective of this settler colonial movement, which originated as a form of European nationalism, is to colonise and settle the land of historic Palestine in order to establish a state that privileges those with 'Jewish nationality' over the indigenous Palestinians already living on the land. As the Chair of JNF UK repeatedly points out in the annual reports of the JNF Charitable Trust, his organisation continues to be a key Zionist institution and the objectives of their movement have not yet been fully achieved.

Public benefit

The Charity Commission, like all public bodies, has the general equality duty under Section 149 of the Equality Act 2010 to have due regard to *"eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; [and] foster good relations between different groups"*.¹⁰

In addition, the Charity Commission must take into consideration modern social conditions when maintaining the register of charities¹¹. It is no longer acceptable to modern social standards to support colonial settler projects or institutions that create and maintain systems of ethnic residential segregation, or *apartheid*¹².

In its annual report of 1993, the Charity Commission set out its understanding of the relevant law as regards the charitable status of institutions operating abroad:

"One should first consider whether they would be regarded as charities if their operations are confined to the United Kingdom. If they would, then they should be presumed also to be charitable even though operating abroad unless it would be contrary to public policy to recognise them."¹³

In 2002, the High Court held that *"the Commission is clearly right about this"*.¹⁴

An organisation or institution in the UK that funded the establishment of areas of towns or cities, villages and reservoirs for the exclusive use, for example, of those of 'White' ethnicity (UK Census), excluding

⁷ JNF Charitable Trust, Annual Report & Accounts 2009, Supporting Israel for life this year and every year, p.4, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_AC_20091231_E_C.PDF [accessed 7 March 2013]

⁸ JNF UK, Videos, <http://www.jnf.co.uk/videos/> (accessed 11 March 2013)

⁹ JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.17, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 11 March 2013]

¹⁰ Equality and Human Rights Commission, What is the public sector equality duty?, http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/faqs-on-the-equality-duty/#What_is_the_public_sector_equality_duty_ [accessed 11 March 2013]

¹¹ Charity Commission, Analysis of the Law underpinning Charities and Public Benefit, December 2008, as amended December 2011, p.5, <http://www.charitycommission.gov.uk/Library/guidance/lawpb1208.pdf> [accessed 11 March 2013]

¹² International Convention on the Suppression and Punishment of the Crime of Apartheid, <http://untreaty.un.org/cod/avl/ha/cspca/cspca.html> [accessed 11 March 2013]

¹³ Charity Commission Annual Report, 1993

¹⁴ Jacob J in *Armenian Patriarch of Jerusalem v Sonsino* [2002] EWHC 1304

minorities, and that had as its core goal the implementation of this policy across the UK, would be illegal and could not be awarded charitable status. In Israel, that system of discrimination and *apartheid* embedded within its legal and administrative structures already exists¹⁵ and JNF UK, enjoying the fiscal benefits of its registered charities, provides funding for the maintenance of the infrastructure of this racially discriminatory system.

The Charity Commission has a duty to ensure that *“no organisation that has aims that are illegal, or that intentionally deceives or misrepresents its aims and so is a sham, can be a charity. Where that sort of detriment or harm is present then there is no balancing to be done as, notwithstanding any benefits that might arise from carrying out the organisation’s aims, it cannot be recognised as charitable”*. In addition, the Charity Commission is *“concerned only with the detriment or harm that arises from the particular organisation carrying out its particular aims”*.¹⁶

In allowing the JNF UK charities to remain on the register, the Charity Commission is acting against its own guidance on the public benefit requirement of charities that says *“benefits must be balanced against any detriment or harm”*.¹⁷

Public trust

In May 2011, UK Prime Minister David Cameron resigned as patron of JNF UK and broke the tradition of British Prime Ministers since 1901 being JNF patrons. With the increase of awareness throughout British civil society of the JNF’s role in discrimination against Palestinian citizens of Israel and in Israel’s illegal occupation of Palestinian and Syrian territories, there is also an increase in support for the call on the Charity Commission to remove from JNF UK its charity status. These civil society institutions include the Scottish Green Party, the Green Party of England and Wales, Friends of the Earth Scotland, the Iona Community and the Scottish Trades Union Congress.

The JNF should never have been registered as a charity in England and Wales, since

- JNF UK set up their charities for improper use
- KKL-JNF, of which JNF UK is a branch, is a para-statal organisation in a foreign country
- JNF UK and its charities are involved in violations of human rights and international law
- JNF *“aims were never in fact for the public benefit and... the organisation was mistakenly registered as a charity”*¹⁸

The continued registration of JNF charities:

- damages or has the potential to damage the reputation of charities generally
- left unchecked, is damaging public trust and confidence in the Charity Commission as an effective regulator

We call on the Charity Commission to implement charity law, to apply its own guidance on public benefit and to take action in accordance with contemporary acceptable social standards, in support of universal human rights and remove JNF UK charities from the register.

¹⁵ Adalah, The Legal Center for Arab Minority Rights in Israel, Discriminatory Laws in Israel, <http://adalah.org/eng/Israeli-Discriminatory-Law-Database> [accessed 11 March 2013]

¹⁶ Charities and Public Benefit, The Charity Commission’s general guidance on public benefit (2011), p.16, http://www.charitycommission.gov.uk/Library/guidance/publicbenefittext_1.pdf [accessed 11 March 2013]

¹⁷ *ibid.*, p.16

¹⁸ *ibid.*, p.9

1. How the registration of the JNF charities affects parties making this application for removal

This application for removal of JNF UK registered charities from the register is made by Stop the JNF Campaign in the UK with reference to 36 (1) (b) of the Charities Act 2011 which states *"a person who is or may be affected by the registration of an institution as a charity may, on the ground that it is not a charity..., apply to the Commission for it to be removed from the register"*.¹⁹

The Stop the JNF Campaign is comprised of organisations and individuals who are UK tax payers and citizens. We note that it is the work of the Charity Commission to *"protect the public's interest in charity and ensure that, as the law requires, charities*

- consistently focus on those purposes for the public benefit which gives them their charitable status*
- act independently of any private, governmental or political interests"*²⁰

The registered charities of JNF UK receive significant fiscal benefits which is a misuse of public funds and a threat to public trust in institutions such as the Charity Commission. As British tax payers and citizens, we do not wish our institutions to be implicated in the violations of human rights and of international law that JNF UK and its charities are involved in.

The Stop the JNF Campaign aims to:

- educate the British public on the role of the JNF in discriminatory and racist administration of land and public services in Israel, in the continued colonisation of Palestinian land and in the forced displacement and expulsion of Palestinians from their homes and land;
- campaign for an end to British government and institutional complicity, in the form of political support and reward of charity status to the JNF, in the dispossession of the Palestinian people;
- publicise how the actions of the JNF affect the lives of Palestinians, as told by Palestinians involved in struggles to remain in their homes, to continue living and working on their lands and by those whose rights to return to their homes and land are violated by the JNF.

