

**JNF**

*Colonising Palestine since 1901*

**JNF eBook (Volume II, May 2010)**

**Preparing for Legal Action**  
**Focus: Canada Park**

*Dedicated to the memory of Walter Lehn (1926-2009)*

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**Plus the Campaign to Stop the JNF**

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## ***Dedication to Walter Lehn: The Power of Memories***



**WALTER LEHN (1926-2009)**

“We are not made of atoms, we are made of stories,” the Lebanese teenager reflected after the Israeli invasion to southern Lebanon in 2006. My vivid memories of Walter (as a free thinker) were about two major domains: i.e., freedom and justice. The first was about the Intifada in 1987. He wrote a detailed letter explaining that the history is in transition in Palestine and he wants to be a witness. He was vividly explaining what a rubber bullet means and how the aggressor is trying to suppress the free and voiceless. He decided to be a voice for the powerless and the conscience for those who strive for freedom. This cultural fusion between two families from East and West was inspiring for me to see beyond borders and not only to accept and live with diversity but rather to celebrate diversity.

The second was about value creation and leaving legacy by documenting in his book *The Jewish National Fund* about how institutional hegemony bought Palestinian lands in the early 20th century to facilitate the de-construction of Palestinian identity, hope and future. His book is a testimony of how a human can resource and instil a sense of purpose in his personal journey.

I do recall sitting at night and reflecting all night on the shifting sands and changing of the borders in Palestine in the last five decades. Despite the fact that I only met him for few hours since early 1980s, his passion and empathy for the “other” was memorable, may his soul rest in peace.

(Written by a family relative, October 10th, 2009)

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## *Editor's Preface*

This JNF eBook (Vol. 2) takes off from where Ilan Pappé's "Introduction" to Volume 1 ends – but with an applied legal twist. Ilan Pappé ends his "Introduction" to Volume 1, pointing out that:

Without acknowledgments of the crimes of the past and without unmaking of the lies of the present there is very little hope for peace in Israel and Palestine. Hopefully this book contributes further to this sacred mission for the benefit of Jews and Palestinians alike.

It is my hope, as editor of Volume 2, that the materials represented in the Table of Contents below take Ilan Pappé's dictum one additional step towards implementation – in the first instance, legal enforcement in the federal courtrooms of Canada.

Historically, it has been primarily in the political/educational arena that Palestine solidarity has challenged the thought and practice of political-Zionist settler-colonialism, notably confronting the crime against humanity of the ethnic cleansing of Palestine by Zionist militias and by the Israeli army, as well as Israeli apartheid occupation policies.

Since the establishment of the First Zionist Congress, convened in Basle, Switzerland in 1897, the anti-Zionism and Palestine solidarity movement outside Palestine has mobilized valiant resistance, inter alia by way of demonstrations, petitions, vigils, parliamentary lobbies, and correspondence with government officials; in addition to the role of interns and NGO officials inside Palestine and through the PLO, the representative body of the Palestinian struggle, as volunteers and/or as members of any of the political bodies affiliated to the PLO, both in its civilian as well as its armed capacities.

Challenges in the domestic and international legal arena have historically not been at the centre of the anti-Zionist and Palestine solidarity challenge to political-Zionist racism and Israeli apartheid and occupation. Happily, in the last two decades or so, challenges in the legal arena, identifying political Zionism as a form of apartheid and racist discrimination have gravitated to centre stage. Hopefully, this second volume of the JNF eBook will further contribute to the advancement of this move, leading to the application by the UN General Assembly and subsequently by the UN Security Council of the *International Covenant on the Suppression and Punishment of the Crime of Apartheid* of 1973 to the apartheid State of Israel with the view to declaring the State of Israel an apartheid state, whose reform is to be assisted by the imposition of international sanctions against its government, divestment in its economy, and boycott of its education, cultural, academic and sport institutions together with its industrial and agricultural products.

In this connection it is sad to witness attempts by organizations such as the Israeli Committee Against House Demolitions (ICAHN) – otherwise doing invaluable work in the defence of Palestinian families' homes – applying their good reputation to get apartheid Israel off the hook. Their attempts to replace references to Israeli apartheid policies with references to Israeli "hafradah" (separation) or "nishul" (dispossession) or "warehousing" policies are wholly incongruous. They discredit their otherwise

good work because they are fully aware that there does not exist in international law an “International Covenant on the Suppression and Punishment of the Crime of Hafradah or Nishul or Warehousing” – whereas since 1973 the effective instrument of international law awaiting application against apartheid Israel is the *International Covenant on the Suppression and Punishment of the Crime of Apartheid*.

It is in the legal arena, in particular the courtroom, that the institutions and the officials of the political-Zionist movement, notably the World Zionist Organization (WZO), the Jewish Agency for the Land of Israel (JA) and the Jewish National Fund (JNF) – all of which have been granted official status by Israeli parliament statutes – together with the institutions and officials of apartheid Israel, are the most vulnerable. As the various contributions to this volumes suggest, at this stage, of the three, the JNF of Canada is the most vulnerable, since its complicity with the crime against humanity of the 1967 ethnic cleansing of the localities of ‘Imwas, Yalu and Beit Nuba’ in the Palestinian occupied territories cannot be defended under Canada’s constitution and runs counter to the liberal conventions of the government of Canada.

Given the Canadian focus of this in Volume 2, I deemed it appropriate to dedicate this volume to the memory and the work of my late friend and colleague, Professor Walter Lehn, the unsung hero of critical research on the JNF. It was Walter who put me on the track that has led to my critical research on the JNF over the past three decades, culminating in the privilege of being invited by Mortaza Sahibzada, the editor of Volume 1, to undertake the editing of the current volume. Furthermore it was the insight of the late Professor Ibrahim Abu Lughod that directed Walter to devote much of his research time and writing skills to a critical study of the JNF when he arrived in Palestine to take his position in 1980/81 as Visiting Professor in English Linguistics and, subsequently, Professor and Chairman of the Department of English, Najah National University, Nablus.

In the decade of 1974-1984 I had basically divided my residence between teaching in Great Britain (where I lectured at the Universities of Bradford, Durham and Exeter) and undertaking fieldwork in Palestine. Upon his arrival in Palestine, Walter contacted me and suggested that we meet. He was aware of my published academic record of critical research on Israel and Zionism, and suggested that we team up. Walter had the required language competences in English and in German. I had the language competences of Hebrew, English and Arabic. It was almost a decade later our association delivered the only independent critical comprehensive book publication in the English language on the JNF to date – The Jewish National Fund (Kegan Paul International, London, 1988). It was in an extended summer retreat in Exeter that we had put the final touches on the work before submitting it for publication in London.

I have been told by a board member of the JNF Research Institute on Land Policy and Land Applications in Jerusalem that it was following the publication of the said book that the JNF realized that it could no longer expect to conduct its business academically unchallenged, and that it needed to establish a JNF academic research centre of its own. It is rewarding for my generation (now approaching their seventies and eighties), having pioneered critical research on Israel and Zionism, and notably, critical research on the JNF, to witness the advancement of the anti-Zionist challenge to the JNF leading towards its ultimate demise, possibly within our lifetime.

It is Walter's research, beginning with the publication of his paper below, "A West Bank Sojourn", Journal of Palestine Studies, Vol. 9, No. 4 (Summer, 1980), that represents the opening act of a human rights defence journey extending over decades, which, as is my fervent hope, will culminate with the placement of the JNF of Canada in the dock before the Canada Constitutional Court and lead to a ruling declaring political-Zionist values to be incompatible with the democratic values of the Canadian Constitution, and consequently to the removal of the JNF from the Canadian Registrar of Charities; to the nullification of the JNF tax exempt status in Canada; and to the classification of the JNF, together with all such bodies that are formally affiliated to the WZO and JA as illegal organizations in Canada.

Much of the material collated for this current Volume 2 represents first-hand eyewitness reports, admissible as evidence in Canada's courts of law. A good number of the contributors to this Volume 2 qualify as expert witness testimonies. Whereas the JNF may still have the upper hand as an important party in the pro-Zionist and pro-Israel lobbies active in Canada's political arena, it is, I am confident, sure to lose in the arena of Canada's courtroom.

Justices, relative to politicians, are less prone to intimidation. Their primary reference is the constitution and the law – not campaign funding and the ballot box. Since political-Zionist apartheid values patently run counter to the values of the Universal Declaration of Human Rights that inform liberal democratic constitutions, in the courtroom, and definitely in the constitutional courtroom, the JNF is almost sure to lose.

Let's go for it!

**Professor Uri Davis**  
**AL-QUDS University**  
**(Institute of Area Studies, Israel Studies Programme)**

## ***Correction to Volume 1: An apology to Nick Clegg***

In the foreword to Volume 1 (January 2010), we stated that Nick Clegg, leader of the British Liberal Democratic Party (LDP), is a patron of the UK Jewish National Fund. After communication with the office of the LDP leader, we understand that he is not, in fact, a patron of the JNF-UK. We apologize unreservedly to Nick Clegg for the implication that he is associated with the JNF-UK.

Mortaza Sahibzada & Ghada Karmi

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Some editorial amendments have been placed in square brackets.

## ***Call for the Submission of Papers to Volume 3***

"Ongoing ethnic cleansing in the Naqab and Galilee" edited by Faisal Sawalha

The JNF eBook Volume 3 will be entitled "Ongoing ethnic cleansing in the Naqab and Galilee". The JNF has been instrumental in promoting and funding the development of Jewish-only settlements in the Naqab Desert (Negev in Hebrew, Negev in English) and the Galilee region. Palestinian citizens of Israel, including the indigenous Bedouin communities in the Naqab, are today being displaced, and their human rights systematically violated, to make way for these Jewish-only developments. In the Israeli legal framework of apartheid, Palestinian ownership of land in the Naqab is denied to legitimize non-recognition of their villages and withholding services from them. JNF development programs mean Judaization.

Papers on the subject of the ongoing ethnic cleansing in the Naqab and Galilee, and the role of JNF, are invited. Papers can be submitted in the first instance to Mortaza Sahibzada ([mozsahib@yahoo.co.uk](mailto:mozsahib@yahoo.co.uk)). The editor will be Faisal Sawalha, an activist from Beersheeba in the Naqab, and a member of the Regional Council for Arab Unrecognized Villages in the Naqab. The deadline for the submission of papers is Friday 30 July 2010.

## ***Foreword: A Wolf in a Lamb's Wool***

As a Palestinian, a refugee for 62 years, I know the meaning of home, and consequently the pain of separation from it. Children in my family can recite their forefathers for 12 generations before they start to falter. It is also because of this affinity to the home that Palestinians welcomed the Bosnians who escaped to Palestine in 1885 from the Serbian atrocities, the Nigerian Muslims who settled in Jerusalem after the long arduous journey of their pilgrimage to Mecca and Medina, which ended in Jerusalem, the Circassians, the Turkomans, the Algerians escaping the French massacres, even the German Templars- the remnants of the Crusaders; all these peoples chose to live in the Holy Land in peace and harmony.

None of them intended to dispossess, massacre or expel their hospitable hosts, or carry out a most comprehensive, organized, brutal and continuous ethnic cleaning of the very same people who gave them shelter.

Yet this is what the Zionists planned and executed, in an unholy alliance with the Western colonial powers. In 1903, Herzl commissioned a law office in London to draft a charter for a Jewish colonial organization in East Africa under the British crown. The lawyer was none other than David Lloyd George who would become Britain's Prime Minister in 1917. The British government rejected the charter. When Herzl died, a chemistry professor, named Chaim Weizmann, befriended his MP, by the name of Arthur James Balfour, who in 1917 became Britain's foreign minister. The scene was set. The old colonial charter was redrafted to suit Palestine and was readily approved by the two original supporters, Lloyd George and Balfour. November 2, 1917, the day on which the infamous Balfour Declaration was signed into British Law, ushered an unprecedented era of death and destruction into Palestine and the whole region.

The Zionists were already prepared. They knew that their colonial scheme needed an instrument to acquire the land. Hence the Jewish National Fund (JNF) was chiefly founded at the beginning of the 20th century to be the instrument of a peculiar kind of colonization. It did not intend to live in peace with the people of the country, as the Bosnians and others had done. It intended to eliminate them physically, geographically, economically, and politically. Under JNF rules, Palestinians and other non-Jews were not allowed to buy the land acquired by the JNF, rent it, work or live on it. To carry out this policy, it used enormous funds to buy distressed property, often through devious means, and established a paramilitary force under the protection of the British. This force was ready to pounce on Palestine in 1948. In one fell swoop, Zionists increased their holding from 5.5% of Palestine, by purchases under the British Mandate, to 78% of Palestine by sheer military conquest.

Thus it is not surprising to discover in the declassified Israeli files four decades later that the JNF was a prime mover in the war crimes committed by Israel in 1948/49 and thereafter. The JNF expelled and dispossessed Palestinians, and it plundered their property. The JNF planned and, in concert with the Israeli army and others, executed the destruction of Palestinian villages. The JNF and the Jewish Agency planned and executed the ethnic cleansing and replaced the expelled population with Jewish immigrants who were settled in the stolen Palestinian homes and who continue to make use of that plundered property.



As this book illustrates, the JNF confiscated the land and property of hundreds of depopulated villages, whose population amounts to half the total refugee population today. This confiscation took place under the cover of a fictitious sale agreement between the JNF and Israel's provisional government, neither of which has legal title to the confiscated land. The fictitious sale was designed to thwart the effort of the UN, in its famous resolution No. 194, to insist on the return of the refugees. It was assumed that, by transferring Palestinian property to an international tax-exempt Jewish organization, this would relieve Israel from its obligation to allow the refugees to return to their property after hostilities ceased. Ben-Gurion thought that by doing this and by destroying Palestinian villages, this would also deter the refugees from their struggle to return home. Little did he know that they would not give up their Right of Return to this day, and that they never will.

The racist doctrine adopted by JNF – the privileging of a particular ‘race’ of people and the removal of another ‘race’ of people from the environs – smells of Nazi practices. This may sound controversial, but there are grounds for making this analogy. For example, a thesis published recently at the University of Tel Aviv traced the origins and thinking of one of JNF's major personalities, Arthur Ruppin. The thesis' author uncovered papers implicating Ruppin in drafting Zionist ideology for ‘Semites’ as a mirror image of Aryan Nazism. Ignoring the anomaly, indeed the irony, that the Ashkenazis, the founders of the Zionist ideology, are far from being Semites, this ideology has been transformed into the Basic Laws of Israel – the only institutionalized form of state racism in the world today. This ideology and its practice has ignited dozens of wars and hundreds of clashes, not to mention hundreds of thousands of casualties and millions of dispossessed people all the over Middle East.

Without shame or remorse, political leaders in many Western countries vie for honours and a position on the board of tax-exempt JNF charities in their countries. This is to curry favour with Jewish voters, unaware that this may drag them one day to the International Criminal Court in the Hague for their complicity in the crimes committed against the defenceless Palestinians in one of the longest running wars in history waged against a people – 93 years and counting.

The Bosnians and others, who sought refuge in Palestine, survived, prospered and became an integral part of the Palestinian people. But those who came to kill, dispossess and uproot, only ignited the resistance of the Palestinians and the millions of the people around the world who supported them. They all agree that peace will never return to this Holy Land without abolishing racism, its doctrines, its practices and its operators. Peace can only prevail if and when justice is applied.

This will no doubt come to pass one day, soon I hope, as history tells us that evil sows the seeds of its own destruction. Let us work together to bring this day closer.

**Salman Abu Sitta**  
**Founder and President, Palestine Land Society, London**

## ***Publisher's Introduction***

In 'Financing Racism and Apartheid: The JNF's Violation of International and Domestic Law' (chapter 6), the Palestine Land Society notes that the status of the JNF as a charity organization has been questioned in Canada, Scotland and Australia (and in the US, there have been reports of JNF mishandling of funds and possible violations of US law). Nevertheless, a fully documented and well-argued court case has not yet been pursued.

The Palestine Legal Aid Fund, established in London and Amman in 2009, is a unique legal aid fund to support legal action on all aspects of the Palestinian situation. It takes its inspiration from the International Defence and Aid Fund for South Africa, which supported, among other cases, Nelson Mandela's defence against the death penalty in 1963. I firmly believe that a legal movement for Palestinians – giving them access to justice to an extent they have never had before – offers similar hope for the future.

In recent years, Israel has pursued a public relations strategy of disparaging human rights-based litigation strategies as 'lawfare', defined as 'a strategy of using or misusing law as a substitute for traditional military means to achieve military objectives'. Such criticisms belie the fact that the very purpose of using legal mechanisms is to provide an independent forum detached from the politics of the conflict where claims of alleged victims may be heard. Such criticisms also do not take account of the meticulous research and factual verification that is required to pursue a case.

The authors of this volume have done a great service towards seeking accountability for the JNF through the research presented here. Sometimes the moment is so ripe for an idea that it can reach fruition in many places at once. Television, for example, was invented almost simultaneously in three different countries at the same time. The need to pursue accountability through legal mechanisms for the JNF's actions is currently being discussed across the world. Perhaps the time for a legal movement for Palestinian rights has finally come.

**Mary Nazzal-Batayneh**

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# 1. West Bank Sojourn

By Walter Lehn

## 1.1

"Did you meet any Arabs while you were in Israel?" was one of the questions addressed to me by the security officer at Israel's Ben-Gurion airport, prior to checking-in with Olympic Airways and boarding a flight to Athens. Although I had been prepared by friends for the multilevel security check at the airport, and had been told that this was a question I would be asked, it still came as a jolt. Since earlier questions had already established that I was living in Ramallah – one of the largest cities in the occupied West Bank – the only credible and truthful answer was a simple yes. To this the officer responded with a further question: "How many Arabs did you meet, and what are their names?" I answered that having lived in Ramallah for seven months and teaching at an Arab university in the West Bank I had met many Arabs; therefore I could not possibly say how many or what their names were.

At the same time a number of other questions raced through my mind, though, as my friends had advised, I resisted the temptation to voice them: Is it a crime in Israel to meet an Arab? Are Arabs in Israel considered aliens and therefore enemies, contact with whom is to be shunned? Are Arabs' some lesser form of human beings? If you do not like Arabs, must I too dislike them? Since at this point the officer knew I was living in an Arab city in the West Bank and therefore would have regular encounters with Arabs, was he really asking something else? If so, what?