¹⁹ Charities Act 2011, Section 36 (1) (b), <http://www.legislation.gov.uk/ukpga/2011/25/section/36/enacted> [accessed 11 March 2013]

²⁰ Risk Framework, Charity Commission, http://www.charity-commission.gov.uk/Our_regulatory_activity/Our_approach/Risk_framework.aspx [accessed 11 March 2013]

2. The setup of the JNF as a charity for improper use

This section explains that the JNF UK is part of the same organisation as the KKL-JNF worldwide, including in Israel; that the purpose and practice of KKL-JNF is and has always been discriminatory and therefore JNF UK does not meet the criteria required for charitable status.

2.1 JNF: the organisation

The Jewish National Fund (JNF) was established in 1901 at the fifth Zionist Congress in Basel, Switzerland, where *“delegates debated a proposal to set up a national fund to help build the Jewish state in Ottoman Empire-controlled Palestine”*.²¹ The JNF, sometimes also referred to as Keren Kayemeth LeIsrael (KKL), was established as a fund that was *“the property of the Jewish people as a whole”* and became a key instrument in the Zionist colonisation project of historic Palestine, organised from Europe.²²

JNF UK is the British branch of an organisation known as KKL-JNF and was founded and continues to function as a key institution of the Zionist movement. A statement of the KKL-JNF in Israel stressed that JNF UK is *“one of its most important branches in the world”* (2009).

JNF UK is one of KKL-JNF’s *“most important branches in the world”*.²³ In the same 2009 KKL-JNF press release ‘JNF UK - On a New Road with KKL-JNF’, JNF UK Chair Samuel Hayek reaffirms that JNF UK’s role is to *“cooperate with trends and projects initiated by the Israeli government... as catalysts of such crucial projects”*²⁴. This commitment is emphasised in the 2009 annual report of the JNF Charitable Trust, JNF UK’s main registered charity, where it states that *“for over 100 years we [the JNF] have had one mission: to settle and develop the Land of Israel”*.²⁵

Under the section ‘KKL-JNF Offices Worldwide’ on the KKL-JNF Israel website JNF UK is listed as a partner:

*“involved in all kinds of activities carried out by KKL-JNF in Israel in afforestation, land and water, with an emphasis on the development of Israel's south [and] friends of KKL-JNF in the UK have supported the establishment of the reservoirs in Negba an Masot Itzhak, the Halutzivot communities, the Rabbi Jonathan Sacks Forest in Aminadav Forest and the Hiran Forest, which was developed in conjunction with El-Al to help mitigate climate change.”*²⁶

El Al has, since 1 May 2012, ceased cooperation with this JNF UK initiative after receiving a letter from the Negev Coexistence Forum for Civil Equality protesting their involvement in the JNF project on Um al Hiran Palestinian Bedouin village land that threatens to displace the villagers²⁷.

²¹ JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.4, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 11 March 2013]

²² JNF Charitable Trust, Annual Report & Accounts 2010, Supporting Israel for life this year and every year, p.4, http://www.charitycommission.gov.uk/Accounts/Ends10%5C0000225910_ac_20101231_e_c.pdf [accessed 11 March 2013]

²³ KKL-JNF, WNEW2-2-UKHayek-eng, ‘JNF UK - On a New Road with KKL-JNF’, February 1, 2009, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=15&cad=rja&ved=0CEcQFjAEOAo&url=http%3A%2F%2Fwww.ticketbox.co.il%2Fhanof%2Fkeshet%2F..%255CUtilities%255Cwnew2-2-ukhayek-eng.doc&ei=Dsc9UfSrKMuN7AatnIGYBw&usg=AFQjCNH3iYvBCJTLGwnq9MvWRMMT7oeNpw&sig2=f1j7R7i2yvwCw5GYfkbNBA&bvm=bv.43287494,d.d2k> [accessed 11 March 2013]

²⁴ *ibid.*

²⁵ JNF Charitable Trust, Annual Report & Accounts 2009, Supporting Israel for life this year and every year, p.4, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_AC_20091231_E_C.PDF [accessed 7 March 2013]

²⁶ KKL-JNF Israel, KKL-JNF Offices Worldwide, <http://www.kkl.org.il/eng/about-kl-jnf/kl-jnf-offices-worldwide/> [accessed 7 March 2013]

²⁷ Negev Coexistence Forum for Civil Equality, Newsletter issue #17 (2012), p.2, http://www.dukium.org/eng/wp-content/uploads/2011/06/yedion17_Eng_4web.pdf [accessed 7 March 2013]

All the KKL-JNF offices around the world provide the same basic introduction to the history of its organisation, established in 1901.

"Since its establishment in 1901, KKL-JNF has served as trustee in the name of the Jewish people over the Jewish lands of Israel." KKL-JNF Israel²⁸

"Jewish National Fund is a non-profit organization founded in 1901." JNF USA²⁹

"In 1901, on the fourth day of the fifth Zionist Congress in Basel, Switzerland, the assembled delegates debated a proposal to set up a national fund to help build the Jewish state in the land of Israel, then under the control of the Ottoman Empire." JNF UK³⁰

This shared date of foundation, history and common purpose is further evidence that the JNF in the UK is an integral part of the KKL-JNF organisational family, based in Israel and in over 50 countries worldwide.

The different parts of the KKL-JNF organisation meet regularly to discuss strategy and their practical work to implement the Zionist project. KKL-JNF Resources and Development Division Executive Director, Avi Dickstein, in concluding the 2011 KKL-JNF World Leadership Conference, said, *"we have been building and developing Israel over the last 110 years, but the story is about the next 110 years"*.³¹

In 2008, Samuel Hayek, currently JNF UK chairman, hosted an Ambassadors' Gala to celebrate the 60th anniversary since the founding of the state of Israel at the Hayek Contemporary Art Center in Jaffa, which was established by Hayek. Hayek welcomed his guests, fellow JNF officials, Israeli politicians and government officials, saying, *"KKL-JNF has helped to establish the State from its earliest beginnings, and today, too, it plays a major role in its development... We shall all work to defend the State, so that we can continue to build it together"*.³²

Hayek is known as a confidante to Israeli politicians such as Benjamin Netanyahu, Tzipi Livni and Avigdor Lieberman. Hayek's role as JNF UK chairman, his position of political influence in Israel and status as "millionaire real-estate tycoon"³³ operating in the UK and in Israel, raises serious questions of conflict of interest that should be of concern to the Charity Commission.

The slogan and purpose of JNF UK and the JNF Charitable Trust is 'Supporting Israel for Life', even though in their Review Visit Report (2005), the Charity Commission expressed concern about this statement, explaining that *"it is not open for the charity to support the State of Israel (or any other country), since this does not itself denote a charitable purpose"*.³⁴

There is clearly no intention on the part of JNF UK to break from being a branch of KKL-JNF. Following a period of dispute between JNF UK and KKL-JNF in Israel, JNF UK Chair Samuel Hayek was pleased in a 2009

²⁸ KKL-JNF Israel, Our History, <http://www.kkl.org.il/eng/about-kl-jnf/our-history/> [accessed 12 March 2013]

²⁹ JNF USA, About JNF, <http://www.jnf.org/about-jnf/> [accessed 12 March 2013]

³⁰ JNF UK, About US, <http://www.jnf.co.uk/about-the-jnf/> [accessed 12 March 2013]

³¹ KKL-JNF Israel, Conference Summary: "Our Focus is on the Next 110 Years", <http://www.kkl.org.il/eng/about-kl-jnf/kl-jnf-in-public-discourse/kl-jnf-conferences/world-leadership-conference/conference-summary/> [accessed 7 March 2013]

³² Jerusalem Post, KKL-JNF world leaders at the Ambassadors' Gala "Together we shall continue to build the State" (2008), <http://www.jpost.com/GreenIsrael/PEOPLEANDTHEENVIRONMENT/Article.aspx?id=100800> [accessed 7 March 2013]

³³ Haaretz online, 'The go-between' (2009), <http://www.haaretz.com/misc/article-print-page/the-go-between-1.271005?trailingPath=2.169%2C> [accessed 7 March 2013]

³⁴ Charity Commission, Review Visit Report, JNF Charitable Trust, 14 July 2005, p.6

meeting between the JNF UK delegation and Israel's Prime Minister to convey *"to the world... that JNF UK has returned to the bosom of the large global family of KKL-JNF"*.³⁵

The Charity Commission states that it makes decisions *"based on available evidence, about whether the aims of a particular organisation, taken in the context of the circumstances in which it carries out its work, are charitable for the public benefit"*.³⁶ There is overwhelming evidence that JNF UK is an integral part of the KKL-JNF organisation based in Israel and in over fifty countries. The purpose and actions of JNF UK should be considered in the context of how the KKL-JNF organisation expresses its history and overall purpose.

2.2 The role of ideology: JNF and the Zionist movement today

In the 2010 annual report of the JNF Charitable Trust, JNF UK chairman, Samuel Hayek, confirms the centrality of the Zionist ideology to the work of JNF Charitable Trust, saying, that *"today, JNF is spearheading this 21st century Zionist mission"*³⁷ and *"that JNF is one of a few, if not the only, organisation that has been at the heart of the Zionist mission since it first began."*³⁸

The role of KKL-JNF was and continues to be as *"an instrument for acquiring land for agricultural-Zionist settlement"*³⁹ while JNF UK boasts that *"the JNF stands at the forefront of 21st Century Zionism"*⁴⁰. As a partner of the World Zionist Organisation⁴¹, KKL-JNF is proud that *"Zionism and its objectives continue to play a central role in the ideological infrastructure of the State"* while noting that *"the struggle to establish the State of Israel as a Jewish state in the Middle East is not over: it has yet to allow Israel to live in peace with its neighbors and enjoy official recognition of its Jewish character. KKL-JNF and its lands are a cornerstone of this struggle"*.⁴²

In 2004, the Charity Commission rejected an application by a company called Good News for Israel for registration as a charity on the basis that it *"is not established for exclusively charitable purposes"*.⁴³ In reaching this conclusion, the Commission noted that *"the case of Keren Kayemeth Le Jisroel Ltd v IRC [1931] 2 KB 465... established that settling Jewish people in the Holy Land was not a charitable purpose as advancing religion because it involved considerations which were not exclusively charitable"*.⁴⁴

³⁵ KKL-JNF, WNEW2-2-UKHayek-eng, 'JNF UK - On a New Road with KKL-JNF', February 1, 2009, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=15&cad=rja&ved=0CEcQFjAEOAo&url=http%3A%2F%2Fwww.ticketbox.co.il%2Fhanof%2Fkeshet%2F...%255Cutilities%255Cwnew2-2-ukhayek-eng.doc&ei=Dsc9UfSrKMuN7AatnIGYBw&usg=AFQjCNH3iYvBCJTLGwnq9MvWRMMT7oeNpw&sig2=f1j7R7i2yvwCw5GYfkbBA&bvm=bv.43287494,d.d2k> [accessed 11 March 2013]

³⁶ Charities and Public Benefit: The Charity Commission's general guidance on public benefit (2011), p.9, http://www.charitycommission.gov.uk/Library/guidance/publicbenefittext_1.pdf [accessed 7 March 2013]

³⁷ JNF Charitable Trust, Annual Report & Accounts 2010, Supporting Israel for life this year and every year, p.5, http://www.charitycommission.gov.uk/Accounts/Ends10%5C0000225910_ac_20101231_e_c.pdf [accessed 11 March 2013]

³⁸ *ibid.*, p.6

³⁹ KKL-JNF Israel, First Decade: 1901-1910, <http://www.kkl.org.il/eng/about-kl-jnf/our-history/first-decade-1901-1910/> [accessed 7 March 2013]

⁴⁰ JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.9, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 7 March 2013]

⁴¹ World Zionist Organisation, Partners, <http://www.wzo.org.il/Partners> [accessed 7 March 2013]

⁴² KKL-JNF Israel, Jewish People Land, <http://www.kkl.org.il/eng/about-kl-jnf/kl-jnf-id/jewish-people-land/> [accessed 7 March 2013]

⁴³ Charity Commission, Application for registration of Good News for Israel, Decision made on 5th February 2004, p.1, <http://www.charitycommission.gov.uk/Library/start/gnfdecision.pdf> [accessed 11 March 2013]

⁴⁴ *ibid.*, p.2

In its Memorandum and Articles of Association, JNF Charitable Trust describes its objects as *"the relief of poverty, and the furtherance of any other charitable purposes, within the State of Israel as constituted from time to time, especially such charitable purposes as benefit persons of Jewish religion, race or origin"*.⁴⁵

However, the activity of settling Jewish people in what is now Israel and the Occupied Territories is not considered to be related to the relief of poverty since, *"it is not the improvement of poor Jews and their families that is the characteristic purpose of the Association. It is rather the repopulation of the Holy Land and other lands in a wide area around it, so that once more the population of that district may be Jewish"*.⁴⁶

Keren Kayemeth Le Jisroel (an alternative spelling of Keren Kayemeth LeIsrael) is the Hebrew name for the JNF and the 1931 case was an early attempt by the KKL-JNF to acquire tax exemption for money raised in the UK. In the 2004 Good News for Israel decision the Charity Commission made an important note that there are *"implications which went beyond the religious and spiritual and included political, economic, social and civil order implications"* and that *"it was not possible for either the Court or the Commission to determine whether the purpose [of promoting the settling of Jews in Israel] was beneficial to the public or not"*.⁴⁷

From the start Zionist leaders understood that there were consequences to the implementation of their objectives because the land of historic Palestine was already inhabited. Theodor Herzl, the political 'father' of Zionism, convened the First Zionist Congress in 1897 where the proposal was made to establish a Zionist state in Palestine. After the Congress, the two representatives of the rabbis of Vienna sent to Palestine on a fact-finding mission reported that *"the bride is beautiful, but she is married to another man"*.⁴⁸

The leaders of the Zionist movement, when discussing how to implement their plans in Palestine, accepted that 'population transfer' was necessary. In 1917, Leo Motzkin, a liberal thinker of the Zionist movement laid out the practical steps required, saying *"our thought is that the colonization of Palestine has to go in two directions: Jewish settlement in Eretz Israel and the resettlement of the Arabs of Eretz Israel in areas outside the country"*.⁴⁹

David Ben Gurion, Israel's first Prime Minister and Chair of the Jewish Agency in 1938, saw nothing wrong about this task of forced transfer of the indigenous Palestinian population, *"I am for compulsory transfer; I do not see anything immoral in it"*.⁵⁰

Ben Gurion is the inspiration today for the 'Judaisation' and Zionist settlement of the Galilee and the Naqab (Negev). JNF UK reports that it is *"rising to meet this challenge"* set by Ben Gurion who said that it was in the Naqab (Negev) where the *"pioneer vigour of Israel"* will be tested⁵¹.