These thoughts were cut short by an abrupt change in the line of questions. "How do you find life in Israel?" Since I could think of no simple answer to such a broad question, I replied: "In what way do you mean? Can you be more specific?" To this the officer responded: "Did you find it interesting?" My answer: "I have never lived anywhere that I did not find interesting."

Again there was a shift in the thrust of the questions. Why had I bought my ticket from a travel agent in Ramallah? Because I was living there (though I was tempted to respond with a question: Is it also a crime in Israel to buy a ticket from an agent who is an Arab?). Why had I not bought my ticket from an agent in Canada? Because when I came from Canada seven months ago I had not planned to visit Athens at this time.

After about twenty minutes of such interrogation by, successively, two different officers, the second of whom wrote a few letters on my ticket, I was able to proceed to the airline counter. After checking-in, I was directed to the departure lounge on the second floor. At both the bottom and the top of the stairs were security officers who asked to see my boarding card, my ticket and my passport.

The officer at the top of the stairs, after looking at my ticket, directed me to go to the right, instead of straight ahead into the departure area, following, others – apparently American tourists – just ahead of me. Here I was met by a young man who asked me to follow him into a small room. He then directed me to empty all of my pockets, putting the contents on a table, and to remove my jacket and belt. He took my jacket,

and holding it against the wall, felt along all of the seams. While examining my belt, he asked if I was carrying any weapons or explosives. He then asked to see my passport and, concluding from my name that I was not an Arab, with visible embarrassment said: "They must have made a mistake; they should not have sent you here." Apparently I was being treated like an Arab, who routinely are personally searched and often have to remove all of their clothes.

I could not help being amazed at the naiveté of the young man; in what kind of a dream world was he living? I concluded that he must be new on the job and had not yet learned that "real people" who fraternize with Arabs – in my case, living in the West Bank – are treated sometimes like Arabs. I said nothing to relieve his embarrassment, which was acute enough for him to repeat three times in as many minutes: "They must have made a mistake..." Possibly as a result, he did not complete the body-search nor examine thoroughly my attaché case before releasing me and directing me to the departure lounge.

On the flight to Athens I replayed in my mind the scene at the airport. I fully understand the need for security in general, and especially so in Israel. Nevertheless I found it very difficult to see any security relevance to some of the questions I was asked. They seemed designed more to unsettle, and perhaps entrap. It is unsettling to have an officer hold your passport and, while looking at the page with the relevant details, ask questions such as: What is your name? When were you born? Where were you born? When was this passport issued? Where was it issued? The officer was probably more interested in how I answered than in what I said. Answers too quickly or too slowly given might suggest that they were rehearsed or made up on the spot; either might suggest in turn that something was wrong or that the respondent had something to hide.

The reason for my stay in the West Bank was an invitation to teach at Bir Zeit University, in the village of Bir Zeit, a few kilometres north of Ramallah. I was there from September 1977 through July 1978. The university had about 900 students; apart from a handful of Americans and Europeans, all were Palestinians, mostly from the West Bank and the Gaza Strip, though a few were from the Galilee in Israel. The majority of the faculty was also Palestinian. The rest were an international group, including (when I was there) American, British, French, Dutch and Canadian citizens.

## 1.2

The attitudes commonly displayed in Israel and in the occupied areas by Israelis towards Arabs in general and Palestinians in particular were, to me, disturbing to say the least. Arabs tend to be seen not as individual human beings with the mix of good and bad qualities common to all of us, but as the impersonal "enemy," to be feared and never trusted. This suspicion gives rise to fear, which in turn manifests itself as arrogance and the need to humiliate the objects of one's fears. Given such attitudes, how, I could not help but wonder, could Jews and non-Jews live together in harmony in the Jewish state? Was it hopelessly utopian to think they could?

The attitudes towards Arabs are shown in a multitude of ways and situations. Shoddy, careless, or unacceptably inferior work is commonly called "Arab work"; a slovenly housekeeper is an "Arab housekeeper." Arabs are the bogeymen used to frighten or threaten recalcitrant children: If you do (or don't do)..., the Arabs will get you! A

telling incident was related to me by an Israeli Arab friend. While riding in a bus, an elderly woman and a small child with a toy gun which could shoot corks were sitting directly in front of him. The child was pointing the gun at him as well as other passengers and pretending to shoot. My friend was concerned that the cork could injure someone if hit in the eye and asked the woman to see that this not happen. To this the woman responded that he was right, and turning to the child she said: "I told you to point the gun only at Arabs." The conversation had of course taken place in Hebrew and the woman was unaware that my friend was an Arab.

Though both Hebrew and Arabic are officially recognized languages in Israel (and presumably also in the West Bank), official forms and publications and even road signs are typically in Hebrew only. And if they are in two languages, they are more likely to be in Hebrew and English than in Hebrew and Arabic; only rarely are they trilingual – Hebrew, English, Arabic.

On one occasion I was riding with a Palestinian journalist in his car. He is a resident of East Jerusalem, and he was showing me around his city. At one point, partly because he was preoccupied with pointing out places of interest and talking about them, he made a wrong turn. As soon as he had completed the turn, he realized that he was heading the wrong direction in a one-way street. He stopped immediately and started to back up, whereupon a traffic officer blew her whistle and he stopped. She came over to the car and spoke to him in Hebrew; he responded in English, apologizing for his inability to speak Hebrew. The officer then looked at me, as if asking, who are you? I said in English that I was a visitor in Jerusalem, that my friend was kindly showing me around, and that I was to blame for his preoccupation, resulting in his having made a wrong turn. The officer then asked in English for the registration of the vehicle, and my friend handed her a form printed and completed in Hebrew. She looked at it and informed him that it was an expired registration; did he not have a current one? He replied yes and handed her another form from the envelope with papers pertaining to the vehicle. She then told him that he had made a wrong turn. He responded that he realized he had and apologized for having done so, noting that the change to one-way had been made only a few days ago (since he had last driven this way) and that the sign to this effect was in Hebrew only, which he could not read. Her response was that Jerusalem is an Israeli city and that Israelis speak Hebrew (and presumably read it too). Why had he not learned Hebrew? (I wondered if she knew that Arabic was also an official language in Israel and that, in any case, we were in occupied East Jerusalem.)

### 1.3

Sometimes the attitudes are expressed in more humiliating and brutal ways. On one occasion all Palestinian men and teenage boys from a nearby refugee camp were taken to the military governor's compound in Ramallah late at night because of an alleged security offence of which the perpetrators could not be found. The men and boys were ordered to get down on their hands and knees and in this fashion to "cut" the grass by hand; this activity continued from about midnight until dawn, when all were allowed to return to the camp. While thus cutting the grass, some of the soldiers guarding the group amused themselves riding on the backs of the men, pretending they were riding donkeys.

In January 1978, one of my Palestinian students at Bir Zeit University, a quiet, introverted young man whom I shall call Ahmad, was ordered to report with his father (who had to come from his home near Hebron, some 50 kilometres distance) to the military governor in Ramallah at 8 p.m. Ahmad was taken inside, while his father was told to remain outside at the gate. January nights in Ramallah can be cold, and frost is likely. Ahmad was one of many students interrogated for allegedly having thrown stones at Israeli military vehicles in Bir Zeit on the day the Egyptian-Israeli talks opened in Cairo. Ahmad denied having thrown stones, and also denied knowing anyone who had. Knowing Ahmad, I was inclined to believe his denial; if there was a demonstration on campus, Ahmad rather than joining it was much more likely to go off quietly to the library. However, that evening during four hours of interrogation, Ahmad was beaten in an attempt to force a confession of guilt. On his release just after midnight, he collapsed outside of the gate and was then taken by a colleague of mine, who had accompanied Ahmad and his father and had waited at the gate with Ahmad's father, to his nearby apartment. Ahmad appeared very pale and in pain, and a doctor was called. He noted that Ahmad was going into shock and that his pulse was erratic, and fearing internal injuries suggested that he be taken to the hospital for a more thorough examination.

When I saw Ahmad the next morning at the hospital, examination had revealed no fractures or serious internal injuries; he had however extensive bruises, by now turned quite dark. It was a shocking sight; his right hand, upper arms, shoulders and upper back, and his entire buttocks were a solid dark colour, as if these areas had been covered with purple paint. The examining physician told me he had seen many bruised backs and buttocks, bruised during interrogation, but none as extensive as Ahmad's.

The use of such brutal and unsophisticated and generally unproductive methods of interrogation invites the interpretation that the objective is as much to humiliate and dehumanize as to collect information. I could not help but wonder about the brutalizing effects of the military occupation, with its attendant violence and reflected attitudes. It brutalizes, perhaps most of all, the occupier, the perpetrator of the violence; but it also brutalizes the occupied, and even the uninvolved (if this is possible) observer. Have the Israelis forgotten what seems almost a law of nature: that violence breeds eventually only more violence, thus creating an unending brutalizing spiral? Perhaps most of all, the occupation demonstrates contrary to common belief the frightening ease with which former victims of violence are transformed into perpetrators of violence. How readily the transition from oppressed to oppressor is made". There is surely a lesson in this for all of us.

#### **1.4**

A preoccupation with security is evident not only at airports and border-crossing points, but is all-pervasive in Israel and especially in the occupied areas. In larger West Bank towns like Ramallah, in addition to the police, armed members of the military occupation forces can be seen at major intersections, public buildings, markets, bus stations, etc. Furthermore there are regular foot patrols, usually in groups of five or six soldiers, armed with submachine guns, sidearms and clubs, who walk slowly back and forth along major streets, day and night. Often they stop even an individual and demand his identity card; larger groups are almost certain to be stopped for such checks, unless they are obviously tourists or Israelis (not Arabic

speaking). These patrols also enter restaurants and coffee shops and demand that everyone go outside and line up so that identity cards can be checked; the individual who for any reason does not have his card with him is likely to be taken to headquarters for further interrogation. Living in Ramallah, I very quickly learned always to carry my passport, my only "identity card," even if I only went down the street to shop.

Security checks along the roads outside of towns and villages are also frequent. A temporary road-block is set up, manned by half a dozen armed soldiers, and all vehicles which do not display foreign or Israeli plates are stopped and the papers of occupants are checked. (Vehicles with foreign or Israeli plates – the latter a different colour from those issued to West Bank non-Israeli residents – are waved on; Israeli residents/settlers in the occupied areas have Israeli plates for their cars.) The procedures observed at these road-blocks vary. Sometimes the soldiers simply look at the identity cards held by the individuals; at other times everyone is ordered out of the vehicle, papers are checked, packages are examined, and body searches may also take place. An individual may be detained and the vehicle ordered to proceed without him.

How much of a security function these checks serve is difficult to say. They do however serve effectively to unsettle and annoy and sometimes humiliate the residents in the occupied areas – "Big Brother is always watching!" As a way of coping with this situation, drivers in the West Bank, especially of public vehicles, have developed a signalling system by flashing their headlights in a particular sequence to warn on-coming drivers that they are approaching a road-block.

The behaviour of the soldiers I observed manning these road-blocks varies. The order to produce identity cards is sometimes civil, even polite. At other times it is given in a manner reminiscent of the orders barked by the proverbial sergeant at a raw recruit. Orders to vacate a vehicle and line up for checking exhibit a similar range. A woman passenger with a sleeping infant in her arms, and often with baskets or bags at her feet, may be allowed to remain in the vehicle. However she may also be ordered to get out, something not easily accomplished under the circumstances. On one such occasion I observed, when another passenger tried to help the woman, he was ordered to stand back and not "interfere"; the reason for this order was not clear to me, though its effect was clear enough.

Late one morning, I was in a coffee shop in Ramallah when two Israeli soldiers came in. Immediately the atmosphere tensed noticeably, though it quickly became apparent that their purpose was to have a cup of coffee, not to check on the people there. Since I was sitting alone at a table, and there were no unoccupied ones, they asked (in English) if they could join me; my response of course was to invite them to do so. Eventually I was able to manoeuvre the conversation to the subject of the occupation and the treatment of the Palestinians by the occupation forces, a subject very much on my mind at that time, having witnessed that morning an incident of (in my view) rather brutal behaviour by the forces. When I suggested that such rough handling of the local residents might well be unproductive of the behaviour and attitudes desired by the occupation administration, indeed probably only stiffened resistance, one of the soldiers responded: "We have to be firm. Besides, they are only Arabs. Arabs are uncivil and shout at each other; they understand no other language."

The behaviour of the soldiers at the road-blocks, however, is affected markedly for the better if one or more of the occupants of a vehicle is foreign, and assumed to be non-Arab. On more than one occasion, especially if I was sitting in the front seat, on realizing that I was a foreigner (possibly a tourist), the soldier simply waved the vehicle on without any further checking.

The Israeli occupation forces tend to be conscious of and deferential to tourists, especially Westerners. A bus-load of tourists will invariably be waved on and not stopped at all. This explains why tourists can visit the occupied areas and often remain essentially unaware of the preoccupation with security and the elaborate apparatus to ensure it. I once asked a tourist who told me of having been on several bus tours in the West Bank about the security checks along the roads. He was entirely unaware that this was the purpose of the road-blocks. Different explanations had been given by different tour guides: The checks were to catch terrorists reported to be in the area; or the checks were to remove from the roads incompetent and frequently unlicensed drivers or unsafe vehicles. Both, from the point of view of a uniformed tourist, are seen as plausible and reasonable – though of course misleading – explanations. That the second of these explanations, though a legitimate function of road checks, is unlikely is suggested by the fact that I never saw a driver asked to produce his driving licence, only his identity card.

Concern with security leads the occupation forces to frown on demonstrations, even the most innocuous – a small group of students walking or standing silently with signs. I once saw a group of about a dozen high school students in Ramallah carrying signs saying, "Palestine is Arab." Occupation forces, in riot gear, broke it up with considerable ruthlessness. The group was charged and scattered; some were clubbed, and the signs torn up. Observing this I wondered: A lesson in submissiveness or training for tomorrow's terrorists?

Strikes in West Bank towns are similarly discouraged. When the Israeli-Egyptian talks began in January 1978, strikes were frequently called for and sometimes organized. On one day, most of the shops in the central area of Ramallah remained closed. In an attempt to break up the strike, occupation forces armed with wrecking bars, about a metre in length, went along the streets and demanded under threat of detention that the owners immediately open their shops. Some of the owners were near their shops and opened them, no doubt having learned on other occasions what was the better part of valour. Others either were not present or chose not to obey the order. When a shop was not immediately opened, the soldiers inserted the wrecking bars under the iron shutters covering the front of the shop and applied pressure, breaking either the lock or the hasp. The shutters were then raised and the door forced open, sometimes broken; thus the shop was open! To protect his goods, the owner (or a friend) at this point had no alternative but to occupy the shop, which could not now be closed or locked.

## 1.5

Ostensibly security is also the justification for the policy of "thinning out" the Palestinians in the occupied areas, especially in East Jerusalem and in the Gaza Strip. Whatever the real reasons, or the justification for this policy, its effects are sometimes exceedingly cruel, to say nothing of its incompatibility with concern and respect for



human rights. As a consequence, thousands of Palestinians have been forced out of their homes and left to fend for themselves, at times quite literally in the desert.

I was taken on a sad tour of parts of the Old City of Jerusalem by a social worker who had lived and worked there for over twenty-five years. Large areas, among others, in the so-called Jewish Quarter – though most of the inhabitants before 1948 were not Jews – have been expropriated and the owners and/or tenants forced to leave. Some of the buildings have been remodelled; this can be in relatively minor ways, little more than redecoration, or more extensively: adding (or removing) one or more floors or wings, changing the location or style of entrance, partitioning large rooms, thus making them into small apartments, etc. Other buildings- sometimes whole blocks- have been demolished and replaced by new ones. 'Much of this activity could legitimately be seen as urban renewal were it not for one fact: the new or renewed housing is not available under any circumstances to the former inhabitants, or indeed to any non-Jews. As a result of such developments, which at times involve even changing the location of streets, the character of the Old City of Jerusalem is slowly but surely being transformed, not only physically, but also demographically and culturally. There is no reason to assume that these results are unintentional. On the contrary, the intention is openly proclaimed and enforced by the administrative and judicial structures of the state.

The most dramatic examples of thinning out the Palestinian population I saw were in the refugee camps near Rafah in the Gaza Strip; some 75 percent of the inhabitants of the Strip are refugees. The shelters in the camps are close together, and the unpaved open spaces, which serve as streets, are narrow and often dead-end, making it impossible to pass through with large vehicles at many places. To accomplish this, and in the process reduce the population to an acceptable number of inhabitants, the occupation forces ordered people out of their shelters and bulldozed large (from 40-50 metres in width) "streets" which now run the length and breadth of the camps. In the process hundreds of shelters were destroyed and thousands of Palestinians made homeless, many for the second or third time, and left to fend for themselves; some were offered transportation in trucks to EI Arish in the occupied Sinai. Apparently Israel, like European and American states in 1917, finds it easy to be generous with other peoples' land and property.

Though Zionist institutions like the Jewish Agency and the Jewish National Fund, and spokesmen such as Rabbi Moshe Levinger of the Gush Emunim, feel no need to offer this justification, the government of Israel insists that security is the reason for the establishment of Jewish settlements in the occupied areas. Yet how these settlements ensure Israel's security is certainly not obvious. Many of them in the West Bank (except for those encircling East Jerusalem and in the Jordan Valley) have only a handful of hastily-erected shelters, though the amount of land provided for them may be extensive, running for some into hundreds of acres. The entire settlement is surrounded by high fences – barbed wire or chain link, or both – with a single entry point manned around the clock by an armed guard. These settlements remind the visitor – with a somewhat longer memory than most tourists exhibit – most of all of the "stockade and tower" settlements established outside of the proposed borders of the Jewish state foreseen in the partition plan of the Peel Commission in 1937. The objectives of these settlements then were quite simply to expand the foreseen borders by creating facts, both demographic and territorial; it is difficult not to see the same objectives for the settlements established after 1967.

The most striking examples of this I saw are the settlements encircling East Jerusalem. Though architecturally in total disharmony with the area, the apartment blocks and other buildings are clearly permanent structures. The streets are paved, and all services are available. Surprisingly, since housing in Jerusalem is scarce and expensive, many of these new buildings appeared to be unoccupied when I was there. In response to inquiries, I was told that they had been built for the anticipated influx of large numbers of Jewish emigrants from the USSR. Apparently many of these chose not to be ingathered from exile.