In a report that exposes the reality of the Zionism openly supported and driven forward by all of the constituent bodies of JNF UK and KKL-JNF, the UN Special Rapporteur on adequate housing as a

⁴⁵ Memorandum and Articles of Association of JNF Charitable Trust (as altered by special resolutions passed on 20 July 1955, 29 December 1960, 30 December 1968, 28 February 2007, 28 March 2007 and 11 February 2008), p.2.

⁴⁶ Keren Kayemeth Le Jisroel Ltd v IRC [1931] 2 KB 465

⁴⁷ Charity Commission, Application for registration of Good News for Israel, Decision made on 5th February 2004, p.5, <http://www.charitycommission.gov.uk/Library/start/gnfiddecision.pdf> [accessed 11 March 2013]

⁴⁸ Shlaim, A., (2000) The Iron Wall, London, Penguin Books, p.3

⁴⁹ Pappé, I., (2006) The Ethnic Cleansing of Palestine, Oxford, Oneworld, p.7

⁵⁰ *ibid*, p.xi

⁵¹ JNF Charitable Trust, Annual Report & Accounts 2009, Supporting Israel for life this year and every year, p.5, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_AC_20091231_E_C.PDF [accessed 11 March 2013]

component of the right to an adequate standard of living (and on the right to non-discrimination in this context), Ms. Raquel Rolnik, said:

“Throughout my visit, I was able to witness a land development model that excludes, discriminates against and displaces minorities in Israel which is being replicated in the occupied territory, affecting Palestinian communities. The Bedouins in the Negev – inside Israel – as well as the new Jewish settlements in area C of the West Bank and inside Palestinian Neighbourhoods in East Jerusalem - are the new frontiers of dispossession of the traditional inhabitants, and the implementation of a strategy of Judaisation and control of the territory.”⁵²

The ideology and political affiliation of JNF UK and its charities should disqualify the organisation from charity status. The support for forced population transfer, in other words ethnic cleansing, that was deemed necessary to establish the state of Israel is still inherent in the Zionist movement. JNF UK’s active role in the implementation of the Zionist project contradicts the principles of public benefit required of all registered charities in the UK.

The Charity Commission has a duty to ensure that *“no organisation that has aims that are illegal, or that intentionally deceives or misrepresents its aims and so is a sham, can be a charity. Where that sort of detriment or harm is present then there is no balancing to be done as, notwithstanding any benefits that might arise from carrying out the organisation’s aims, it cannot be recognised as charitable”*. In addition, the Charity Commission is *“concerned only with the detriment or harm that arises from the particular organisation carrying out its particular aims”*.⁵³

In allowing the JNF UK charities to remain on the register, the Charity Commission is acting against its own guidance on the public benefit requirement of charities that says *“benefits must be balanced against any detriment or harm”*.⁵⁴

We call on the Charity Commission to be consistent in the applications of its own guidelines and legal definition of what constitutes charitable purpose and for the public benefit. The approach taken by the Charity Commission in the 2004 decision on ‘Good News for Israel’ should also apply to JNF UK.

⁵² Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik, Preliminary remarks on the mission to Israel and the Occupied Palestinian Territory-30 January to 12 February 2012,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11815&LangID=E> [accessed 7 March 2013]

⁵³ Charities and Public Benefit, The Charity Commission’s general guidance on public benefit (2011), p.16,

http://www.charitycommission.gov.uk/Library/guidance/publicbenefittext_1.pdf [accessed 11 March 2013]

⁵⁴ *ibid.*, p.16

3. The status of the JNF as a para-statal organisation in a foreign country

This section demonstrates that KKL-JNF is established by statute in Israel and exists as a branch of the state to implement the policies of a governmental authority, which is contrary to charitable law.

3.1 Israeli citizenship and Jewish nationality: JNF projects in context

In order to understand the role of the JNF, it is important to know that the State of Israel makes a key distinction between Israeli citizenship and nationality. Joseph Schechla, co-ordinator of the Habitat International Coalition's Housing and Land Rights Network explains:

Israeli law, official institutions or records do not recognize an "Israeli nationality" status. Israel's High Court already has confirmed that no such status exists. Whereas the State of Israel has established only Israeli citizenship. The only nationality conferring automatic status to enjoy all civil, political, economic, social and cultural rights in Israeli law is "Jewish nationality."

A practical feature of "Jewish nationality" is that Israel and its "national" (parastatal) institutions, including the World Zionist Organization/Jewish Agency (WZO/JA) and Jewish National Fund (JNF), apply this status both in developing and distributing confiscated Palestinian assets inside Israel and the occupied Palestinian territory, as well as through their extraterritorial activities. The scope of this program is vast. Mobilizing Jewish settlers/immigrants and financial resources from their operations in some 50 other countries, the "national" institutions function tax-free outside Israel, while performing as part of a foreign State.⁵⁵

In May 2012, the Haifa District Court rejected an appeal by Professor Uzzi Ornan to recognise him as an Israeli national.⁵⁶ In 2007 a group of Israeli citizens also took legal action so that the Israeli state would recognise their nationality as 'Israeli'. They failed, even though the "government records the nationality of Israeli citizens as "Israeli" on their passports, it has consistently refused to do so for internal state purposes".⁵⁷

As JNF Charitable Trust reports confirm, the JNF was established and continues to be "the property of the Jewish people as a whole".⁵⁸ In addition the Israeli constitution is built upon the 'Basic Laws' that defines the "State of Israel as the state of the Jewish people", not of its citizens, of which just over 20% are non-Jews. According to 'Basic Law: the Knesset', "a list may not participate in the elections if there is in its goals or actions a denial of the existence of the State of Israel as the state of the Jewish people".⁵⁹

The refusal of Israeli courts to allow 'Israeli' nationality to be entered into the Population Registry is not an administrative detail since it reveals the nature of the State of Israel as being as state that privileges one group of people over others. This has very real implications for Palestinian, non-Jewish, citizens of Israel,

⁵⁵ Schechla, J., "Jewish Nationality," "National Institutions" and Institutionalized Dispossession (2004), BADIL Resource Center for Palestinian Residency and Refugee Rights, al-Majdal, <http://www.badil.org/en/al-majdal/item/885-%E2%80%9Cjewish-nationality%E2%80%9D%E2%80%9Cnational-institutions%E2%80%9D-and-institutionalized-dispossession> [accessed 7 March 2013]

⁵⁶ Haaretz, 15 May 2012, Court rules Judaism, not place of birth, is grounds for Israeli citizenship: <http://www.haaretz.com/news/national/court-rules-judaism-not-place-of-birth-is-grounds-for-israeli-citizenship-1.430676> [accessed 11 March 2013]

⁵⁷ Izenberg, 22 February 2007, There are 132 categories of classification; 'Israeli' is not one of them: <http://www.jpost.com/Israel/Article.aspx?id=52303> [accessed 11 March 2013]

⁵⁸ JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.4, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 7 March 2013]

⁵⁹ The Knesset, Basic Laws: http://www.knesset.gov.il/description/eng/eng_mimshal_yesod2.htm [accessed 7 March 2013]

including where non-Jewish citizens are allowed to live. Such legal definitions would be contrary to public policy in the UK and would not be tolerated by citizens.

The privileging of Jewish citizens over Palestinian, non-Jewish, citizens is conferred via their 'Jewish nationality', and is of critical importance when examining the suitability of JNF UK for charity status since this is the context, core to the values of JNF UK and KKL-JNF, within which the JNF UK and its charities operate. The name 'Jewish National Fund' embodies this commitment to privileging Jews as bearers of a 'nationality'.

3.2 The status of the JNF in Israel

In Israel, KKL-JNF is a para-statal organisation, with a leading role in land development and administration and forestation.

KKL-JNF directly controls 13% of land in the state of Israel and their role is to hold that land as *"the perpetual property of the Jewish People"*.⁶⁰

In total, 93% of land in Israel is public land, which includes the land directly controlled by KKL-JNF. The government agency responsible for managing this land is the Land Authority Council (LAC) where KKL-JNF holds 6 out of 13 seats. This gives the KKL-JNF effective power over Israeli land administration and development.

The underlying basis for all legislation and policy related to the administration, development of land and forestation in Israel is based on the Israel Lands Law (1960). The following is the Israeli Parliament summary of this Basic Law:

*"The basis of the law is the special relationship between the People of Israel and the Land of Israel and its redemption. The law ensures that the state lands, which constitute about 90% of the lands in the state, should remain national property. The law prohibits the transfer of ownership over lands owned by the state, the Development Authority or the Jewish National Fund, either by sale or by any other means, with the exception of types of land or transactions, that have been specified in the law."*⁶¹

The Israel Lands Law (1960) enshrines in law the state's founding Zionist ideology, that the state of Israel is for 'the People of Israel', which is a reference to all Jewish people around the world and not the citizens of the state of Israel which include non-Jews. 'Redemption' means acquiring land for exclusively Jewish benefit.

Forestation

KKL-JNF is also charged with managing forestation⁶², a role provided by the 1961 Covenant between KKL-JNF and the Israeli government. The Covenant established the KKL-JNF chief forester as Israel's national forest commissioner⁶³ and agreed *"to concentrate the administration, conservation and care of these lands*

⁶⁰ KKL-JNF Israel, Jewish People Land, <http://www.kkl.org.il/eng/about-kl-jnf/kl-jnf-id/jewish-people-land/> [accessed 11 March 2013]

⁶¹ The Knesset, The Existing Basic Laws: Summary, http://www.knesset.gov.il/description/eng/eng_mimshal_yesod2.htm [accessed 7 March 2013]

⁶² Ministry of Agriculture & Rural Development, Forest Commissioner, <http://www.moag.gov.il/agri/English/Ministrys+Units/Forest+Commissioner/default.htm> [accessed 7 March 2013]

⁶³ Ministry of agriculture and rural development, Forrest Commissioner, Government involvement in determining forest management policy in Israel, <http://www.moag.gov.il/NR/rdonlyres/675EEC62-238D-493D-A9BC-93A3DDE6CADC/0/Govermentalinvolvementinfoestpolicyhagaysnir.pdf> [accessed 7 March 2013]

*in the hands of the State and to strengthen the hands of Keren Kayemeth LeIsrael in fulfilling its mission of redeeming land”.*⁶⁴

Independence

KKL-JNF’s position as a para-statal organisation calls into question JNF UK’s independence. In order for qualify as a charity, an organisation *“must exist in order to carry out its charitable purposes, and not for the purpose of implementing the policies of a governmental authority, or of carrying out the directions of a governmental authority”.*⁶⁵

JNF UK and its charities are part of the family of KKL-JNF organisations based in Israel and in countries around the world. The significant fiscal benefits provided by JNF UK charity status, and tax exempt status provided by other countries, contributes to KKL-JNF work in Israel as a para-statal organisation, that includes a role in the administration of 93% of ‘public lands’. The signatories to this application do not wish British institutions and tax payers to be used by the KKL-JNF and the State of Israel to build a state that is discriminatory and unequal.

⁶⁴ KKL-JNF, KKL-JNF Israel Government Covenant, <http://www.kkl.org.il/eng/about-kl-jnf/kl-jnf-id/kl-jnf-israeli-government-covenant/> [accessed 7 March 2013]

⁶⁵ The Independence of Charities from the State - RR7, p.2, <http://www.charitycommission.gov.uk/Library/guidance/rr7text.pdf> [accessed 7 March 2013]

4. Violations of human rights and international law involving JNF

A JNF UK publication, 'JNF Questions and Answers', explains how KKL-JNF activities are integrated into an overall plan involving the Israeli Army, a body accused of 'war crimes' and possible 'crimes against humanity':

"Q: What is the function of the JNF in Israel today?

*A: Today, the JNF tractor follows in the wake of the Army tank. Areas which have been restored to Israel as a result of the Six Day War are being put under the plough. The preparation of this land is the primary task of the JNF."*⁶⁶

This section provides some information on how JNF Charitable Trust projects are integrated into the continuing Zionist project to colonise land that involves violations of human rights of the Palestinian and Palestinian Bedouin population. Despite a recommendation by the Charity Commission following a review visit in 2005, JNF UK has yet to ensure transparency in its grant making policy.⁶⁷

4.1 Case study: British Park

The 'British Park' is one JNF UK project that illustrates lack of public benefit. On its website JNF UK claims *"our donors created the British Park, one of the largest parks in the Judean Hills, where you can find dozens of species of birds and animals, along with natural woodlands, fruit orchards, picnic and recreation areas and sports installations"*.⁶⁸

At the entry to the Park there is a sign that proclaims the 'British Park' is 'a gift of the Jewish National Fund of Great Britain'. The sign includes the logos of JNF UK and KKL-JNF Israel.

In fact, the 'British Park' was established on land belonging to 'Ajjur, Zakariyya, Dayr al-Dubban and Kudna, Palestinian villages occupied by Zionist forces in October 1948 as part of military Operation Yo'av. Many Palestinians from these villages fled the fighting while those that remained were subsequently expelled by the Israeli government and KKL-JNF.⁶⁹

In December 1948, United Nations resolution 194 raised the issue of Palestinian refugees and provided that *"the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible"*.⁷⁰

In response to UN resolution 194 which endorsed the right of Palestinian refugees to return, to *"forestall international indignation over collective dispossession"*⁷¹ and violate their obligations under international law, the Israeli government brought all confiscated Palestinian land under government custodianship. The Israeli government then transferred, *"at a bargain price"*, 1 million dunam of land to KKL-JNF. An additional quarter of a million dunam was passed to KKL-JNF in 1949.⁷² The lands of the destroyed

⁶⁶ JNF UK, 'JNF Questions and Answers' published by JNF UK, Rex House, 4 Regent Street, Dalkeith Press Ltd, (year not given)

⁶⁷ Charity Commission, Review Visit Report, JNF Charitable Trust, 14 July 2005, p.7

⁶⁸ JNF UK, Plant a Tree in Israel, <http://www.jnf.co.uk/plant-a-tree/> [accessed 11 March 2013]

⁶⁹ Khalidi, W. (ed.), (2006) Institute for Palestine Studies, All that Remains, The Palestinian Villages Occupied and Depopulated by Israel in 1948, Port City Press, USA, p.207.