Other settlements, especially those lying to the north and east of Jerusalem, include large industrial development areas. These would appear to be designed to meet economic development needs primarily.

The settlements in the Jordan Valley meet a variety of needs. They provide a belt of Jewish settlements along the Jordan River, a la Allon Plan. As these are on productive land, they in addition yield significant amounts of agricultural produce for Israeli markets and export. And finally, since the establishment of these settlements involved taking over cultivated land and limited water resources, they furthered the process of detaching the Palestinians from their land; these Palestinians thus became potential emigrants or available as labourers, neither result inimical to Israel's interests.

Rather than contributing significantly to Israel's security, many of the settlements – more accurately, armed ghettos – in the interior of the West Bank appear to me to be vulnerable outposts, whose defence might be costly and whose inhabitants might have to be evacuated in the event of serious hostilities. It is interesting to note recent (June 1979) explicit and public recognition of these facts by two obviously knowledgeable Israelis, Lt. Generals Matiyahu Peled and Haim Bar-Lev, the latter a former chief-of-staff. In statements to the Israeli high court during hearings on the government's expropriation orders for Palestinian land for the recently established Elon Moreh settlement near Nablus, the largest city in the West Bank; they testified that the settlement would not contribute to Israel's security. After the hearing General Bar-Lev said to a radio interviewer: "The government tries to cover its reasons for settlement with security considerations. According to my professional opinion there is no connection with security. This is an excuse and not a reason."

Apart from making a doubtful contribution to security, the Jewish settlements have cost a great deal of money. Kiryat Arba, near Hebron in the West Bank, for example, was established in 1968, thus one of the first after the occupation in 1967. Some ten years later, it now has 2,000 inhabitants and has cost the government and the Jewish Agency, to say nothing of private funds, over \$50 million, an average of \$2,500 per settler per year! Given the clearly substandard housing and facilities, and hence the obvious and real need of many of the Oriental Jews in the slums of Tel Aviv-Jaffa, I wondered if such sums could not have been invested to the greater benefit of far more people in pre-1967 Israel.

## **1.6**

To me as a Canadian, one of the most unsettling experiences in the West Bank was a visit to Canada Park, just north of Latrun. A large sign at the entrance notes that the park was dedicated by the president of Israel on March 30, 1976, and identifies it as "a project of the Jewish National Fund of Canada," hence Canada Park. Inside the

park, on a stone retaining wall, are mounted a large number of brass plates giving the names and location of the Canadian contributors; the vast majority are from the provinces of Ontario and Quebec. I wondered how many of the contributors knew (or cared) that the park they helped to build was in the occupied West Bank and on the site of the Palestinian village of Imwas (probable site of the biblical Emmaus), one of several villages in the area north of Latrun totally destroyed in the Israeli invasion and occupation in June 1967. But I knew, and could only feel shame that the name of my country was identified with such an enterprise. In fact the only time in my life I recall being ashamed of being a Canadian was when I was in Canada Park in June 1978.

The developed part of Canada Park is a large, beautiful area with many trees, well-planned roads and pathways, playgrounds for children, benches in the shade of large trees, and sites with facilities for outdoor cooking and eating. There are also quite a few, mostly small caves, which can be safely explored to the delight of children. The rolling terrain of the park is actually the crest of a large hill, providing a splendid view in all directions of the surrounding fields, villages, towns and a Trappist monastery famous for its wines. In general the park appears well maintained. Thus the casual and generally not-too-well informed visitor will leave Canada Park with a distinctly positive and favourable impression.

The more observant visitor, however, may notice several rather curious details. In a park opened only a few years ago, there are, as expected, a large number of small trees, mostly pine and juniper, clearly not many years old. However, in addition there are quite a few larger and much older fruit trees – predominantly olive, fig and almond, but also plum, pomegranate, apple, orange and peach. Curiously there appear to be no young fruit trees. None of these trees grows wild in the West Bank; all are the result of planting and care. Indeed, the age of some of the olive trees – with trunks near the ground of close to a metre in diameter – is statable obviously in centuries, not decades. Given the size of some of these fruit trees, and the structure of the ground (rock under a shallow layer of topsoil), they could not possibly have been recently transplanted, an explanation provided by some tour guides, but credible only to an uninformed urban dweller.

As well as old fruit trees, an even stranger fact are the clusters of huge cactus plants which yield the sweet prickly-pears, called sabar in Arabic, and the origin as a loanword of the Hebrew sabra meaning an indigenous (as distinguished from an immigrant) Israeli. Along with the cactus, one can also see many old grape vines, some on arbours, others spreading on the ground.

In addition to the variety and different ages of the trees in Canada Park, the location or pattern formed by some of the trees appears strange. The old fruit trees are not clustered or randomly located as the younger pines are, but are in definite patterns. A map plotting the location of the fruit trees would reveal a grid-like pattern flanking open and at times intersecting strips, as if the trees outlined lots in an urban area.

Within the park, a road at one point has been cut through a rather sharp slope; requiring a retaining wall some hundred metres in length on one side of the road. The wall is built of cut stones, some a distinct pink in colour and rough cut, others (apparently the same type of stone) are faded, look weathered and are smooth cut. These two types of stones are arranged in an artistic pattern. While walking along the wall and noticing the two differently appearing kinds of stones, one of the smooth and

weathered ones caught my eye. It had an Arabic inscription carved into it, which seemed strange indeed! To make sure I had not missed others, I again walked the length of the wall; there was only one with an inscription. This stone had obviously not been cut for the wall. It was longer than the others and broken at one end. Indeed part of the last letter of the inscription was missing at the broken end, though there was no question whatsoever what the inscription was: Al-Mulk li-Allah, "the ownership belongs to God," or, more freely translated, "God is the owner." There was also no question of where this stone came from; it had been over the main entrance of a house built by a devout Palestinian, probably a Muslim. Such inscriptions over the doorways of houses in the West Bank, and formerly throughout Palestine, are not uncommon, and the sentence, "God is the owner," is often said in response to the question as to who is the owner of a house or other property.

As I stood and looked at the stone with the inscription, I wondered if there were other such stones, placed so that the inscriptions were not visible. It was now clear to me why some of the stones in the retaining wall were new-looking, others weathered – the latter had been salvaged from destroyed houses. I also wondered why this one had been placed so that the inscription was exposed. Had the stones in the wall been laid by Palestinian labourers (which was quite likely)? Had the man laying this stone placed it with the inscription facing out as a silent witness to the fact that God was the owner of the land of Canada Park, and not the Jewish people, as is true under law in Israel (and apparently also in the occupied West Bank) for property of the Jewish National Fund? Was this stone also a silent witness to the fact that the site of the park was that of a Palestinian village totally destroyed beginning on June 6, 1967?

Within the area of the park, but beyond the developed part, thus probably seen by few visitors, I noticed a small structure, topped by a dome. Inspection revealed that it was the grave-site of a contemporary of the Prophet Muhammad. According to an inscription, he had died of the plague shortly after the Muslim conquest of Palestine in the mid-seventh century. Why, of all of the buildings of the former village of 'Imwas, had this structure alone been preserved, when not even the village mosque had been spared? Was this structure judged to be of significant historical value and thus preserved, when not even the fact that the village of 'Imwas had existed was worthy of preservation?

The only other evidence within the park of what had been there earlier that I observed was a Muslim cemetery, again outside of the developed area. The cemetery was neglected, stone markers had been broken or toppled, and tracks showed that vehicles had driven across it. Since at this time much had been made in the Israeli press about how Jewish cemeteries had been neglected by the Jordanian authorities in East Jerusalem, I was surprised at the condition of this Muslim cemetery, now within the area of Canada Park.

Along the road flanking Canada Park I saw further evidence of the former village of 'Imwas, though I suspect I saw it only because I was walking from the park to the nearby monastery. The road is new and does not appear to coincide with the old one through the village. At one point, near the entrance to the park, a knoll has been cut through to level the road. On the adjoining embankment one can see protruding from the soil the broken ends of galvanized water pipes (about 1 cm. in diameter) and of reinforcing rods used in concrete, and even the broken edge of a tile floor. Clearly the new road surface is below the level of the floors of the former houses and has been

cut through the built-up area of the village. This evidence is not conspicuous; I very much doubt that anyone in a passing car would observe it.

My guide on this visit to Canada Park was a Palestinian, whom I shall call Ali, ten years of age in 1967 and then an inhabitant of 'Imwas. Ali told of how the Israeli troops on June 6, 1967 took the village and the surrounding area in the so-called Latrun bulge, that all the inhabitants had been ordered out of their homes – with no time or opportunity to remove anything from them – and that explosive charges were then laid and the village destroyed. There are reports, he said, of some elderly and ill people refusing to leave; the house was simply dynamited with them inside. The people were ordered to leave the area and told to go east; many headed for Ramallah. Ali showed me the cave, near his former home, where the family had spent the night of June 6, and told how on the next morning, before leaving on their eastward trek his father had told him to crawl into the partially collapsed wreckage of their home and to find a box with valuable papers.

There was one almost uncanny aspect to visiting Canada Park with Ali as my guide. He consistently spoke in the present tense. He would locate by the fruit trees, for example, an area where the house of a friend or relative had been, and then say: "This is the house of my uncle." At another point, he drew my attention to a cluster of large trees: "This is the school." As if for him the village and all its buildings still existed, as if psychologically he was unable to accept the fact that now there was no village, no houses, no school, no mosque, no church, not even any sign of their having been there. They had been totally and literally wiped out of existence, reminding me of Golda Meir's quip about the Palestinians: "They did not exist." Is this, I thought, what is meant by rewriting history? By creating (uncreating!) facts?

As I walked around Canada Park, I could not help but wonder if any of the tourists who came to visit noticed, or cared, or inquired about the fruit trees, or the stone with the Arabic inscription, or the Muslim cemetery, or what the site of the park was before it became Canada Park? And if they asked, what explanations were provided?

The fate of the village of 'Imwas is sadly not unique. A number of nearby villages, Yalu and Beit Nuba, suffered exactly the same fate; they too no longer exist and are not found on Israeli maps, not even those purporting to provide historical information.

On the lands of the former village of Beit Nuba now stands a Jewish settlement called Mevo Horon. I went there once with a foreign journalist who wanted to visit it. As obvious foreigners – English-speaking – we were welcomed and shown around. Eventually we ended up in a cafeteria where we had coffee. While there a young woman, a resident of Mevo Horon, heard us speaking English and joined us; it turned out that she was an immigrant from the United States. My journalist companion asked her if it was true that the settlement was on the lands of a former Palestinian village, and what happened to the village; no such village was now in sight. She replied, yes, she had been told this. The village had been destroyed because the entire population (including the old women and children, I wondered?) had been terrorists. But she did not know what the name of the village had been or what had become of its inhabitants (assuming that any terrorists had been spared!). My companion then asked her about living there today: "Do you sometimes feel there are ghosts around?" "Yes," she replied, "but I try not to think of it."

I try not to think of it! Is the luxury of this option available also to the former Palestinian inhabitants of Beit Nuba?

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## **2. The JNF: A Colonial Racist Instrument**

By Ismail Zayid

The core of the Israeli-Palestinian conflict, as stated by Dr. Uri Davis, a Palestinian Jewish scholar, is a conflict between the State of Israel as a settler racist colonial state in Palestine and the indigenous people of Palestine, the Arab-Palestinian people. The core of this conflict, like the core of the conflict in any confrontation between a colonial settler state and an indigenous people, lies in the claim of the colonial settler state to set aside the land for the use of the settler society and to dispossess the native population of their individual and collective property rights to the land of their ancestors. The Jewish National Fund (JNF) is the essential instrument used to deprive the Palestinian people of their rights, and was created as the colonial arm of the World Zionist Organization.

The JNF was established in 1901, as an instrument of the World Zionist Organization (WZO) to acquire and colonize land. With the enactment of the Israeli JNF Law (1953), which states, in clause 6, that it is permitted to set up an incorporated body in Israel for the continuation of the activities of the existing company that was founded and incorporated in Europe, the JNF was registered as an Israeli company and the English company's assets were transferred to it. Hence, the JNF was and is held by the state of Israel as a central tool of Judaization.

The JNF's aim is to acquire and develop lands exclusively for the benefit of Jews. It is a multinational project with offices in 41 countries, as of 2005. It derives tax-deductible dollars from many of these countries including the USA, Canada and UK. A little known fact about the JNF in the UK is that three of its honorary patrons were the then Prime Minister Tony Blair, Charles Kennedy, the leader of the Liberal Democrats and Michael Howard, the then leader of the Conservative Party, and Britain's current Prime Minister, Gordon Brown, is also a JNF patron. In Canada, Bob Rae, a committee member of the JNF, has been appointed by Mr. Dion, Liberal Party leader, as the Liberal Party's Foreign Affairs Critic. These are the countries that claim to be able to play the role of honest brokers in the Palestine/Israel conflict, if you can believe that.

The fact is that the JNF, in its operations in Israel, is in control of the illegally expropriated land of over 500 Palestinian villages, which had been ethnically cleansed by Zionist forces in 1948. The owners of this land are the Palestinian refugees. Similarly, Palestinian land was illegally expropriated from Muslim and Christian citizens of Israel who were labelled, by the Israeli government, under the Orwellian title of "Present Absentees", if they happened, in 1948, to be out of their homes, even for as little as a day or two while still in the land that became Israel. Where else, but in the Zionist lexicon would you find this Orwellian title of "present absent" people? The JNF had actively participated in the planning of the physical destruction of many villages, in evacuating these villages of their inhabitants and in military operations to conquer these villages. Today the JNF controls 13% of the land in Israel and works hand in hand with the Israel Land Authority (ILA), which controls 80% of the land in Israel, which it leases to Jews only. It also planted many parks on Palestinian land. One of these parks is the infamy called Canada Park, which I will refer to later.

The JNF has a long record of discrimination against the Muslim and Christian citizens of Israel, as reported by the UN. In 1998, the United Nations Committee on Economic, Social and Cultural Rights stated that the practices of the Jewish National Fund "constitute an institutionalized form of discrimination" and are in breach of Israel's international legal obligations. In its report, the Committee said that:

The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a breach of Israel's obligations under the [International Covenant on Economic, Social and Cultural Rights].

In 2005, the Attorney-General of Israel, Menachem Mazuz, stated that the Israel Land Authority should cut its ties with the Jewish National Fund because the JNF excludes Palestinian citizens of Israel from leasing its property. According to an article in the Jewish Daily Forward (18 March 2005):

The attorney general's ruling followed appeals to the Supreme Court by two Israeli civil-rights organizations, claiming that the exclusion of Arab Israelis from JNF properties – some 13% of Israel's territory – was racist and violated the principle of equality before the law. In its reply, the lands authority noted that JNF properties are "intended for the development of Jewish settlement in the Land of Israel," and that "all the funds of the JNF are from Jewish donors [sic].

Mazuz declined to defend the case, concluding that the authority's claim would not hold up in court. The justices had ruled in an earlier case that "Jews-only" clauses were illegal.

These discriminatory practices which deny, by Israeli laws and practices, the Muslim and Christian citizens of Israel the rights allowed to Jewish citizens, in almost all the lands in Israel, are contrary to the values of any state that claims democracy. In 2000, the Supreme Court of Israel issued a ruling (the Qa'adan case) that challenged the JNF's exclusionary policies and practices. In July 2007, the Israeli Knesset passed the first reading of the Jewish National Fund Bill, which seeks to undo the 2000 ruling by the Supreme Court of Israel.

The proposed legislation states that the "leasing of Jewish National Fund's lands for the purposes of the settlement of Jews on these lands will not be seen as improper discrimination." The Bill has been criticized, in a leading article in Haaretz, a most influential Israeli daily newspaper. The editorial, July 20, 2007, titled "A racist Jewish state", stated:



This bill reflects an abasement of the Zionist enterprise to lows never imagined in the Declaration of Independence ... The Jewish National Fund's land policy counters the interests of the state and cannot discriminate by law against the minority living in Israel.

Israel's Jewish National Fund (JNF) has been planting the seeds of apartheid in the Middle East for the past century, "redeeming the land", as they call it, by dispossessing native Palestinians and instituting exclusionist "Jews Only" land laws. Ninety-three percent of the state's land is now owned by the JNF and its affiliate the ILA. The indigenous Palestinian population, even those that are Israeli citizens, can't buy, lease, rent, use or reside on JNF land. This Zionist system of racist exclusivism of the JNF and Israel's unabashedly ethnocentric apartheid laws are clearly confirmed in the statements by the JNF and Israeli leaders.

From the early months of 1948 to this day, the JNF has followed illegal practices in violation of international law and particular domestic laws in the countries where it operates. These fall in the following categories:

## **2.1 Ethnic Cleansing and Destruction of Property**

According to the Nuremberg Charter, War Crimes are defined as:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

The JNF had followed systematically in 1948, and thereafter, practices which fall in the above prohibited categories. Quite early, before the 1948 hostilities in Palestine began, the JNF conspired with the Israeli "military experts" to conquer, evacuate, and settle new Jewish immigrants in Palestinian villages:

In the period preceding the 1948 War, almost all of the new settlements were established in response to decisions by the Jewish political leadership, based on plans drawn by military experts. The role of the settlement agencies (JNF, the Jewish Agency, and the settlement movements) was reduced to determination of the exact locations for new settlements and allocation of resources ... [JNF] Committees actively engaged in settlement planning early in the war laid out a plan calling for the establishment of more than a hundred new settlements intended to absorb 1 million or 1.5 million new immigrants in the space of three years ... (Meron Benvenisti, Sacred Landscape: The Buried History of the Holy Land, Berkeley: University of California Press, 2000)

The objective was to seize Palestinian villages and ethnically cleanse them. This is what actually happened. Yosef Weitz, director of the JNF's Land Department and a key land-purchasing and settlement executive, a man described as "the originator and indefatigable champion of state seizure of Arab land", wrote about his ethnic cleansing (Transfer) plan as early as 20 December 1940:

If the Arabs leave it, the country will become wide and spacious for us...The only solution is a Land of Israel, at least a western Land of Israel [i.e., Palestine], without Arabs. There is no room here for compromises... There is no way but to transfer the Arabs from here to the neighbouring countries, to transfer all of them, save few. (Benny Morris, The Birth of the Palestinian Refugee Problem Revisited, Cambridge University Press, 2004)

The JNF pursued relentlessly its plans of ethnic cleansing. Meron Benvenisti, former Deputy Mayor of Jerusalem, stated:

Josef Weitz of the JNF... pushed hardest for Israel to get rid of the Arabs and take possession of their land ... This man had worked for the expulsion of the Arabs with a zeal that his superiors tried to restrain. Despite that, he succeeded in mobilizing people and institutions to implement both "retroactive transfer" and the transfer that he himself had initiated ...