⁷⁰ UN General Assembly resolution 194, <http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A> [accessed 7 March 2013]

⁷¹ Pappé, I., (2006) The Ethnic Cleansing of Palestine, Oxford, Oneworld, p.215

⁷² *ibid.*, p.215

Palestinian villages of 'Ajjur, Zakariyya, Dayr al-Dubban and Kudna, the property of Palestinians driven out of those villages by Zionist Jewish militias in 1948, were transferred to KKL-JNF as part of this process.⁷³

One of the key roles of JNF UK, in conjunction with KKL-JNF in Israel and the Israeli government, is and always has been to prevent the return of Palestinian refugees to their villages and land. This activity is in violation of basic canons of justice as well as international law enshrining the right of refugees to return to their homes. Some of the land was used to establish exclusively Jewish settlements to further erase the memory of Palestinian villages. Five Jewish-only settlements were established on 'Ajjur village land, 'Agur in 1950, Tzafririm (1958), Li-'On (1960) and Giv'at Yesh'ayahu (1958) and Tirosh (1955). In 1950, Zekharya settlement was established on Zakariyya land.⁷⁴ This practice of renaming Palestinian villages was not accidental. In July 1949 Israel's Prime Minister Ben-Gurion reconvened a 'Naming Committee' as a sub-division of KKL-JNF; the Committee's job was to Hebraize the geography of Palestine.⁷⁵

JNF UK and its charities established the 'British Park' on the rest of the village land. In Israel and the Occupied Territories, the KKL-JNF national parks provide picnic areas, cycle routes and play areas. KKL-JNF signs provide information about the natural surroundings and tell a story that is in line with the Zionist narrative, with no mention of pre-1948 Palestinian existence on the land.

KKL-JNF forestation also plays a role in denying the existence of a whole people, who fled war or were driven out by Zionist militias. The trees planted by JNF UK in these parks and forests are there to cover up the stones from the destroyed Palestinian homes and to erase any trace of Palestinian life. Zochrot, an Israeli organisation that works to educate Israeli Jews about the history of destroyed Palestinian villages, faces opposition from Israeli police and KKL-JNF staff when trying to conduct their tours of the villages under the 'British Park'.⁷⁶

While JNF UK fundraised to establish British Park, subsidised by UK taxpayers due to their registered charity status, Palestinians from 'Ajjur, Zakariyya, Dayr al-Dubban and Kudna villages have been dispersed to refugee camps. Hussein Farajah is from Zakariyya and was 20 years old in October 1948, when the villagers were forcibly displaced. Today, he lives in Deheisheh refugee camp hoping to return to Zakariyya even if "*just to see the stones and soil*".⁷⁷ According to Badil, the Resource Center for Palestinian Residency and Refugee Rights, today it is estimated that there are more than seven million Palestinian refugees and Internally Displaced Persons.⁷⁸ This process of displacement is continuing inside Israel and in the Occupied Territories, aided by the activities of JNF UK and its charities, and every year the numbers of internally displaced Palestinians in Israel and in the Occupied Territories increase.⁷⁹

⁷³ Abu Sitta, S. H., *The Return Journey, A Guide to the Depopulated and present Palestinian Towns and Villages and Holy Sites*, p.117.

⁷⁴ Khalidi, W. (ed.), (2006) *Institute for Palestine Studies, All that Remains, The Palestinian Villages Occupied and Depopulated by Israel in 1948*, Port City Press, USA.

⁷⁵ Pappé, I., *The Ethnic Cleansing of Palestine* (2006), p.226, Oxford, Oneworld

⁷⁶ Zochrot, *Ajjur Tour Report*, <http://zochrot.org/en/content/ajjur-tour-report>

⁷⁷ Badil, *On-going Nakba Education Center*, <http://www.ongoingnakba.org/en/1948-palestine/hebron-district/zakariyya.html> [accessed 8 March 2013]

⁷⁸ Badil, *Frequently Asked Questions about Palestinian Refugees' Struggle to Return*, <http://www.badil.org/en/documents/category/30-materials-for-print?download=344%3Aprint-q-a> [accessed 18 March 2013]

⁷⁹ Badil, *Survey of Palestinian Refugees and Internally Displaced Persons 2010 -2012, Volume VII*, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDcQFjAB&url=http%3A%2F%2Fwww.badil.org%2Fen%2Fdocuments%2Fcategory%2F35-publications%3Fdownload%3D1021%253Asurvey-2012&ei=1LIJUfrwEu2S0QXy6oGIDA&usg=AFQjCNHkijvFOw9PwhQ55Zq6ssYAXIfNReg&sig2=uHplOU3gQGJ76QImrfMuVQ&bvm=bv.44011176,d.d2k> [accessed 7 March 2013]

KKL-JNF, including JNF UK, works to deny not only the rights of refugees to return and/or to receive compensation for loss or damage to property but also to deny the history and existence of a whole people who lived and worked the land before Zionist colonisation.

According to Charity Commission guidance, public benefit “*must be balanced against any detriment or harm*”.⁸⁰ A key role of JNF UK, working in conjunction with the Israeli Government and KKL-JNF in Israel, is to prevent the return of Palestinian refugees to their villages and land while denying their very existence.

The harm done is severe, restricting the rights and freedom of the Palestinian people and constitute violations of international and human rights law.⁸¹ The behaviour of the Israeli government and organisations like KKL-JNF reduces the chances that peace based on justice can be achieved in Israel-Palestine.

We call on the Charity Commission to remove JNF UK and its charities from the register to prevent implicating the Charity Commission and British taxpayers in Israeli and KKL-JNF violations of basic rights and freedoms.

4.2 Case Study: Naqab (Negev) projects, Haluzit, Or and Ayalim

Samuel Hayek, JNF UK Chair, believes that the Israeli government plan to develop the Naqab (Negev) “*represents the opportunity for Zionist pioneers in Israel and around the world to return to the raw Zionism of the early 20th century pre-State years*”.⁸²

One of the key JNF projects in the Naqab (Negev) is Haluzit, a group of three Jewish-only settlements, Benei Netzarim, Naveh and Shelomit. The Haluzit project gets important financial support from JNF in the UK, Italy, US, Canada and Latin America.⁸³ Haluzit is set up by the Zionist settler group relocated from Gush Katif who JNF UK refers to as an inspiring “*group of 21st century Zionist pioneers*”.⁸⁴

The Ayalim Association is another project funded by JNF UK. Ayalim establishes student villages in the Naqab (Negev) and the Galilee. The third organisation, OR Negev, is very similar to the Ayalim Association, set up in 2002 by young Israelis to set up settlements in the Naqab (Negev) and the Galilee.