## **2.2 Discrimination and Apartheid against the Palestinian Citizens of Israel**

JNF acts on behalf of "the Jewish people" everywhere in the use and exploitation of expropriated Palestinian land in Israel and discriminates against the non-Jewish Palestinian citizens of Israel. The use of Palestinian land expropriated by the state of Israel was challenged by the non-Jewish citizens before Israeli courts. Uri Avnery, the former member of the Knesset and the Israeli peace activist, stated, "[JNF] has become an instrument for institutionalized discrimination." (Uri Avnery, "Dunam After Dunam", Israel Horizons, Spring 2005)

The racist Apartheid policies of the JNF are confirmed in their statement before the Israeli High Court, in answer to the charge made by ADALAH, the Arab Centre for Arab Minority Rights group in Israel, which was challenging the policy of discrimination:

The JNF is not required to act for the good of all of Israel's citizens. It is forbidden to act to allocate lands to all of the state's citizens ... The JNF's loyalty is not and cannot be for the benefit of the Israeli public. (Jewish National Fund statement to the Israeli High Court as reported in Haaretz, Dec. 17, 2004)

The fact that these racist policies are accurately defined as Apartheid policies is best confirmed by the then Prime Minister of Apartheid South Africa, Hendrik Verwoerd, who on visiting Israel in 1961 testified to the exact parallel, stating:

The Jews took Israel from the Arabs after the Arabs lived there for a thousand years [sic]. Israel, like South Africa, is an Apartheid state.

Similarly, Archbishop Desmond Tutu, during a Christmas visit to Jerusalem in 1989, stated:

I am a black South African, and if I were to change names, a description of what is happening in the Gaza Strip and the West Bank could describe events in South Africa.

Willie Madishu, President of the Congress of South African Trade Unions (COSATU), in an open letter, on June 6, 2006, to Sid Ryan, President of Canadian Union of Public Employees (CUPE) Ontario, stated:

As someone who lived in apartheid South Africa and who has visited Palestine, I say with confidence that Israel's actions make the actions of South Africa's apartheid regime appear pale by comparison.

Shulamit Aloni, a veteran Israeli writer, former Israeli cabinet minister and a peace and women's rights activist stated, in her article titled "Indeed There Is Apartheid in Israel" in Outlook, March/April 2007:

... the government of Israel practices a brutal form of Apartheid in the territory it occupies. Its army has turned every Palestinian village and town into a fenced-in, or blocked-in detention camp.

And Luisa Morgantini, Vice president of the European Parliament points out:

Yesterday, the Israeli Parliament approved, in preliminary reading, a bill that calls for all lands under the control of the Jewish National Fund (JNF) to be allocated to Jews only. In this way Israel strikes another blow against democracy, fueling discrimination and Apartheid. The proposal of the bill, initiated by the Israeli right wing, Kadima and Likud, prevents non-Jews from participating in bids to purchase land owned by the JNF (Jewish National Fund), 13 percent of all state land." (Luisa Morgantini, "Israeli land for Jews only. Isn't that racism?", Live Journal, July 24, 2007)

And Meron Benvenisti, former Deputy Mayor of Jerusalem and a noted Israeli political scientist, wrote further:

It's very surprising since it's well known that the "national institutions", the Jewish Agency and Jewish National Fund, primarily exist to enable institutional discrimination based on ethnicity while clearing the state from accusations that it deviates from universal norms common to liberal democracies. (Haaretz, June 29, 2006)

### **2.3 Violation of the Fourth Geneva Convention**

The International Court of Justice (ICJ) ruled on July 9, 2004 as follows:

101: In view of the foregoing, the Court considers that the Fourth Geneva Convention is applicable in any occupied territory in the event of an armed conflict arising between two or more High Contracting Parties. Israel and Jordan were parties to that Convention when the 1967 armed conflict broke out.

The Court accordingly found that the Convention is applicable in the Palestinian territories which before the conflict lay to the east of the Green Line and which, during that conflict, were occupied by Israel, there being no need for any enquiry into the precise prior status of those territories.

Thus the West Bank and Gaza Strip are "occupied territories" and the Fourth Geneva Convention applies. The Statute of Rome of July 1998 prohibited ethnic cleansing or removal and replacement of the inhabitants in very strong terms. Article 8 (War Crimes) of the Rome Statute of the International Criminal Court defines "war crimes":

Para 2, a, iv: ... extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly...

Para 2, b, viii: The transfer, directly or indirectly, by the Occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.

It is in the context of the role of the Canadian JNF and the Israeli violation of the Fourth Geneva Convention and the war crimes committed, where Canada is complicit in these war crimes, by allowing the so-called charitable status of the Canadian JNF to use Canadian tax-deductible dollars and Canada's name to be used in the infamous war crime, called Canada Park, that I wish to discuss. This infamy was constructed on the ruins of the three villages, 'Imwas (Emmaus), Yalu and Beit Nuba (my own hometown). These three villages were systematically dynamited and bulldozed on June 6, 1967, on the direct orders of Yitzhak Rabin, the then Chief-of-Staff of the Israeli army, in the war of aggression commenced by Israel on June 5, 1967, against Egypt, Jordan and Syria. These three villages were occupied, without a single shot being fired, then bulldozed and their population, of over 12 thousand, expelled from their land, a clear war crime. The destruction of the Palestinian villages, and the denial of the villagers' right to return to their homes, are grave violations of the Fourth Geneva Convention of 1949. In 1986, a United Nations Special Committee reported to the Secretary-General (UN Report A/41/680, 20 October 1986) that it was concerned about:

... the fate of the inhabitants of Emmaus, Beit-Nuba and Yalou, reduced to the state of wandering refugees since their villages were razed by the occupying authorities in 1967. The Special Committee considers it a matter of deep concern that these villagers have persistently been denied the right to return to their land on which Canada Park has been built by the Jewish National Fund of Canada and where the Israeli authorities are reportedly planning to plant a forest instead of allowing the reconstruction of the destroyed villages.

The arrogance of the JNF and its inhumanity was highlighted by its refusal to put signs at the sites of these villages, as called for by the Israeli activist group, Zochrot (We Remember), in a gesture of reflecting true history and remembrance. In response to this JNF denial, Zochrot took the issue to the Israeli Civil Administration and the High Court. It is reported that signs are now placed at the sites of these villages.

The Canadian JNF (CJNF) was involved in collecting 15 million dollars, from Canadian taxpayers responding to the invitation by the CJNF to build Canada Park on the ruins of these illegally occupied and demolished villages, in return for tax receipts. My direct involvement in the campaign against the CJNF as a registered Canadian charity started on Dec. 4, 1978, when I read in an article in the Halifax Herald, reporting the Negev Testimonial Dinner, honouring Peter Herschorn for his 'humanitarian' activity and "choosing the right goodness", in building Canada Park.

Peter Herschorn is a past regional chairman of the CJNF and chairman of the Halifax-Israel bond campaign. The dinner and the honouring process were attended by the Lieutenant Governor of Nova Scotia, Clarence Gosse, the premier, John Buchanan, and the Mayor of Halifax, Edmund Morris. I wrote to these men expressing my horror that they would allow their names to be associated with such a war crime. I said, since when has the destruction of thousands of innocent peoples' homes and their expulsion from their land been considered "a humane" activity, which in fact is an example of "Zionist callous disregard to all human values." I received an apology from the Lieutenant Governor, Dr. Clarence Gosse, but no reply from the others.

Since then, I have been writing to various ministers of the National Revenue and Canadian prime ministers, protesting the granting of the charitable status to the CJNF and allowing our tax dollars to be used in this war crime, as defined by international law and in violation of the Fourth Geneva Convention, to which our country is a signatory. In response I got a letter stating: "The officials of Revenue Canada, taxation, have been asked to review the matter raised in your letter and the Minister will provide you with a reply as soon as possible." Many months later, I would write asking for the outcome of the promised review, and the regular answer, from the then Minister, would be "that the confidentiality provisions of the Income Tax Act prohibit me from discussing the taxation affairs of any registered charity." And this went on for years. I received honourable support from the late Senator Heath Macquarrie and R. A. Corbett, MP, who wrote to Ministers of Revenue Canada quoting my letters. They, too, received similar answers.

My activities on this issue, on the other hand, received the characteristic Zionist callous disregard for humanity and insolence, by sending me a certificate, from the CJNF, stating that: "A tree has been planted in Canada Park, Israel, in tribute to Dr. I. Zayid." I responded to this insult by rejecting their inhumanity, stating:

The trees that my forefathers and I have planted on our land have been uprooted, together with our homes, by Zionist bulldozers in my village Beit Nuba after the 1967 war. You may be assured that I shall plant my own trees on my own land when we return to Palestine, our homeland, and WE WILL RETURN.

Regardless of this insolence, we are still working in the campaign to see to it that the government of Canada will not continue to allow this outrageous status for the CJNF to remain as a registered charitable society. We have recently established a group, in cooperation with Dr. Uri Davis, the Palestinian Jewish scholar who has maintained a life-long campaign against Apartheid Israel. We are also in the process of seeking legal advice in the hope to take this matter to the court of law.

This effort must remain as a part of our continuing struggle to combat Zionism and regain our fundamental rights in our homeland, Palestine. And I assure you that Zionism is running against the natural course of history and will face the same destiny as that of Apartheid South Africa. Our struggle must continue, and we shall overcome.

(This chapter is based on an article originally published by Not in Our Name, Toronto:  
<http://www.nion.ca/jnf-forum-zayid.htm>)

### **3. Apartheid Israel and the JNF of Canada: The Story of 'Imwas, Yalu, Beit Nuba and Canada Park**

By Uri Davis

#### **3.1 Day of Atonement**

I delivered this address in Ottawa, at the Azrieli Building, Room 101, Carleton University on the 24th of September, 2004, this date being the holiest day in the Jewish confessional calendar, Yom Kippur, the Day of Atonement, the night when the prayer of "Kol Nidrei" is recited.

And I chose to do so advisedly.

I believe that when the sponsors of my lecture tour in North America (13-29 September 2004) coordinated the various schedules of my itinerary they were not aware that the above falls on Yom Kippur. When, having perused my itinerary, I realized that this was the case, I chose to leave the date of the said engagement unaltered. I made this choice because the alternatives that were on offer were not particularly attractive.

I am a something of an old fashioned liberal, and subscribe strongly to the principle of separation of religious identity from the state. I owe to my colleague and teacher Akiva Orr the extension of this liberal principle to include separation of national identity from the state as well as separation of tribal identity from the state (Orr, 1994). I am able to confidently and unapologetically celebrate such elements in my religious, national and tribal heritage as are compatible with the values of the Universal Declaration of Human Rights, precisely because I do not wed my religious affiliations, national affiliations or tribal affiliations to the state.

I am not a theological Jew, and I do not subscribe to the claim that the Old Testament (or, for that matter, the New Testament or the Qur'an) is a divine narrative, the words of God. Neither do I wish to be affiliated to the political-Zionist construction of the "Jewish people". I identify myself and project my identity as Jewish in terms of membership of the Jewish tribe, or more precisely, in terms of membership of one of the European Jewish tribes. And, as noted above, I rejoice in celebrating such sections of my tribal heritage as are compatible with the values of the Universal Declaration of Human Rights and I question such as are not.

I mark my male offsprings with the mark of my tribe – circumcision.

Thus, I place myself squarely in the camp that classifies religious, national or tribal pursuits as pursuits that belong and ought to remain firmly in the private sphere. Just as it is none of the business of the state to intervene in matters pertaining to the sexual preferences of independent consenting adults, it is none of the business of the state to intervene in the exercise of religious, national or tribal preferences of its citizens, subject to the values of the Universal Declaration of Human Rights.

To my mind, the wedding of religion (or nationalism or tribalism) to the state is repugnant. As the late Yeshaayahu Leibowitz tirelessly pointed out “[t]here is no greater degradation of religion than maintenance of its institutions by a secular state” (Leibowitz 1992: 176), and “what obtains officially today as the religion of Israel ... and what appears in the world as the official Jewish religion – is a concubine which is maintained by the secular regime [of the State of Israel].” Never known to mince his words, Leibowitz continues: “and what is referred to as the ‘religious establishment’ – and I do not hesitate to say so in public – is the pimp of this concubine!” (Leibowitz, 1987:35).

I would hazard a guess that there was not a single Jewish synagogue in Ottawa that, in its Day of Atonement service, along with the most individually intimate prayer of “Yizkor” (Memorial of Departed Souls, recited in remembrance of one’s departed father, mother, grandparents, uncles/aunts, brothers/sisters, children, spouses, extended family and martyrs), did not also include a prayer for members of the Israel Defence Force:

May God remember the souls of the fighters of the Israel Defence Force who gave their lives for the sanctification of the Name [God’s], the People and the Land; who died a heroic death in the War of Independence and the battlefields of Sinai in missions of defence and safety.

Sanctification of God’s name through the ethnic cleansing that took place in the “War of Independence!”

Given this appalling circumstance, I felt that delivering a critical lecture in Ottawa on the subject of the JNF of Canada, in defence of the rights of the Palestinian Arab inhabitants of ‘Imwas, Yalu and Beit Nuba – ethnically cleansed by the Israeli army in the course of the 1967 war, their homes levelled and their villages razed to the ground, over which the JNF-Canada funded the planting of trees and the development of recreational facilities that were inaugurated as “Canada Park” – was the ethically correct choice, perhaps the only viable choice available to me as a person attempting to remain a decent Jew, especially on that date, the Jewish Day of Atonement, 2004.

### **3.2 Biblical References**

It so happens that the Palestinian Arab village of ‘Imwas is regarded in professional archaeological and church literature as one of the likely locations (perhaps the most likely location) of the New Testament Emmaus, on the road towards which Jesus Christ is reported to have walked after his alleged resurrection.

Luke tells the story of that first Easter afternoon when the risen Christ appeared to the two disciples who were walking together along the road from Jerusalem to Emmaus ... the risen Christ “came near and went with them,” opening the disciples’ eyes to his presence and lighting the fire of God’s love in their hearts. As they walked to Emmaus, Jesus explained to them the meaning of all the scriptures concerning himself. When they arrived in Emmaus, Jesus “took bread, blessed and broke it, and gave it to them,” and their eyes were opened. They recognized him as Jesus, the risen Lord, and they remembered how their hearts had burned within them as they talked with him on the road. Within the hour, the two disciples left Emmaus and returned

immediately to their friends in Jerusalem. As they told stories about their encounters with the risen Lord, Jesus visited them again with a fresh awareness of his living presence. (<http://www.upperroom.com/emmaus/whatis/name.asp>.)

There is no scholarly consensus regarding the location in Palestine of Emmaus in the New Testament; in addition to the location as suggested above, other sites have been recommended as ancient Emmaus. First, al-Qubayba – the Palestinian Arab village destroyed and ethnically cleansed by the Israeli army in the course of and in the wake of the 1948-49 war – on whose lands, inter alia, the cooperative Moshav Ge'alyah was established for Jews only. This was a site favoured by the Crusaders, who founded an old Roman fort near al-Qubayba named Castellum Emmaus. The Franciscans began excavating a Byzantine church here in 1873. Second, Abu Ghosh – most of whose lands were confiscated to establish, inter alia, the cooperative Kibbutz Qiryat Anavim for Jews only – identified in the Old Testament as Qiryat Ye'arim, also known as Qaryat al-'Anab (the City of Grapes). There is a Roman fort at Abu Ghosh with a Greek inscription that mentions the Tenth Legion stationed there. Third, Qaluniya, or ancient Colonia – the Palestinian Arab village of Qaluniya too was destroyed and ethnically cleansed by the Israeli army in the course of and in the wake of the 1948-49 war, and on whose lands, inter alia, Mevaseret Zion, the leafy suburb of Jerusalem, was established for Jews only – often identified with Motza in the Jerusalem Talmud.

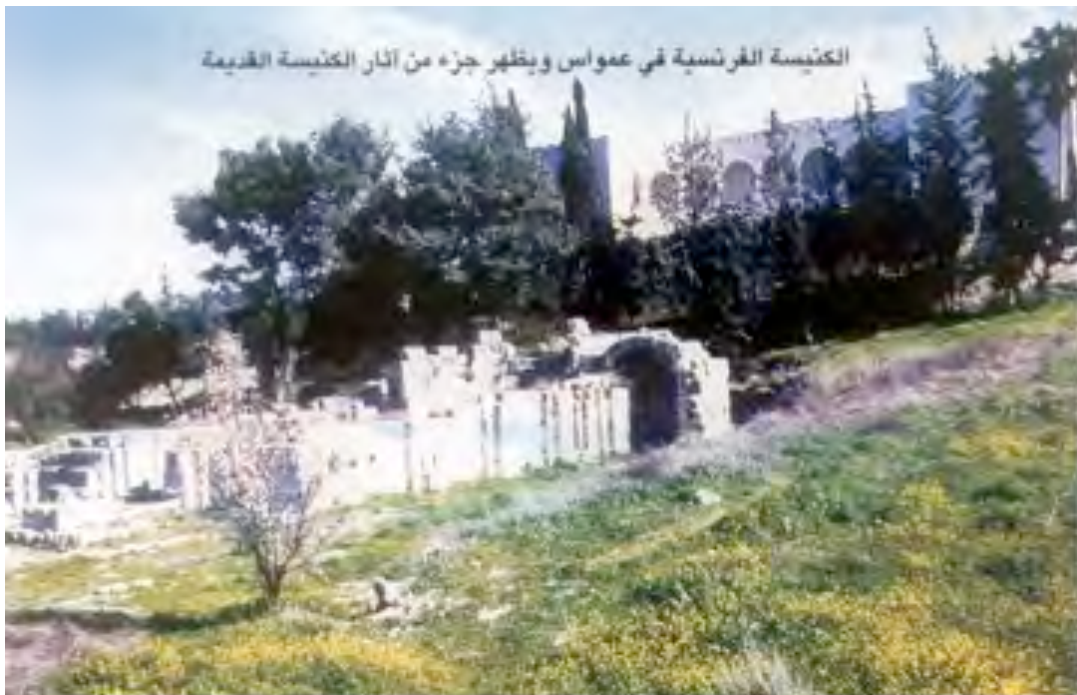


Figure 3.1: Catholic Communaute des Beatitudes at Emmaus/Nicopolis  
(Photograph courtesy of the 'Imwas Charitable Association)

The photograph above depicts the mixed Catholic Communaute des Beatitudes at Emmaus/Nicopolis and a section of the archaeological excavations of the ancient Roman, Byzantine and Crusader remains. Today, these sacred ruins are the only evidence of the existence of the city in this site (Walid Khalidi, 1992: 220-21, 309-10; <http://www.christusrex.org/www1/ofm/mad/discussion/069discuss.html>.)