All three organisations, funded by JNF UK, are described as ‘21st century Zionist pioneers’.

JNF UK explains that “*these projects are contributing to the building-up and development of the Negev, helping the Israeli government to deliver its promise of 300,000 more Israelis living in the Negev by 2020*”.⁸⁵

⁸⁰ Charity Commission, Charities and Public Benefit: The Charity Commission’s general guidance on public benefit (January 2008, as amended December 2011), http://www.charity-commission.gov.uk/library/guidance/publicbenefittext_1.pdf [accessed 7 March 2013]

⁸¹ Badil, Survey of Palestinian Refugees and Internally Displaced Persons 2010 -2012, Volume VII, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&ved=0CDcQFjAB&url=http%3A%2F%2Fwww.badil.org%2Fen%2Fdocuments%2Fcategory%2F35-publications%3Fdownload%3D1021%253A%2Fsurvey-2012&ei=1LIJUfrwEu2S0QXy6oGIDA&usg=AFQjCNHkYjvOW9PwhQ55Zq6ssYAXIfNReg&sig2=uHplOU3gQGJ76QImrfMuVQ&bvm=bv.44011176,d.d2k> [accessed 7 March 2013]

⁸² JNF Charitable Trust, Annual Report & Accounts 2010, Supporting Israel for life this year and every year, p.5, http://www.charitycommission.gov.uk/Accounts/Ends10%5C0000225910_ac_20101231_e_c.pdf [accessed 11 March 2013]

⁸³ KKL-JNF, New Communities in the South, Halutzit, <http://www.kkl.org.il/eng/people-and-environment/community-development/building-new-communities/> [accessed 12 March 2013]

⁸⁴ JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.9, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 11 March 2013]

⁸⁵ JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.9, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 11 March 2013]

All 300,000 are intended to be Jewish Israelis, part of the Israeli Government's programme to 'Judaize' the Naqab (Negev) as reported by UN Special Rapporteur Raquel Rolnik, who said:

*"The Bedouins in the Negev – inside Israel – as well as the new Jewish settlements in area C of the West Bank and inside Palestinian Neighbourhoods in East Jerusalem - are the new frontiers of dispossession of the traditional inhabitants, and the implementation of a strategy of Judaisation and control of the territory."*⁸⁶

Since the establishment of the state in 1948, the Israeli government has carried out a policy of home demolitions, displacement and dispossession against the indigenous Palestinian Bedouin living on ancestral land in the Naqab (Negev). Today, between 75,000 to 90,000 Palestinian Bedouin citizens of Israel live in 35 villages 'unrecognised' by the state although most of the villages referred to by the Israeli government as 'unrecognised' existed prior to the establishment of the state of Israel in 1948. They were made illegal by the enactment of The National Planning and Building Law in 1965 which means these villages have no official status in the eyes of the state and so receive little or no basic services such as water, sewage system, electricity, education, health care and roads.⁸⁷ The Israeli government, and KKL-JNF, consider the Palestinian Bedouin trespassers on state land. Jewish citizens of Israel could never suffer such treatment at the hands of the Israeli State.

While the Palestinian Bedouin are being forced out of their homes and off their land, JNF UK are assisting organisations such as Haluzit, Or and Ayalim to replace them with Jewish settlers. These projects are clearly related to the core purpose of JNF UK, to continue the Zionist project of settling historic Palestine with Jews and to exclude the indigenous Palestinian population from their own land.

As an example of the high priority given to settlement of the Naqab (Negev) by the Israeli government, Ayalim Association promotes their projects by listing the type and level of subsidies that are available. In Ofakim, to where JNF UK send charity raised funds, settlers can receive a 16% income tax discount, up to almost £23,000. JNF UK⁸⁸ has also established joint projects with Ayalim in Yerucham where settlers are eligible to receive a 20% income tax discount. Only in the Occupied Palestinian Territories, another priority area for settlement, considered illegal under international law, are there similar levels of subsidies provided to Israeli Jewish settlers.⁸⁹

In its Memorandum and Articles of Association, JNF Charitable Trust describes its objects as *"the relief of poverty, and the furtherance of any other charitable purposes, within the State of Israel as constituted from time to time, especially such charitable purposes as benefit persons of Jewish religion, race or origin"*.⁹⁰ In fact JNF UK support for the Haluzit, Or and Ayalim projects is for the settling of Jews in the Naqab (Negev), and in context of the levels of government subsidies available for such settlement, it is not activity that is for the relief of poverty. According to British charity law, the activity of the settlement of Jews is not

⁸⁶ Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik, Preliminary remarks on the mission to Israel and the Occupied Palestinian Territory-30 January to 12 February 2012,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11815&LangID=E> [accessed 7 March 2013]

⁸⁷ Adalah, The Inequality Report: The Palestinian Arab Minority in Israel, March 2011, www.adalah.org [accessed 7 March 2013]

⁸⁸ JNF UK, JNF UK-Ayalim Association, <http://www.jnf.co.uk/jnf-uk-ayalim-association/>, [accessed 11 March 2013]

⁸⁹ Ayalim Association, <http://eng.negev-net.org.il/HTMLs/article.aspx?C2004=12782&BSP=12316&BSS333=12782> [accessed 7 March 2013]

⁹⁰ Memorandum and Articles of Association of JNF Charitable Trust (as altered by special resolutions passed on 20 July 1955, 29 December 1960, 30 December 1968, 28 February 2007, 28 March 2007 and 11 February 2008), p.2.

related to the relief of poverty since, *"it is not the improvement of poor Jews and their families that is the characteristic purpose of the Association. It is rather the repopulation of the Holy Land and other lands in a wide area around it, so that once more the population of that district may be Jewish"*.⁹¹

Once again, we call on the Charity Commission to implement its own legal guidelines and remove JNF UK charities from the register.

4.3 Case Study: Hura

In 2011, JNF UK began contributing funds to projects in Hura⁹², a government planned town in the Naqab (Negev). After the establishment of the state of Israel in 1948, the government began to draft plans in order to deal with Palestinian Bedouin in the Naqab (Negev). The Palestinian Bedouin, who are citizens of the State of Israel, were, and still are, seen by the Israeli government and KKL-JNF as a problem and a barrier to Jewish settlement the area.

The JNF in the UK, in Israel and all over the world, all currently focus their fundraising efforts to the *"development"*⁹³ of the Naqab (Negev). The 2011 JNF Charitable Trust annual report explains that *"Israel's first Prime Minister, David Ben Gurion, famously contended that the development of the Negev is the crucial test of 'the creativity and pioneering vigour of Israel'"*⁹⁴.