### 3.3 Recent History

In the course of the 1967 war the Israeli army occupied 'Imwas and the neighbouring villages of Yalu and Beit Nuba and forcibly expelled (ethnically cleansed) their civilian unarmed inhabitants- men, women and children- the lives of most of whom have since been reduced to the misery of stateless refugeehood. Over the ruins of the three villages and their surrounding lands, the JNF of Canada funded the planting of trees and the development of recreational facilities inaugurated during the term of office of the late Bernard Bloomfield, President of the JNF-Canada from 1971-1975, as "Canada Park".

It is not that I was not aware of the history of Canada Park, situated as it is inside the post-67 occupied territories of the West Bank (specifically in the Latrun Salient, a sliver of land in the shape of a thumb, hugging the road to Jerusalem) prior to the publication of Walter Lehn's article, "A West Bank Sojourn", in 1980. I was a student at the Hebrew University in Jerusalem at the time of the 1967 war, and have since led numerous individuals and groups on critical visits to Canada Park as an illustration of the illegal settler-colonial complicity of the JNF in war crimes and crimes against humanity in general, and in the post-67 occupied territories in particular. In due course I had published, as associated author together with Walter Lehn, the only comprehensive independent critical history of the JNF available in the English Language, The Jewish National Fund in 1988.

But it was, alas, only much later, after visiting the JNF pavilion in the UN World Summit on Sustainable Development (WSSD), in 2002, which I had attended as a member of the delegation of ITTIJAH (the Union of Arab Community Based Associations) that I became concretely, tangibly, and fully aware of the critical role of the JNF overseas in the regrettably hitherto successful endeavour by the World Zionist Organization (WZO) and the Embassies of the State of Israel worldwide in projecting the State of Israel, an apartheid state, as "the only democracy in the Middle East". Registered as a non-governmental organization (which it is not), the JNF at the said summit projected itself as an NGO committed to sustainable development (e.g., river section rehabilitation, soil conservation, fire fighting vehicles, fire watchtowers, savanization projects and such like), and on the grounds of such misrepresentation claiming and successfully registering as a charity, benefiting from tax exemptions in several member states of the United Nations Organization.

I owe the people of 'Imwas, Yalu and Beit Nuba an apology for the delay in the publication of this study, and for the delay in initiating the related action of litigation against the JNF and its officers in Canada on the basis of the evidence of JNF complicity in crimes against humanity.

This study and its related litigation ought to have been motivated some three and a half decades ago. That this was not to be may be explained, and possibly justified, by circumstance. But alleviating circumstances notwithstanding, it still remains the case that every delay in this regard entails yet an additional extension of the crippling suffering of the people of 'Imwas, Yalu and Beit Nuba.

### 3.4 Eyewitness Report, 1967

Written in June 1967, and incorporated in Amos Kenan, Israel: A Wasted Victory, 1970, the following eyewitness report of the razing of the three Palestinian villages of 'Imwas, Yalu and Beit Nuba was narrated by Amos Kenan, a reserve soldier in the Israel Defence Force at the time. I have inserted photographic evidence, collected by the 'Imwas Charitable Association, within the narrative.

The commander of my platoon said that it had been decided to blow up the three villages in the sector – Yalu, Beit Nuba, and 'Imwas. For reasons of strategy, tactics and security. In the first place to straighten out the Latrun 'finger'. Secondly, in order to punish these murderers' dens. And thirdly, to deprive infiltrators of a base in future.

One may argue with this idiotic approach which advocates collective punishment and is based on the belief that if the infiltrator loses one house, he will not find another from which to wait in ambush. One may argue with the effectiveness of increasing the number of our future enemies – but why argue?

We were told it was our job to search the village houses: that if we found any armed men there, they were to be taken prisoner. Any unarmed persons should be given time to pack their belongings and then told to get moving – get moving to Beit Sira, a village not far away. We were told also to take up positions around the approaches to the villages in order to prevent those villagers who had heard the Israeli assurances over the radio that they could return to their homes in peace – from returning to their homes. The order was – shoot over their heads and tell them there is no access to the village.

The homes in Beit Nuba are beautiful stone houses, some of them luxurious mansions. Each house stands in an orchard of olives, apricots and grapevines, there are also cypresses and other trees grown for their beauty and the shade they give. Each tree stands in its carefully watered bed. Between the trees lie neatly hoed and weeded rows of vegetables.

In the houses we found a wounded Egyptian commando officer and some old men and women. At noon the first bulldozer arrived, and ploughed under the house closest to the village edge.

With one sweep of the bulldozer, the cypresses and the olive trees were uprooted. Ten or more minutes pass and the house, with its meagre furnishings and belongings, had become a mass of rubble. After three houses had been mowed down, the first convoy of refugees arrives, from the direction of Ramallah.

We did not shoot into the air. We did take up positions for coverage, and those of us who spoke Arabic went up to them to give them the orders. There were old men hardly able to walk, old women mumbling to themselves, babies in their mother's arms, small children, small children weeping, begging for water. The convoy waved white flags.



Figure 3.2  
(Photograph courtesy of the 'Imwas Charitable Association)



Figure 3.3  
(Photograph courtesy of the 'Imwas Charitable Association)



Figure 3.4  
(Photograph courtesy of the 'Imwas Charitable Association)



Figure 3.5  
(Photograph courtesy of the 'Imwas Charitable Association)

We told them to move on to Beit Sira. They said that wherever they went, they were driven away, that nowhere they were allowed to stay. They said they had been on the way for four days now – without food or water; some had perished on the way. They asked only to be allowed back into their own village, and said that we would do better to kill them. Some had brought with them a goat, a sheep, a camel or a donkey. A father crunched grains of wheat in his hand to soften them so that his four children might have something to eat. On the horizon, we spotted the next line approaching. One man was carrying a 50-kilogram sack of flour on his back, and that was how he had walked mile after mile. More old men, more women, more babies.

They flopped down exhausted at the spot where they were told to sit. Some had brought along a cow or two, or a calf – all their earthly possessions. We did not allow them to go into the village to pick up their belongings, for the order was that they must not be allowed to see their homes being destroyed. The children wept, and some of the soldiers wept too. We went to look for water but found none. We stopped an army vehicle in which sat a Lieutenant-Colonel, two Captains and a woman. We took a gerry-can of water from them and tried to make it go round among the refugees. We handed out sweets and cigarettes. More of our soldiers wept. We asked the officers why the refugees were being sent back and forth and driven away from everywhere they went. The officers said it would do them good to walk and asked "why worry about them, they're only Arabs?" We were glad to learn that half-an-hour later they were all arrested by the military police, who found their car stacked with loot.

More and more lines of refugees kept arriving. By this time there must have been hundreds of them. They couldn't understand why they had been told to return and now were not being allowed to return. One could not remain unmoved by their entreaties. Someone asked what was the point of destroying the houses – why didn't the Israelis go live in them instead? The platoon commander decided to go to headquarters to find out whether there was any written order as to what should be done with them, where to send them and to try and arrange transportation for the women and children, and food supplies. He came back and said there was no written order; we were to drive them away.

Like lost sheep they went on wandering along the roads. The exhausted were beyond rescuing. Toward evening we learned that we had been told a falsehood – Beit Sira too the bulldozers had begun their work of destruction, and the refugees had not been allowed to enter. We also learned that it was not in our sector alone that areas were being 'straightened out'; the same thing was going on in all sectors. Our word had not been a word of honor; the policy was a policy without backing.

The soldiers grumbled. The villagers clenched their teeth as they watched the bulldozers mow down trees. At night we stayed on to guard the bulldozers, but the entire battalion were seething with anger; most of them did not want to do the job. In the morning we were transferred to another spot. No one could understand how Jews could do such a thing. Even those who justified the action said that it should have been possible to provide shelter for the

population, that a final decision should have been taken as to their fate, as to where they were to go.

The refugees should have been taken to their new home, together with their property. No one could understand why the fellah should be barred from taking his oil-stove, his blanket and some provisions.

The chickens and the pigeons were buried under the rubble. The fields were turned to desolation before our eyes, and the children who dragged themselves along the road that day, weeping bitterly, will be the fedayeen of 19 years hence. This is how that day, we lost the victory. (Amos Kenan, Israel: A Wasted Victory, Amikam Publishers, Tel Aviv, 1970, pp 18-21)

### **3.5 Chief-of-Staff Rabin**

An odd quarter of a century later, in 1991, the Canadian Broadcasting Corporation (CBC), Fifth Estate programme, broadcast Trish Wood's documentary film on Canada Park, entitled "Park With No Peace" (see next chapter). In her documentary film, Trish Wood interviewed a number of Jewish citizens of Israel, including Amos Kenan, who stood by his testimony above. The former Member of the Knesset Uri Avnery properly referred to the destruction of 'Imwas, Yalu and Beit Nuba as a war crime under international law; the development of Canada Park over the ruins of the said three destroyed Palestinian Arab villages as complicity with war crimes; and the endorsement of the naming of the park after the state of Canada as implicating Canadian government officials in this complicity with war crimes.

In the documentary by Trish Wood, the late Prime Minister of Israel Yitzhaq Rabin confirmed that it was he, as Chief-of-Staff of the Israel Defence Forces, who gave the order to level the villages and raze them to the ground. When challenged by Wood to the effect that this action was classified as war crimes under the Geneva Conventions of 1949, this is what Rabin had to say:

Allow me to remind you that at war there are certain rules of war [pause] and whenever we are at war we will do whatever is needed to protect Israel, to defend Israel, to defend Israel's population.

Except that the rules of war, as regulated under the Geneva Conventions of 1949, specifically and emphatically prohibit the forcible expulsion or ethnic cleansing of civilian populations from their localities of residence, and they also prohibit the destruction of the homes of civilian populations. Such actions are classified as war crimes and crimes against humanity under international law.

Wood challenged Rabin to the effect that:

If there is ever to be peace here, many believe Israel will have to trade land for it. The hatred each side holds for the other is as deeply rooted in Canada Park as anywhere in the Middle East. For the Palestinians the land the Park sits on represents their birthright. For the Israelis; the security of their nation.

Rabin replied:

I don't see any Israeli leader that will give it up... Because we need it for Israel's security. To maintain the line of the road between Tel Aviv and Jerusalem sec... Totally secure. As you wouldn't... wouldn't allow that the road between Toronto and Ottawa will be controlled by a potential enemy of Canada.

Needless to say that the comparison of the Tel Aviv-Jerusalem highway to the Toronto-Ottawa highway is utterly misplaced, since Israel's claims to Jerusalem as the capital of the State of Israel are wholly illegal. Israeli actions and legislation with reference to Jerusalem represent a blatant violation of a host of UN General Assembly and Security Council resolutions, beginning with UN General Assembly Resolution 181(II) of November 1947 – recommending the establishment of independent Arab and Jewish states and a “corpus separatum” for the City of Jerusalem under Special International Regime to be administered by the UN – through to UN Security Council Resolution 242 of November 1967 – emphasizing the inadmissibility of acquisition of territory by war – and not least UN Security Council Resolution 478 of August 1980 – affirming that the enactment of the “Basic Law: Jerusalem, the Capital of Israel” by Israel in 1980 constitutes a violation of international law and a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East – as well as UN General Assembly Resolution 58/22 of October 2003 – reiterating its determination that any action taken by Israel to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever, and deploring the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 of 1980.

It is less than surprising, given the mindset of denial that characterizes much of the political-Zionist narrative, that the late Prime Minister of Israel, in denial of the illegality of declaring Jerusalem the capital of the State of Israel, would justify this denial with another denial, namely the denial of the war crimes he ordered in 'Imwas, Yalu and Beit Nuba, using the misguided analogy of the Tel-Aviv-Jerusalem highway to the Toronto-Ottawa highway. There are no UN General Assembly and Security Council resolutions stipulating that the declaration of Ottawa as the capital city of Canada constitutes a violation of international law. Rabin's claims to the defence of the highway to Jerusalem as its presumed capital city are as perverse as his claims that it was justified for him to order the perpetration of war crimes and crimes against humanity in the case of 'Imwas, Yalu and Beit Nuba in the name of the defence and the security of the said highway.

It was not the first time that Rabin had perpetrated war crimes and crime against humanity in this area. As Commander of the Har'el Brigade, it was Yitzhaq Rabin, amongst others, who orchestrated, under the command of Yigal Allon, the ethnic cleansing of the Palestinian Arab cities of Lydda and Ramle in 1948 as part of Operation Dani as it is referred to in Zionist annals (Israel Shahak, The Zionist Plans for the Middle East, 1982, Appendix, pp. 19-26). As reported by David Shipler in 1979, while the fighting was still in progress, the senior command of the Israeli forces had to grapple with a troublesome problem, for whose solution they could not draw on any previous experience, i.e., the fate of the civilian population of Lydda and Ramle, numbering some 50,000. In a meeting that included Rabin, David Ben-Gurion and Yigal Allon, the question of the cities of Lydda and Ramle was debated:

Not even Ben-Gurion could offer any solution, and during the discussions at operational headquarters, he remained silent, as was his habit in such situations. Clearly, we could not leave Lod's hostile and armed population in our rear, where it could endanger the supply route to Yiftach [another brigade], which was advancing eastward.

We walked outside, Ben-Gurion accompanying us. Allon repeated his question: "What is to be done with the population?" BG waved his hand in a gesture which said "Drive them out!"

Allon and Rabin held a consultation. Rabin agreed that it was essential to drive the inhabitants out. They were taken on foot towards the Bet Horon Road where it was assumed that the Jordanian Arab Legion would be obliged to look after them, thereby shouldering logistic difficulties that would burden the Legion's fighting capacity, and making things easier for the Israeli forces. The population of Lydda did not leave willingly. There was no way of avoiding the use of force in order to make the inhabitants march the 10-15 miles to the point where they met up with the Arab Legion. The inhabitants of Ramle realized they could not defend themselves. Their leaders agreed to evacuate voluntarily, on condition that the evacuation was carried out with vehicles. Buses took them to the Latrun, and from there they were evacuated by the Legion.

Some of Rabin's soldiers refused to take part in the expulsion action. Prolonged propaganda activities were required after the action to remove the bitterness amongst youth-movement groups that formed the Israeli forces, and explain why the senior command was obliged to undertake such harsh and cruel action towards civilians. The prolonged propaganda seemed to have worked. It took thirty odd years before Rabin's first person account of the expulsion of the Palestinian civilian population of the cities of Lydda and Ramle in 1948 war, censored out of the first Hebrew and English editions of his memoirs, saw the light of day. (The narrative above is based on David K. Shipler, "Israel bars Rabin from relating '48 eviction of Arabs", New York Times, 23 and 25 October 1979; Peretz Kidron, "Truth Whereby Nations Live", in Edward Said and Christopher Hitchens eds, Blaming the Victim, 1988; & <http://student.cs.ucc.ie/cs1064/jabowen/IPSC/articles/article0005217.txt>.)

In 1994, Rabin, in his capacity as Prime Minister of the State of Israel, together with Shimon Peres, in his capacity of Foreign Minister of the state of Israel, and Yasser Arafat, in his capacity as Chairman of the Palestine Liberation Organization, were granted the Nobel Peace Prize in Oslo "for their efforts to create peace in the Middle East." It is the view of this author that the said Nobel Prize for Peace ought to be withdrawn from Rabin posthumously and from Peres immediately.

### **3.6 JNF-funded Canada Park**

On the 7th of June, 1967, armoured jeeps broadcast orders for the immediate eviction of the three villages of 'Imwas, Yalu, and Beit Nuba to the East Bank. The inhabitants were given only a few hours to gather their possessions, forcibly directing them towards Ramallah. To expedite the ethnic cleansing process, as in 1948 war, the Israeli army shot over the heads of the fleeing villagers to make sure they would not come back.



**Table 3.1: The Palestinian village of 'Imwas before Israeli occupation in 1967**

Distance from district centre	12 km Southeast of Ramle.
Elevation from the sea	200 meters
Neighbouring towns	al-Latrun, Yalu, Deir Ayyub, Salbit, and al-Qubab
Land ownership (dunums)	Arab, 5,151; Jewish, 0; Public, 16; Total: 5,167
Population	824 in 1922; 1,021 in 1931; 1,450 (2 Christians) in 1945; 1,955 in 1961 (40 Christians)
Number of houses	224 in 1931
Town's name through history	'Imwas means "hot springs". In the year 70 Emmaus was renamed Nicopolis, that is "City of Victory" by the Roman conquerors of the country.
Schools	The village had two schools, the first of which was for boys. It was founded in 1919, and in 1947 became a full elementary school with 6 teachers and an enrolment of 187 pupils. Soon after al-Nakba in 1948, the boys' school became a full elementary and a secondary school with an enrolment of 304 boys by 1967. It had a small library containing 376 books. The second school was for girls, which had an enrolment of 172 girls in 1967.
Inhabitants place of origin	The majority of the villagers belonged to the Abu Gosh clan or hamula, many of whom were ethnically cleansed from Abu Gosh or Qaryat al-'Anab, West of Jerusalem, in 1948. A few of the inhabitants trace their roots back to Egypt.
Religious institutions	Two mosques (Note: there is an error in the figures below – there was no church, as indicated at top left of the figures)
Shrines/maqams	There are two shrines: the first belongs to Abu 'Ubydah Ibn al-Jarrah, the conqueror of Palestine (13 A.H. /634 A.D.) from Byzantia at the battle of Ajnadin (although the shrine is still intact, it is deteriorating and in need of major renovation); the second shrine/tomb was for Mu'ath Ibn Jabal, a companion of the prophet Mohammad.
Water supplies	Several spring and wells provided 'Imwas with its drinking water supplies and the most famous of these wells is Beir al-Hilu ("the Sweet Well") close to the Trappist Monastery in al-Latrun village.
Archaeological sites	The village had many archeological sites: the most famous of these sites are Khirbat al-'Aqed, located between Yalu and 'Imwas, Khirbat Deir Thakir, and to the East of 'Imwas, Khirbat Umm Haratayn.

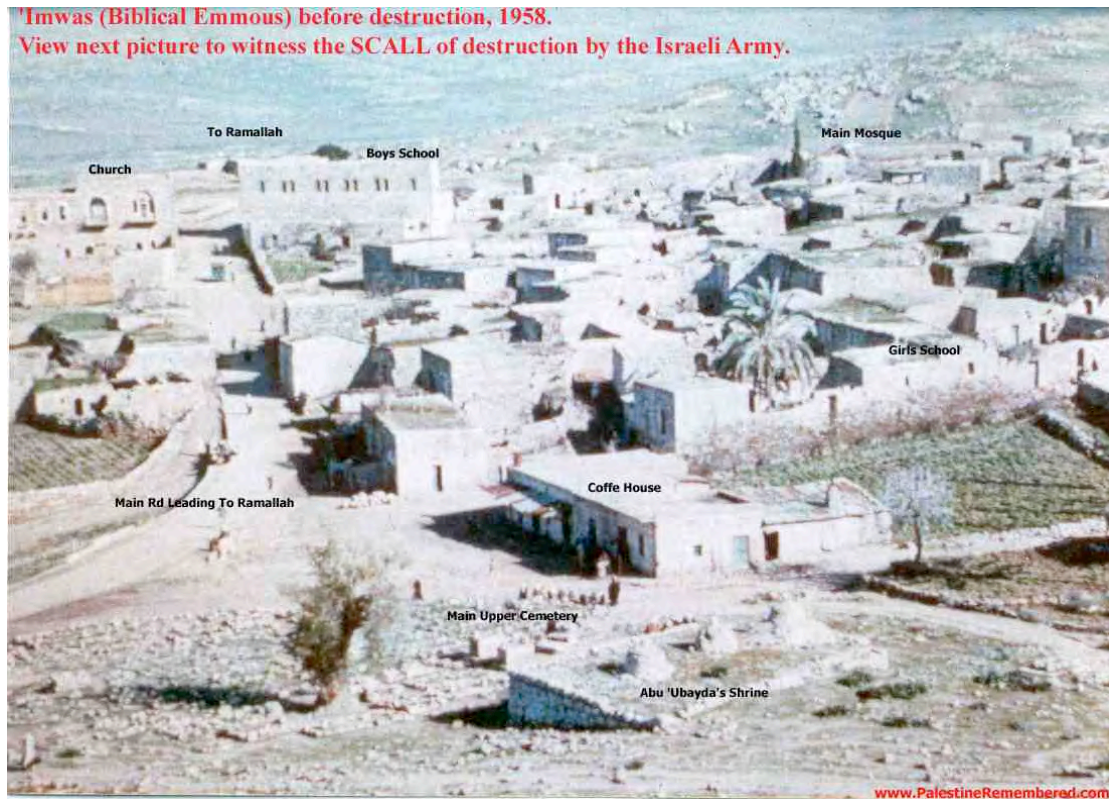


Figure 3.6: The Palestinian village of 'Imwas in 1958  
(Note: there is an error in these figures – there was no church, as indicated at top left)



Figure 3.7: 'Imwas in 1968, after the bulldozing of the entire village  
(Courtesy of the 'Imwas Charitable Association; PalestineRemembered.com)



Figure 3.8: 'Imwas in 1978, showing the development of Canada Park



Figure 3.9: 'Imwas in 1988, showing over-growth of Canada Park  
(Courtesy of the 'Imwas Charitable Association; PalestineRemembered.com;  
Pictures taken by Pierre Medebielle)

Like their predecessors, the refugees from Lydda and Ramle in 1948 (some village inhabitants were ethnically cleansed twice, both in 1948 and in 1967) fled towards the Ramallah area and al-Bira. Many slept in Ramallah's bus station for a week or so, until they were invited in by some of their relatives in the area. Some made it on foot across the bombed Allenby Bridge on the Jordan River to Amman, Jordan. Soon after, the three villages were bulldozed and dynamited by the Israeli army. The Palestinian village of 'Imwas has been completely obliterated (see Figures 3.6 and 3.7). Over its ruins the JNF of Canada developed Canada Park (see Figures 3.8 and 3.9). The only surviving structure is the shrine of Abu 'Ubydah Ibn al-Jarrah.

### 3.6 Fieldwork by the author

Towards my departure to North America for the lecture tour on the subject of Canada Park, I undertook some fieldwork in the locality. I visited Canada Park in September and October 2004, prior to my departure for the lecture tour, assisted on one occasion by Adnan Abu Ghosh, a refugee of 'Imwas. The signpost directing visitors to Canada Park, 1 km away, is no longer there (this signpost can be seen in Trish Wood's documentary in the next chapter). According to workers in the park, it was removed some years back. An equally offensive signpost, however, is now posted at the approaches to Canada Park, directing the traffic to the illegal settlement of Mevo Horon, built inside the post-67 occupied territories on the lands of the destroyed Palestinian village of Beit Nuba, and the new city of Modi'in, built in part inside the pre-1967 armistice line (the "Green Line" drawn in the 1949 armistice agreements signed between the State of Israel and its neighbouring Arab states signifying the cessation of the 1948-49 hostilities) and in part inside the post-67 occupied territories.



Figure 3.10: Road sign to Mevo Horon and Modi'in

Similarly, at least some of the prominent JNF wooden signposts reported in Trish Wood's documentary, designating the location of "Canada Park", have been replaced or modified to read "Ayalon Park".



Figure 3.11: Signpost to "Canada Park" renamed "Ayalon Park"

Yet, when occasion requires, a banner is brought out: "KKL-JNF Welcomes its visitors to Canada Park which was developed thanks to the generosity of its benefactors from Canada"



Figure 3.12: Banner welcoming visitors to "Canada Park"

A few hundred meters behind this banner lies the desecrated cemetery of 'Imwas.



Figure 3.13: Cemetery of 'Imwas, occupied and desecrated

At the centre of “Canada-Ayalon Park”, a decorative commemoration wall acknowledges the numerous Canadian benefactors, thanks to whose generosity Canada Park was developed. The most prominent plaque reads: “This Park was conceived by Bernard M. Bloomfield and built during his term of office as President of the Jewish National Fund of Canada 1971-1975.”



Figure 3.14: Marble plaque commemorating Bernard Bloomfield

## 4. Sleepless in Gaza & Jerusalem



(Click the above picture play the documentary or follow the link:  
<http://www.youtube.com/sleeplessingaza#p/u/0/1XgbGR43QZc>)



(A PINA TV Production: Palestine International  
News Agency [www.pina.ps](http://www.pina.ps), for Radiant Circle,  
20 May 2010)

## 5. Park With No Peace

By Trish Wood



(Click above to play the documentary by Trish Wood, broadcast on 21 Oct 1991 by the Canadian Broadcasting Corporation's Fifth Estate Programme or follow this link: <http://video.google.ca/videoplay?docid=-2500957394773313398>)



## **6. Financing Racism and Apartheid: The JNF's Violation of International and Domestic Law**

By the Palestine Land Society

### **6.1 The JNF and its Objectives**

The Jewish National Fund (JNF) is a multi-national corporation with offices in about dozen countries world-wide (as of 2005). It receives millions of dollars from wealthy and ordinary Jews around the world and other donors, most of which are tax-exempt contributions. The JNF aim is to acquire and develop lands exclusively for the benefit of Jews residing in Israel.

The fact is that the JNF, in its operations in Israel, had expropriated illegally most of the land of several hundred Palestinian villages, which had been ethnically cleansed by Zionist forces in 1948 (see tabulated list at the end of this chapter). The owners of this land are over half the UN-registered Palestinian refugees. The JNF had actively participated in the physical destruction of many villages, in evacuating these villages of their inhabitants and in military operations to conquer these villages. Today the JNF controls over 2500 sq.km of Palestinian land which it leases to Jews only. It also planted 100 parks on Palestinian land.

In addition, the JNF has a long record of discrimination against Palestinian citizens of Israel as reported by the UN. JNF also extends its operations by proxy or directly to the Occupied Palestinian Territories in the West Bank and Gaza. All this is in clear violation of international law and particularly the Fourth Geneva Convention, which forbids confiscation of property and settling the Occupiers' citizens in occupied territories. Ethnic cleansing, expropriation of property and destruction of houses are war crimes. As well, the use of tax-exempt donations in these activities violates the domestic law in many countries, where JNF is domiciled.

The JNF is one of the most prominent Zionist colonization enterprises. At the Zionist conference held in Katowice in 1884, Professor Zvi Herman Shapira proposed the establishment of a body "that would redeem the land of Israel from foreigners in order to turn it into a national acquisition that would not be for sale but would rather be for leasehold only". At the Fifth Zionist Congress held in Basle in 1901 his proposal was passed and a declaration was made for the establishment of the "Jewish National Fund"<sup>1</sup>. The JNF was established in April 1907 in England as an instrument of the World Zionist Organization (WZO)<sup>2</sup> to acquire and colonize land.

With the enactment of the Israeli JNF Law (1953), which states in clause 6 that it is permitted to set up an incorporated body in Israel for the continuation of the activities of the existing company that was founded and incorporated in Europe, the JNF was

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<sup>1</sup> Ehpraim and Menahem Talmi, *Zionist Lexicon*. Tel Aviv: Ma'ariv Library, 1978, pp.340-342 (Hebrew).

<sup>2</sup> The Zionist Organization was founded by Theodor Herzl at the First Zionist Congress in Basle in 1897. In 1960 it was renamed the World Zionist Organization. The goals of the organization were set forth in the Basle Program: "Zionism seeks to establish a home for the Jewish people in Palestine, secured under public law." [See S. Abu Sitta, *Atlas of Palestine 1948*. London: Palestine Land Society, 2004]

registered as an Israeli company and the English company's assets were transferred to it. The JNF is held by the state of Israel as a central tool of Judaization.<sup>3</sup>

Today, the JNF has offices worldwide. It collects donations from wealthy Jews and others, mostly tax-exempt, in various countries of domicile. The collected funds are used in Israel for 'development projects', largely on lands illegally expropriated from the Palestinian owners, who are now refugees or Israeli citizens. The funds are used in pursuit of long-standing policies which practice discrimination and Apartheid and are in violation of international law as judged by the UN and human rights NGOs.

The JNF was created to be the colonial arm of WZO; to acquire land in order to establish Jewish colonial settlements in Palestine. The Hebrew name of the Fund (*Keren Kayemeth L'Yisrael* or KKL) means 'Perpetual Fund Capital for Israel', a reflection on the daily morning prayer.<sup>4</sup> The apparent religious connotations mask the secular and national objective of the JNF. According to its original Memorandum of Association, its "primary objective" was "to purchase, take on lease or in exchange, or otherwise acquire any lands, forests, rights of possession and other rights...in [Palestine, Syria, Sinai, Turkey]...for the purpose of settling Jews on such lands". The JNF was given extremely wide powers to develop the land but not to sell it. The Fund can lease the acquired lands to any Jew, body of Jews and to any company under Jewish control. The lessee or sub-lessee, their heirs, employees, as well as anyone to whom the lease is transferred or mortgaged must be a Jew. Arabs and non-Jews generally, are prohibited from living or working on JNF land. The JNF holds such lands on behalf of "the Jewish People in perpetuity".<sup>5</sup>

## 6.2 Land Acquired by the JNF in Palestine

In the spring of 1903, the JNF acquired its first parcel of land – 50 acres in Hadera (Khudheira) given as a gift by the well-known philanthropist Isaac (Yitzhak Leib) Goldberg. By 1905, the JNF's land holdings had expanded to include land near the Sea of Galilee and at Ben Shemen in the centre of Palestine. The JNF bought yet another area from the Zionist movement's Anglo-Palestine Bank, in the centre of the country at Hulda (Khulda). The land at Hulda was bought for a very special purpose, the planting of olive groves in memory of Herzl, and with this the JNF embarked on a new venture – afforestation.

In its first decade of its existence, the JNF's land acquisition was modest. But the JNF played a central role in establishing the first modern Jewish city Tel Aviv, as a suburb of the well-established and ancient Arab city of Jaffa. It acquired land for the first collective community (known today as kibbutzim) and first workers' community, and constructed the Yemenite neighbourhoods. The JNF also set up and administered farms, continued its afforestation programs, and was instrumental in founding secondary schools and pioneering higher education, an important record of achievement in Palestine whose Jewish population at the time numbered only 85,000 (9% of the total predominantly Palestinian population). It was also in this period that

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<sup>3</sup> Noga Kadman, "Erased from Space and Consciousness – Depopulated Palestinian Villages in the Israeli-Zionist Discourse" (Master's thesis in Peace and Development Studies), Dept of Peace and Development research, Goteborg University, November 2001.

<sup>4</sup> Walter Lehn and Uri Davis, *The Jewish National Fund*. London and New York: Kegan Paul International, 1988, p.24.

<sup>5</sup> *ibid*, p.26.

the JNF set up an experimental agricultural station at Ben Shemen under the direction of Yitzhak Wilkansky, whose work in mixed farming, or crop diversification, remains the basis of most Israeli agriculture to this day and which was derived largely from the experience of the (German) Templars.

### ***Land acquisition during the British Mandate, 1920-1948***

It was due to the British Mandate's favourable policies to Jewish colonization of Palestine that the JNF acquired considerable areas of land. According to Weitz and Lifshitz, JNF ownership up to December 1944 was 750,154 dunams (1 dunam = 1000 m<sup>2</sup>). The JNF total ownership in Palestine till May 1948 was 936,000 dunams.<sup>6</sup>

The JNF also obtained concessions from the British Mandate in Palestine to develop public lands for a given period. As an example, in 1934 the Jews inherited a Turkish concession to a large piece of Huleh marsh land (54,000 dunams) from the Mandatory government, on the condition they drain it and make it available for public use. These concessions expired with the end of the British Mandate. The JNF held rights to shares in *mush'a* (common) land in many areas, ranging from 14 to 70 percent of the rights in a given area.<sup>7</sup>

A reliable estimate of the official total area acquired by Jewish colonization companies in the Mandate period from 1920-1944 is 927,165 dunams (1944). With the addition of acquisitions in 1945-46, the final figure of all Jewish-ownership (JNF and others) in Palestine on the eve of creating the state of Israel is 1,429,062 dunams assuming that the claimed Jewish ownership in the Ottoman period of 454,860 dunams is correct.

Thus, of the official area of Palestine of 26,322,999 dunams, 24,893,937 dunams is Arab Palestinian. Israel occupied 20,255,000 dunams (gradually increased to 20,560,000 dunams) of Palestine in the 1948 war. Taking the lower figure of the occupied area and subtracting Jewish land, it is clear that *18,825,938 dunams is Palestinian land, that is, 93% of Israel's post-armistice area*. This is the land of the Palestinians, both refugees and citizens of Israel<sup>8</sup>, now under the control of Israel Land Administration (ILA).

### ***Land acquisition after the declaration of the State of Israel, from 1948<sup>9</sup>***

As early as the beginning of February 1948, two months prior to the commencement of the takeover of Arab villages, David Ben-Gurion told JNF leaders: "The war will give us the land. Concepts of 'ours' and 'not ours' are peace-time concepts only, and they lose their meaning during war."<sup>10</sup>

In a similar vein, he asked Yosef Weitz, director of JNF Lands Department/Development Division, whether the JNF was ready to buy 'from him' land at

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<sup>6</sup> *ibid*, p.70.

<sup>7</sup> Meron Benvenisti, *Sacred Landscape: The Buried History of the Holy Land*. Berkeley: University of California Press, 2000, p.129.

<sup>8</sup> Abu Sitta, *supra* note 2.

<sup>9</sup> This section is extracted from Michael R. Fischbach, *Records of Dispossession, Palestinian Refugee Property and the Arab-Israeli Conflict*. New York: Columbia University Press, 2003.

<sup>10</sup> Benvenisti, *supra* note 7, p.120.

(Palestinian Pound) £25 per dunam. Weitz replied that they would buy if the land was Arab-owned and if they received the deed of property and possession. Of course, Ben-Gurion could not provide the deeds. Then, on May 13, 1948, just before the State of Israel was declared, Ben-Gurion offered to 'sell' a massive 2 million dunams of land to the JNF for £0.5 per dunam. He was trying to sell land his forces did not yet occupy to raise money for arms.

In July 1948, some JNF officials floated a proposal by which the JNF would buy "surplus land" in the abandoned (i.e. depopulated) villages. JNF officials believed that any Palestinian refugee families allowed to return could survive on smaller estates than they previously had tilled through the use of "modern", intensive Jewish farming techniques. "Excess land" was that portion of village farmland deemed to be in excess of what this new, intensive agriculture would require. The idea was dropped when JNF officials felt assured that they could prevent the return of the refugees and take their property without the penalty of international law.