Hura was established in order to minimise the area of land inhabited by Palestinian Bedouin. Adalah, the Legal Center for Arab Minority Rights in Israel, reports that the Israeli government policy of *"concentrating"* the Palestinian Bedouin population is a means to deprive them of their land while their historic property rights remain unrecognised and while the institutions of the Israeli state *"are continuing to draw up plans to dispossess and expel them from their homes, exploiting planning procedures and "legal" procedures to accomplish that end"*.⁹⁵

The most current policy regarding Palestinian Bedouin in the Naqab (Negev) is laid out in the Prawer Plan, approved by the Israeli government in September 2011. The Prawer Plan, if implemented will result in the demolition of the 'unrecognised villages' and forced displacement of 70,000 Palestinian Bedouin. Hura is where the displaced people will be "concentrated". Adalah has raised very serious concerns about the Plan⁹⁶:

- No Palestinian Bedouin was consulted in this planning process
- The planning arrangement prohibits Palestinian Bedouin citizens of Israel from inhabiting or claiming land in entire areas of the Naqab
- The proposed solution for Palestinian Bedouin settlement entails the demolition of most of the unrecognized villages and the expulsion of 40,000 citizens
- The plan is intentionally vague: it does not contain a map, the names of villages affected or actual amounts or location of the land

⁹¹ Keren Kayemeth Le Jisroel Ltd v IRC [1931] 2 KB 465

⁹² JNF Charitable Trust, Annual Report & Accounts 2011, Supporting Israel for life this year and every year, p.13, http://www.charity-commission.gov.uk/Accounts/Ends10%5C0000225910_ac_20111231_e_c.pdf [accessed 7 March 2013]

⁹³ ibid., p.9

⁹⁴ ibid., p.5

⁹⁵ Adalah, Nomads Against Their Will: The attempted expulsion of the Arab Bedouin in the Naqab Issued September 2011, p.9,

<http://www.adalah.org/eng/publications/Nomads%20Against%20their%20Will%20English%20pdf%20final.pdf> [accessed 7 March 2013]

⁹⁶ Adalah Briefing Paper: Analysis of the Prawer Plan (2011), p.3,

<http://www.adalah.org/upfiles/2011/Overview%20and%20Analysis%20of%20the%20Prawer%20Committee%20Report%20Recommendations%20Final.pdf> [accessed 7 March 2013]

- The Praver Committee adopted the Goldberg Committee's new criteria for establishing Palestinian Bedouin towns (population density, continuity, size and economic capacity) that do not apply to Jewish towns in the Naqab
- The unique involvement and wide discretion of the Prime Minister's Office in the planning arrangement for Bedouin settlement unprecedented and unrestrained
- It discriminates between Palestinians and Jews in land and planning in the Naqab

In March 2012, the UN Committee on the Elimination of Racial Discrimination expressed concern for the situation of the Palestinian Bedouin and called on Israel to *"withdraw the 2012 discriminatory proposed Law for the Regulation of the Bedouin Settlement in the Negev, which would legalize the ongoing policy of home demolitions and forced displacement of the indigenous Bedouin communities"*.⁹⁷

In July 2012, the European Parliament passed a resolution that included calls *"for the protection of the Bedouin communities of the West Bank and in the Negev, and for their rights to be fully respected by the Israeli authorities, and condemns any violations (e.g. house demolitions, forced displacements, public service limitations); [and] calls also, in this context, for the withdrawal of the Praver Plan by the Israeli Government"*.⁹⁸

The commitment and funding of JNF UK and KKL-JNF branches around the world are significant factors in the implementation of the Praver Plan, to displace by force the Palestinian Bedouin and replace them with Jewish settlers. JNF UK's charity status implicates British tax payers in violations of the rights of Palestinian Bedouin Israeli citizens.

⁹⁷ Committee on the Elimination of Racial Discrimination, Eightieth session, (2012), <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf> [accessed 7 March 2013]

⁹⁸ European Parliament resolution of 5 July 2012 on EU policy on the West Bank and East Jerusalem, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0298+0+DOC+XML+V0//EN&language=EN> [accessed 7 March 2013]

5. JNF “aims were never in fact for the public benefit and... the organisation was mistakenly registered as a charity”

The *Times* report of the 1903 Zionist Congress in Basel included a reference to the JNF committee’s decision to “*leave over any definite decision as to the incorporation of the fund to the next congress*”⁹⁹. Legal experts were called in to assist the JNF committee with the establishment of charity status.

Historians detailing this process noted that “*all apparently agreed that the purposes of the JNF... would not be held charitable under the law, thus they advised against such registration*”, concluding that “*the purpose of the Fund will be a political rather than a charitable one and that limiting the Fund’s use to strictly charitable purposes would run counter to the main purpose of the Fund*”.¹⁰⁰

In 1931, the House of Lords agreed with these conclusions and held against the JNF (in the form of KKL Ltd) that, as required under charity law, they were not “*a body of person... established for charitable purposes only*”. Lord MacMillan, in summing up, said that he failed to see “*that the purpose of settling Jews in this region can be described as a religious purpose, whatever may be the actuating motive, or as a charity having for its purpose the benefit of a certain section of the community, or as a charity for the relief of the poor*”.¹⁰¹

In 2004 the Charity Commission referred to the 1931 case in their decision to deny ‘Good News Israel’ registration as a charity.¹⁰² In spite of a name change, JNF UK is the same organisation denied tax exemption by the House of Lords in 1931. Yet, JNF UK has three registered charities in the UK.

The Charity Commission has a duty to take decisions about charitable status and public benefit by making judgements “***based on available evidence, about whether the aims of a particular organisation, taken in the context of the circumstances in which it carries out its work, are charitable for the public benefit***”.¹⁰³

According to Charity Commission guidance, public benefit “must be balanced against any detriment or harm”.¹⁰⁴ In addition the Charity Commission, when considering the charitable status of institutions operating abroad should “***first consider whether they would be regarded as charities if their operations are confined to the United Kingdom***”.¹⁰⁵

This document points to evidence that the purposes on which the JNF UK and the KKL-JNF family were established were always contrary to the principles of public benefit and to charity law in the UK.

Jews and others whose property was confiscated before 1945 by the German authorities during Second World War have successfully secured the return of some of that property. Palestinians whose property was seized during and after 1948 have similar rights to recover their confiscated property. The

⁹⁹ “The Zionist Congress.” *Times* [London, England] 28 Aug. 1903: 3. *The Times Digital Archive* [accessed 6 October 2012]

¹⁰⁰ Lehn, W. and Davis, U. (1988), *The Jewish National Fund*, Kegan Paul International, London, pp.28-29

¹⁰¹ *Keren Kayemeth Le Jisroel Ltd v IRC* [1931] 2 KB 465

¹⁰² Charity Commission, Application for registration of Good News for Israel, Decision made on 5th February 2004, p.5, <http://www.charitycommission.gov.uk/Library/start/gnfiddecision.pdf> [accessed 11 March 2013]

¹⁰³ Charities and Public Benefit: The Charity Commission’s general guidance on public benefit (2011), p.9, http://www.charitycommission.gov.uk/Library/guidance/publicbenefittext_1.pdf [accessed 7 March 2013]

¹⁰⁴ Charity Commission, Charities and Public Benefit: The Charity Commission’s general guidance on public benefit (January 2008, as amended December 2011), http://www.charity-commission.gov.uk/library/guidance/publicbenefittext_1.pdf [accessed 7 March 2013]

¹⁰⁵ Charity Commission Annual Report, 1993

constituent units of the JNF UK work in concert with their counterparts internationally to ensure such restitution does not take place; in so doing they violate canons of natural justice and the human rights of the Palestinian people as enshrined in international law.