As Israeli conquest of Palestine proceeded and inhabitants expelled, more Palestinian land became available to the JNF. Some of the first JNF acquisitions of refugee land were leases it obtained. On August 16, 1948, the JNF established a Subcommittee for the Cultivation and Maintenance of Abandoned Lands to manage such properties. Thirteen days later, the JNF formally requested to lease 193,500 dunams of 'abandoned' land from the Ministry of Agriculture. In November 1948, it leased 154,000 dunams for one year from the Ministry of Agriculture. The JNF then sublet the land to Jewish colonies. It continued to lease land into 1949, "ordering" land on one-year leases from the Israeli authority established to control the property of dispossessed refugees, which was named: the Custodian of Absentee Property's Villages Section, according to a settlement map prepared by the Jewish Agency's Settlement Department. Weitz continued to press for expanded JNF control over refugee property. He wanted legal JNF ownership of the land, not merely leases. He was anxious to open up the lands for Jewish immigrants, and expressed his impatience shortly after the JNF acquired its first refugee land from the state in 1949:

Of the entire area of the State of Israel only about 300,000-400,000 donums...are state domain which the Israeli government took over from the mandatory regime. The JNF and private Jewish owners possess under two million donums. Almost all the rest belongs at law to Arab owners, many of whom have left the country. The fate of these Arabs will be settled when the terms of the peace treaties between Israel and her Arab neighbours are finally drawn up. The JNF, however, cannot wait until then to obtain the land it requires for its pressing needs [settlement of new immigrants]. It is, therefore, acquiring part of the land abandoned by the Arab owners, through the government of Israel, the sovereign authority in Israel.<sup>11</sup>

The JNF was free to discriminate against Arabs in favour of Jews. Its charter mandated that all land that it purchased would be "inalienable", i.e. to be held by the JNF on behalf of the Jewish people in perpetuity. Because the JNF could not sell land it acquired, it leased land to Jewish settlements and individual Jews on the condition that *it would not be re-let to non Jews and that only Jewish labour be used on the land* – the policy of 'Hebrew labour'.

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<sup>11</sup> Lehn and Davis, *supra* note 4, p. 132, p. 347, fn 385.

The JNF felt strongly that refugee land should not merely be expropriated but duly purchased. This was to sever the refugees' legal title to the land forever. A November 1948 article in *Karnenu* ("Our Fund"), the organ of the JNF head office in Jerusalem, noted that the JNF "will compensate owners of land which will be required for public development, and any land passing from private Arab ownership to the Jewish National Fund will be paid for". The article stated that since the JNF could not actually pay the refugees, the compensation funds would be deposited with the Israeli government, which "will act as trustee holding such funds against legitimate claims of Arab owners whether they remain abroad or return". What the JNF really needed was a reasonable legal cover for the division of spoils between the JNF and the State of Israel.

The JNF dispatched two men who served on the Committee for Abandoned Arab Property to Paris to seek out refugees interested in selling their land in Israel. But Israeli cabinet ordered JNF to stop buying land directly from Palestinians. Following the UN Resolution 194 of 11 December 1948, which endorsed the refugees' right of return, Ben-Gurion told Weitz and Danin on 18 December 1948 that "the JNF would buy land only from the State. There was no need to buy land from Arabs".

One month after Ben-Gurion told Weitz not to buy land directly from Palestinians, the two sides finally concluded a major deal by which the JNF would 'purchase' 1 million dunams of refugee land for (Israeli Lira) £11 million (note: £1 = 1 Israeli Lira = 1 Palestinian Pound = 1 Pound Sterling = \$4.03) on 27 January 1949, although the actual price, payable in installments, would be determined by a joint state-JNF committee and would vary according to location and type of land. In addition, the JNF agreed to pay an additional £7.25 million to the state and the Jewish Agency to assist in settling immigrants on the land. The JNF insisted that the land be legally transferred to it within one year of signing the contract in order to assure the JNF had right of ownership. The JNF's report to the 23<sup>rd</sup> congress of the WZO in 1951 stated that it owned 1,109,769 dunams, of which 1,085,607 was rural land and 24,162 urban.

**Table 6.1: Refugee Land 'Sold' to the JNF in January 1949  
("The First Million")**

<b>Region</b>	<b>Dunams (Approx)</b>
Jerusalem corridor	2,000
Northern Negev desert	250,000
Coastal Plain	150,000
Sharon Plain	150,000
Sub TOTAL	552,000
TOTAL (inc. Hula Baysin and surrounding area)	<b>1,102,000</b>

**Source:** *Granott Agrarian Reform*, pp. 107-111

American Jews were crucial in providing funds with which the JNF could 'purchase' land. Between 1910 and mid-1948, American Jews donated, through the United Jewish Appeal, a total of \$85,760,732. British, Canadian and South African Jews contributed a further \$9 million. In addition, American banks provided an unlikely

source of vital funding. The Bank of America National Trust and Saving Association of San Francisco gave the JNF a loan of \$15 million. The Bank of America provided the loan on June 9, 1949. It is unusual for a bank to extend a loan for a British entity (JNF) to establish settlements in a foreign country (Israel) on a land that neither the JNF nor Israel legally owned. The purchases were clearly fraudulent.

It took some time after the execution of the deal with the state before the JNF could make use of the land. Between signing the deal on January 27, 1949 until March 31, 1954, the state had transferred only 35.9 percent of the agreed land, or 396,149 dunams. For its part, the JNF had put only 770,271 dunams of the land it ‘bought’ in completely depopulated villages to use by the end of 1952.

A second sale was finalized on October 4, 1950, involving the transfer of an additional 1,271,734 dunams by the Custodian of Absentee Property on behalf of the Development Authority to the JNF, 99.8 percent of which (1,271,480 dunams) was rural land. Granott later placed the amount at 1,278,200 dunams (see Table 6.2). The sum of (Israeli Lira) £66 million was said to have been paid over a ten-year period. However, there are claims that the JNF never actually paid the monies under either of the two deals (which were in any case fictitious and fraudulent).

**Table 6.2: JNF Usage of Refugee Land ‘Purchased’ in October 1950 (“The Second Million”)**

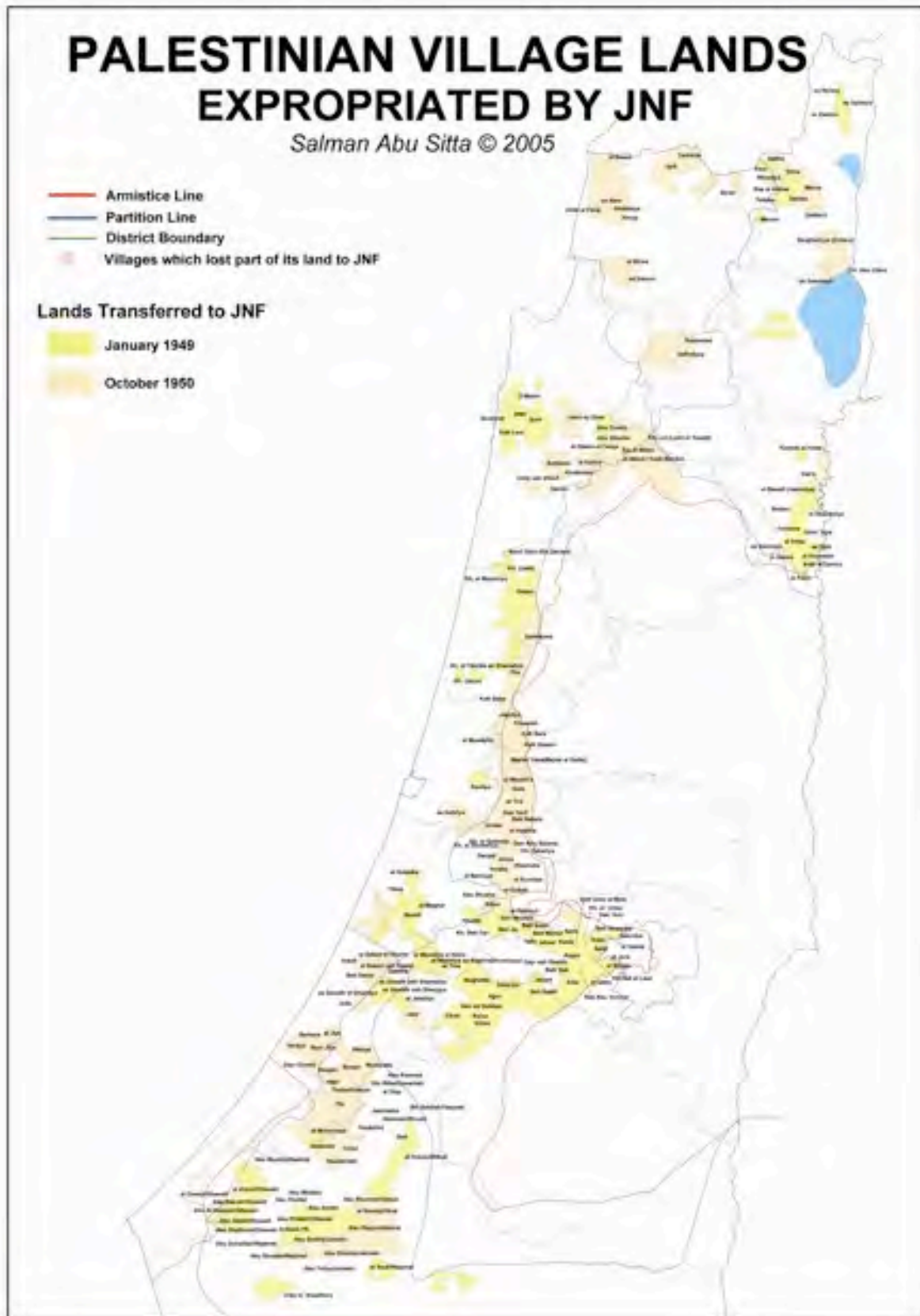
<b>Land Usage</b>	<b>Dunams (Approx)</b>
Completing construction of new settlements	500,000
Expanding existing settlements	500,000
Afforestation	160,000
Various agricultural purposes	100,000
Settlement housing	16,200
Urban housing	2,000
<b>TOTAL</b>	<b>1,278,200</b>

**Source:** *Granott Agrarian Reform*, pp. 108, 111

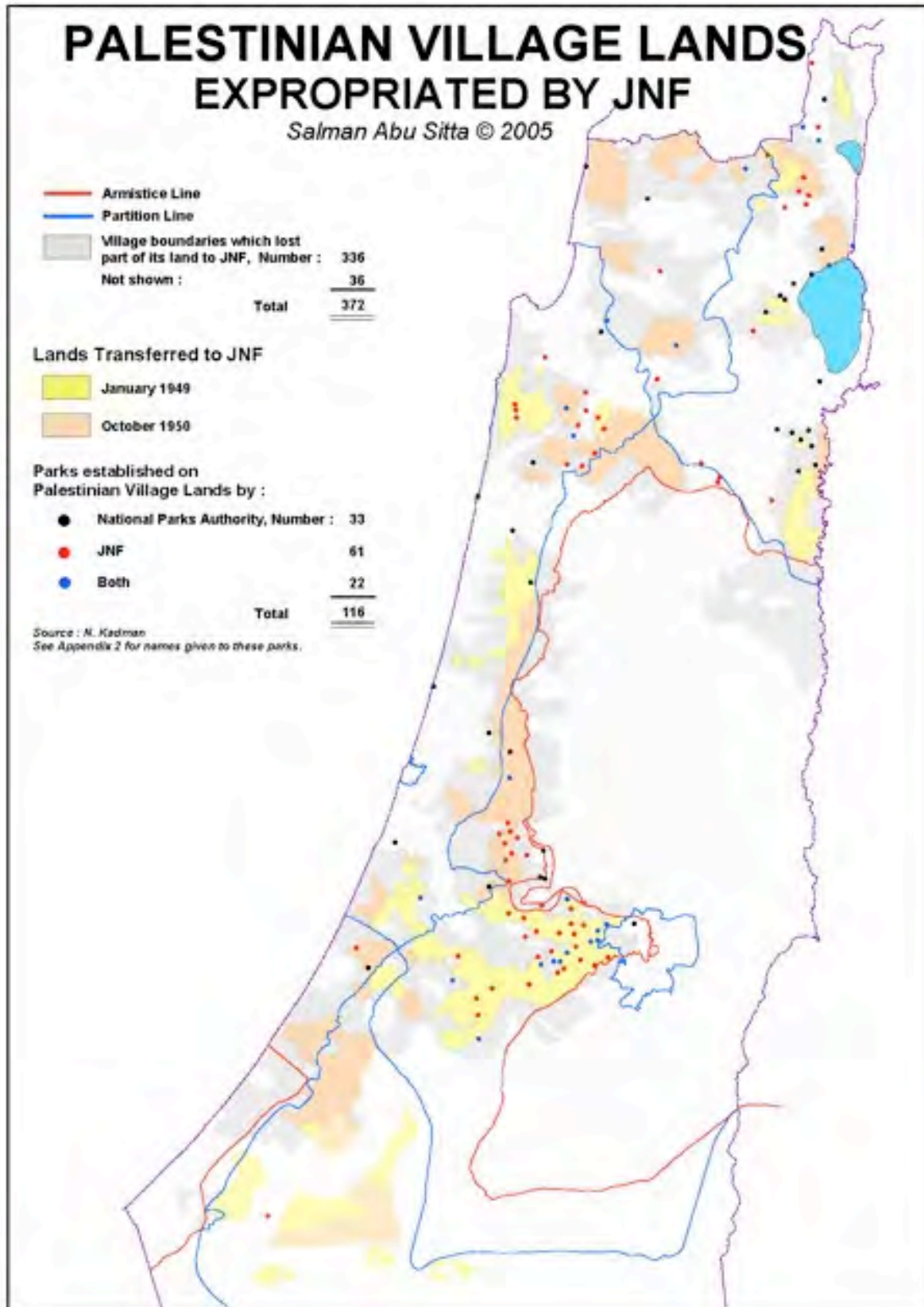
Figure 6.1 on the next page shows the approximate location of the Palestinian land transferred to the JNF through the fictitious and fraudulent sale agreements conducted in 1949 and 1950 with the Israeli government, which seized the refugee property.

Figure 6.2 shows the transferred land and the location of 100 JNF parks planted over it. It correlates with Table 6.7 at the end of this chapter, providing a list of depopulated Palestinian villages whose land (5,687,342 dunams) has been wholly or partially taken over by JNF. It also provides the number of the registered refugees from these villages, which amounts to 2,191,556 refugees in exile or 54% of UN-registered refugees. Also shown are the names of the parks planted on the village sites by the JNF or the National Parks Authority.

Table 6.3 on page 57 provides the regional location of refugee land similarly transferred to the JNF. It is of interest to examine the location of these lands in order to shed light on the reasons for Ben-Gurion’s choice of these particular locations.



**Figure 6.1: Palestinian Lands Expropriated by the JNF in 1949 and 1950**  
(Source: Arnon Golan, *The Acquisition of Arab Land by Jewish Settlement in the War of Independence*, Catedra [in Hebrew], Vol. 63, 1992, pp. 122-154)



**Figure 6.2: Location of Parks Planted on Expropriated Palestinian Lands**  
(Source: Noga Kadman, “Erased from Space and Consciousness – Depopulated Palestinian Villages in the Israeli-Zionist Discourse”, Masters Thesis, Gothenburg University, November 2001)



**Table 6.3: Palestinian Refugee Land Acquired by the JNF After 1948**

Granott		Israel		Palestine	
Region	Area in dunams	Sub-District	Measured (dunams)	Sub-District	Measured (dunams)
Judea + Jerusalem Corridor	819,127	Jerusalem	299,900	Jerusalem	141,646
Safad region	162,813	Safad	129,765	Safad	144,526
Tiberias region	57,414	Tiberias	46,659	Tiberias	31,048
Nazareth + Baysan + Jenin region	151,251	Nazareth	337,865	Nazareth	65,406
				Baysan	95,877
				Jenin	91,990
				Nablus	4,368
Acre region	150,657	Acre	175,210	Acre	169,631
Haifa region	250,967	Haifa	21,959	Haifa	216,915
Coastal Plain	204,667	Hadera	113,960	Tulkarm	191,207
Sharon Plain	205,342	Sharon	130,184		
		Ramla	142,964	Ramle	290,357
		Petah Tiqva	129,104	Jaffa	28,343
		Rehovot	69,581		
Northern Negev	352,850	Northern Negev	392,433	Gaza	340,798
				Hebron	184,777
		Central Negev	430,308	Beer Sheba	423,001
		<b>Total Measured</b>	<b>2,419,893</b>	<b>Total Measured</b>	<b>2,419,893</b>
<b>Urban land</b>	<b>18,589</b>	<b>Urban</b>	<b>18,589</b>	<b>Urban</b>	<b>18,589</b>
<b>Granott figure</b>	<b>2,373,677</b>	<b>Net (excl. Urban)</b>	<b>2,401,304</b>	<b>Net (excl. Urban)</b>	<b>2,401,304</b>
		<b>Measured/ Granott Ratio</b>	<b>101.164%</b>	<b>Measured/ Granott Ratio</b>	<b>101.164%</b>

**Note:** The Granott “Regions” do not always match the Israel/Palestine “Sub-Districts”.

**Source:** *Granott Agrarian Reform*, p.111 cited in Michael Fischbach, *Records of Dispossession*, Columbia University Press, 2003, Table 1.26: Location and Prices of Land in 1949 and 1950 Purchases of Refugee Property by the JNF, p. 67.

Of course the land that was acquired by the JNF after the expiry of the British Mandate was obtained through Israeli conquest, contrary to international law and including some land that was to be granted to the Arab Palestinian state according to UN resolution 181 (the Plan for the Partition of Palestine). In December 1948 – January 1949, the Israelis achieved military victory in the south against the Egyptian front, which had been defending that part of Palestine. Thus land was transferred liberally to the JNF in the south. No military progress was achieved in the centre of the country against the Jordanian front. Here, the expropriated land represented a small extension of the existing Mandate-period JNF land. In the north, a small amount of Palestinian land was acquired, ultimately by the JNF, to fill gaps next to the River Jordan and in Ijzim, inside the triangle south of Haifa, which refused to surrender for weeks.

Ben-Gurion did not offer any land, in the above three regions, that lay outside the Partition Line to the JNF, as he expected Israel to be forced to withdraw till this line. At this time, Israel had captured 24 percent of Palestine in excess of UN resolution 181 to divide the country (that is, 78 percent, against the 54 percent of Palestine that was provided to the future State of Israel according to the Partition Plan). However, Ben-Gurion made an exception with a large area west of Jerusalem, the so-called Tel Aviv-Jerusalem corridor – land confiscated outside the Partition Line in defiance of UN resolution 181. He transferred the conquered Palestinian land in this corridor to the JNF, a foreign Jewish entity, so that Israel could not be held to account for the conquest of this land against the UN resolution.

By October 1950, Israel signed Armistice Agreements with all the neighbouring Arab countries. But at the Lausanne negotiations, in which Arabs offered a peace treaty with Israel providing the refugees could return to their homes, Ben-Gurion managed to scupper the treaty. He realized he had no reason for restraint and began the transfer of land beyond the Partition Line to the JNF. The second batch of land transferred to the JNF was adjacent to the existing JNF holding in the central sector in all areas up to the Armistice Line, including Lydda and Ramle (which were supposed to be on the Arab side of the Partition Plan). In the north, he transferred to the JNF a large area near the Lebanon border, east of Acre and all Saffuriya land in the Galilee area (Galilee, again, was to be Arab in the Partition Plan). In the south, the JNF acquired further land but remained mostly within the Partition Plan, probably because Ben-Gurion felt the Gaza Strip, crowded with expelled refugees, may not be able to hold the number of refugees and some land may have to be conceded in a new round of negotiations.

The two ‘sales’ trebled the amount of land the JNF owned – by 1956, 68 percent of all JNF land consisted of the land bought in the two sales. By the mid-1950s, 577 of 698 Jewish agricultural settlements in Israel (82.7 percent) had been built on new JNF land, while 80 percent of all agricultural produce was grown on its land. By 1958, almost all of the agreed land had been transferred by the state, through the office of the Custodian of Absentee Property, to the JNF. Following the completion of the two sales, the government’s official yearbook stated the general policy of the Custodian’s office, which was to make systematic use of Palestinian property and land in the service of the Jewish state:

The transfer of land to the Jewish National Fund marks the beginning of a process, the main object of which is to convert the activities of the Custodian from temporary activities – as they appeared at first to be – to a systematic restoration [sic] of property at his disposal in order to make it an instrument for the development of the country [for Jews only].<sup>12</sup>

Thus, overall the JNF acquired ‘ownership’ of 17 percent of the total area of the state after 1948, up from 4 percent it had owned prior to the creation of the state. But the JNF had its eyes on the far greater area of Palestinian lands that had been sequestered during the Israeli conquest of 1948/1949.

### ***Early Conflict between the State and the JNF over control of the land***

In the first decade after the creation of Israel, a legal quarrel ensued between the JNF and the new Israeli government. The JNF had been purchasing land in the Mandate period, and subsequently through sales agreed with the nascent Israeli state, in the name of “the Jewish people”. Israel’s government had seized most of the Palestinian land within its territory and intended to acquire title to it in the name of the state in recognition of “the triumph of the Haganah and the flight of the Arabs”<sup>13</sup>. The JNF maintained that such land should be turned over to the Jewish people, not the state, since the latter, given the prevailing political and demographic conditions, cannot give adequate guarantee of lasting Jewish ownership. The JNF was not confident that the State of Israel could resist international pressure to withdraw from conquered Arab land.

The dispute was settled by formulating, on 25 July 1960, the *Basic Law: Israel-Lands, Israel-Lands Law and Israel-Lands Administration Law*, that brought the administration of the bulk of sequestered Palestinian land under the control of the state, but for the benefit of Jews only. The JNF rules, of restricting transactions to Jews only, were adopted by the state, applying both to the Palestinian land seized by the state and such that had been transferred to JNF. The land would now be administered by a single authority, the Israel Land Administration (ILA; *Minhal Mekarke’ei Yisra’el* in Hebrew). Two policymaking councils were created that were made up of representatives of both the state and the JNF. The first was the Israel Lands Council, in which the state held the majority of the thirteen seats. The second was the Land Reclamation and Development Council, in which the JNF held the majority. The agreements also created two administrative councils – the Israel Lands Administration, with a state majority, and the Land Development Administration, with a JNF majority.

The position of land “title” in 1961 became as follows in Table 6.4. Thus, the ILA administers 92.7% of the total land in Israel, which is of course seized Palestinian property. Of the 20,255,000 dunams in this area, the ILA classifies 4,200,000 as agricultural land, of which 2,790,000 dunams (66 percent) are considered Israel-Lands; virtually all (97.8 percent) of the latter are under lease to collective and smallholder settlements, whose members are exclusively Jewish.<sup>14</sup>

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<sup>12</sup> Fischbach, *supra* note 8, p.68.

<sup>13</sup> Lehn and Davis, *supra* note 4, p.108.

<sup>14</sup> *ibid*, p.114, fn 256.

**Table 6.4: Land Usage According to the Israel Land Administration (ILA)**

Authority	Area (dunams)
State Development Authority	15,205,000
JNF (pre-Mandate + transfer from the state)	3,570,000
Israel-Lands total	<b>18,775,000</b>
Private	1,480,000
TOTAL	<b>20,255,000</b>

**Source:** ILA Report, Jerusalem 1962, in Hebrew, quoted by Lehn, p. 114.

On 28 November 1961 the Covenant “between the State of Israel, represented for this purpose by the Minister of Finance, and the JNF – with the sanction of the WZO – represented for this purpose by the chairman of the Board of Directors of the JNF” was signed. It is the document that has dictated the manner of the JNF’s operation in Israel, as follows.<sup>15</sup>

Clause 3: The government of Israel and Keren Kayemeth LeIsrael [JNF] have resolved to end the duplication resulting from the administration of their lands by different agencies, to concentrate the administration, conservation and care of these lands in the hands of the state. All the lands of the JNF and the state lands will be administered by one body, the ILA that will be set up for this purpose and that will administer the lands for the JNF and will transfer to it the revenues from the lessees and tenants.

Clause 4: The lands of Israel will be managed in accordance with the law, that is to say in accordance with the principle that land is not sold but rather only leased, and in accordance with the land policy that will be set by the council...the council will set the land policy with the goal of increasing the ability of the land to absorb [settlers] and to prevent the concentration of land in the hands of individuals.

Clause 6: Any transaction concerning Israeli lands will be handled by the ILA in the name of the registered owners of such lands and serving as agents, and all the fruits of those lands are the property of the registered owners, and the state accepts upon itself, in exchange for this agreement, to bear the costs of the administration.

The agreement stipulated that “the lands controlled by the ILA shall be administered according to the principles of the JNF, which means: a Jew has a right to receive land or an apartment on land controlled by the Administration, but a non-Jew does not enjoy this right, unless the apartment or plot of land is located in the special ‘zone of residence’ assigned to non-Jews, and where non-Jews are permitted to apply for an apartment or land”.<sup>16</sup> The latter, referring to areas reserved for non-Jews, is of course a system of Apartheid. In any case, the provision was cosmetic and rarely exercised: there was no will to provide any land to non-Jews.

<sup>15</sup> David Blougrund, “The Jewish National Fund”, *Institute for Advanced Strategic and Political Studies*, Policy Studies No. 49, September 2001.

<sup>16</sup> Lehn and Davis, *supra* note 4, pp.116-117.

Thus, with few exceptions, these lands were leased to Jewish tenants (e.g. Kibbutz and Moshav). None of these tenants had title to the leased land. According to these leases, the land would revert to the state or the JNF should its use be changed. After all, the justification for the confiscation of the land from its absent Arab owners was that it was needed for the purposes of agricultural settlement and development. The land was not regarded as real estate but as the property of the 'Jewish People', and its "redemption" through the labour of Jewish cultivators was perceived as a spiritual obligation no less than as an economic necessity.<sup>17</sup> The lease term was 49 years, the first term expiring in 1998 and renewed thereafter. The Jewish 'farmers' numbered in 1998 about 154,000 (2.7% of Israel's population) and they were able to control the land of 4,500,000 refugees.

However, the single government body established to deal with all aspects of the administration of over 90 percent of the land in pre-1967 Israel, efficient though it may have seemed, was to become an unwieldy and even more expansive system. A former Director of the ILA General Reserves, Ya'aqov Aqvin, said he did not know of any other state governed by a democratic regime that 'owns' such a large area of the lands of its territory, as does the State of Israel. Following the 1967 War, Israel felt emboldened and introduced a set of laws expropriating 'Mewat' land (so-called dead land or unreclaimed land) as state land, which made the restitution of these lands to their Palestinian owners more difficult according to Israeli law. Following the ill-fated Oslo Agreement in 1993 and the evident weakness of Palestine National Authority (PNA), a frenzy of land grabbing in the Palestine Occupied Territories (the West Bank and Gaza), engineered by Ariel Sharon and Lieutenant General Rafael Eitan in the early nineties, using the vehicles of Ministry of Agriculture and Ministry of National Infrastructures, started in earnest.

### ***The demise of the Kibbutz and the expansion of Jewish housing***

In the period 1948-1967, Israel had left the collectivist Kibbutz and Moshav to their own devices, with minimum interference in the land leased to them. However, by the eighties and nineties, the new economic climate that was sweeping the globe could no longer tolerate their dependency on the state. Only 26% of the agricultural settlements were 'viable', producing 75% of the total produce. They consumed 75% of the water in Israel at a subsidized rate (80% of production cost). With such vast resources of land, water and subsidies they produced only 1.8% of Israel's GDP. The accumulated debts incurred by the Kibbutz were carried over by the government. Out of \$5 billion debt, the government wrote off \$2 billion, re-tabled \$2 billion and asked the private sector to contribute \$1 billion.

With the abject failure of the Kibbutz as an economic engine, kibbutzim farmers were no longer bound by their collectivist ideology. They were permitted and encouraged to own and build on a portion of the land leased to them. In return for the development of 'their land', they would be compensated generously with not less than 20% of this land. In essence, permission had been granted to the kibbutzim and moshavim to 'purchase' the land they had been leasing, and then to enter into real estate transactions with entrepreneurs and contractors.

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<sup>17</sup> Benvenisti, *supra* note 7, p.188.

Ordinance 533, later replaced by 611, which was enacted when Sharon was Minister of Housing in the early nineties, gave the farmers a lucrative deal. As Russian immigrants began pouring in, housing was needed, and it was convenient to direct them to the near-empty Southern District and mainly-Arab Northern District.

The kibbutz farmers were given an extra incentive. They were allowed to buy back rights in the land for 15% of the compensation value they received for it. They were thus transformed from bankrupt farmers with outdated ideology to rich 'farmers' who owned a lot of real estate. The sudden wealth of the farmers aroused the criticism of traditional Zionists, such as JNF officials, who insisted that the acquired Palestinian land should remain the property of "the Jewish People everywhere in perpetuity". The private sale to individuals, they said, may encourage some to sell land back to Arabs. In the mid-nineties, Jewish extremists at Lydda terrorized a Jewish neighbour who had sold his villa to a Palestinian Israeli family.

To resolve this dispute, a series of ordinances were passed (640 and 727) and finally a committee headed by Prof. Boaz Ronen was formed to determine the land percentage, the mechanism and procedure of selling Palestinian land leased by the ILA to Kibbutz farmers. In June 1997, the recommendations of the committee were approved. As a result, 'ownership' of 600,000 apartments would be transferred from the State Custodian to the tenants. The Israeli government, through the ILA, earned \$700 million in 1997 alone for its share in the sale proceedings. (This sale of a small portion of Palestinian land shows the fallacy of Israel's argument that the whole of Palestinian land and property are not worth more than \$300 million if compensation is to be paid.)

In 1997, the National Infrastructure Minister Ariel Sharon planned to build 50,000 housing units; 30,000 have been sold, 3,130 remain unsold, the rest remain in various stages of tendering (as of 2005). It is noteworthy that the first stage of construction was designed to break the continuity of Palestinian residential land in Israel, by building around Arab towns such as Umm al Fahm, Nazareth, Shafa Amr and Taibah. In 1998, 110 kibbutzim were allowed to expand their residential areas (changing their zoning from agriculture to residential) by 115%, on which housing units can be sold – but to Jews only, meaning any Jew living anywhere in the world, not necessarily Israeli. 150,000 residential units were planned in the kibbutzim, out of a general plan for 500,000.

Ariel Sharon, who expropriated for himself a farm of several thousand dunams south of Iraq Al Manshiya (Kiryat Gat), said:

The only way to absorb the immigrants was by taking land from the Kibbutz ... I knew the [economic] hardship they are experiencing ... it is better they build on the land and sell houses ...

In mid-June 2000, 52 members of the Israeli Knesset, representing an odd coalition of opportunists, voted in favour of two bills allowing the sale of "Israel's land reserves" (i.e. refugees' land), to the Kibbutz and Moshav, at a price less than half the land value. The owners in turn could sell the land to building contractors. The Israel Land Administration (ILA) could therefore change the designation of these lands from agriculture to building plots.

Moreover, construction started of the long-planned 300 km, \$2 billion Trans-Israel Highway. In February 1998, a contract was signed with a large Canadian-Israeli consortium to build it. This highway runs inland parallel to the coast. It starts in Galilee and ends in Beer Sheba. It cuts across the Palestinian population concentrations in Galilee, the Little Triangle and the Negev. It serves the interests of the 'Star' plan concocted by Sharon to break and expropriate lands of Palestinian citizens of Israel, to prevent Israel's return to the 1967 Armistice Line and to provide housing for Russian immigrants in traditionally Arab areas in Israel.

### ***Re-division of land and the split between the ILA and the JNF***

The agreement between the JNF and ILA for the exploitation of the pre-Mandate Jewish land (7% of Israel's landmass) and of the confiscated Palestinian land (93%) served both organizations well for almost 40 years. However, with the demise of the Kibbutz which led to the call for selling the leased land to Israeli farmers, charges were levelled against the ILA for discrimination against non-Jewish citizens of Israel. It became necessary to re-divide the expropriated Palestinian land between the state of Israel and JNF: the land held by the state is subject to charges of discrimination against non-Jewish (Palestinian) citizens; the land held by the JNF is presumed to belong to "the Jewish people in perpetuity". Holding it under JNF control would therefore keep it out of reach from both the Palestinian citizens of Israel and the Palestinian refugees who own most of this land. The government formed the Gadish Committee to resolve this issue.

The Gadish Committee, headed by the late Yaacov Gadish, was established on 2 May 2004 by the Minister of Industry, Trade and Labour, Ehud Olmert, with the aim of investigating essential 'reforms' to the ILA. The mandate of the committee, as stated, was to "define the main operational aims of the ILA with regards to the ILA's structure and modes of operation". The draft of the principal recommendations included<sup>18</sup>:

- The full transfer of urban residential land ownership rights to private owners of apartments and buildings, with the aim of eliminating the need of property owners to have dealings with the ILA;
- Streamlining the arrangement and registration process with regard to land ownership rights;
- Introducing a uniform property policy regarding land in Israel (policy concerning state-owned land, the Development Authority, and the Jewish National Fund);
- Increasing transparency and reducing the complications associated with policy on real-estate-related issues.

The Committee received recommendations for an exchange of lands to clarify the separation between the state and the JNF, according to which the JNF would concede lands in towns in the central region of Israel to the state in exchange for lands in the 'National Priority Areas' i.e. Galilee and Negev.

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<sup>18</sup> Press Release dated 16 May 2005, Israeli Ministry of Finance, [www.mof.gov.il](http://www.mof.gov.il).

**Table 6.5: Palestinian lands in the possession of the JNF, 1992-2003**

Year	Dunams
1992	2,339,000
1997	2,409,000
1999	2,459,000
2000	2,542,000
2001	2,548,000
2002	2,550,000
2003	2,555,000

Source: Adalah, Vol. 6, Oct. 2004

Note: excluding the original 936,000 dunams owned by the JNF pre-1948

**Table 6.6: Palestinian lands in the possession of the JNF in 2003 by region**

Region	Dunams
Jerusalem	508,000
The North	1,031,000
Haifa	207,000
The Center	403,000
Tel Aviv	24,000
The South	382,000
TOTAL	2,555,000

Source: Adalah, Vol. 6, Oct. 2004

On 9 December 2004, petitions were submitted by Adalah<sup>19</sup> and the Association for Civil Rights in Israel (ACRI) to the Supreme Court in October 2004, against the ILA, the JNF and others. In its petition, Adalah demanded that the Court cancel an ILA policy and a regulation, both of which prevent Arab citizens of Israel from bidding in tenders for the allocation of JNF-owned lands. The petition argued that the ILA's policy is incompatible with the principle of equality, as it discriminates on the basis of nationality. In its response, the JNF claimed to have purchased the lands within its ownership from 'previous owners' using money donated by Jews from around the world, for the purpose of buying land in Israel and its distribution among Jews. The JNF further argued that its loyalty is only to the Jewish people, not to the general public in Israel, and that it operates only for the benefit of Jews.

The Israeli writer and former Deputy Mayor of Jerusalem after 1967, Meron Benvenisti, notes:

<sup>19</sup> Adalah Newsletter, Vol. 6, October 2004, [www.adalah.org/newsletter/eng/oct04/2.php](http://www.adalah.org/newsletter/eng/oct04/2.php).



The heads of the JNF were well aware that the sale [of over 2 million dunams in 1949 and 1950] was not legal; it was important to them, however, to establish the fact that their organization would continue to serve as the institution holding title to the land holdings of the Jewish people and to develop them for settlement purposes. They insisted that the government of Israel undertake “to make all the (future) legal arrangements such that this land would be registered as being fully under JNF ownership in conformity with the laws of the State of Israel”...The distinction between the purchase of property from Arab landowners who were willing to sell – as had been the case during the British Mandate – and the acquisition of “redeemed land” from the state was blurred. Thus the land of dispossessed Arabs became the property of the Jewish people, subject to JNF regulations prohibiting its being leased to non-Jews; in this way a principle was established enshrining discrimination between the Jewish citizens of Israel and its Arab citizens, from whose displaced compatriots the land had been confiscated (or “purchased”) without their being entitled to any compensation at all.<sup>20</sup>

In its correspondence with Adalah, the ILA had acknowledged that tenders for JNF lands are open only to Jews. According to the ILA, the reason for this policy is that it must uphold the agreement signed between the state of Israel and the JNF in 1961, under which it is obliged to respect the objectives of the JNF:

To purchase, acquire on lease or in exchange, etc... in... the state of Israel in any area within the jurisdiction of the Government of Israel or any part thereof, for the purpose of settling Jews on such lands and properties.

The ILA maintained that respecting this agreement does not amount to discrimination against Palestinian citizens in Israel.<sup>21</sup> This policy was recently challenged in the Israeli High Court of Justice, on the grounds that the ILA, as a state organization, is not allowed to discriminate between Jews and non-Jews.

Accordingly, a new agreement was reached to sever or limit the relationship between the ILA and the JNF. From 2005, it was proposed that JNF lands will be available to Jews and non-Jews alike, though the ILA will compensate the JNF with substitute land for any plot, the leasehold of which was purchased by a non-Jew. This allows the JNF to maintain its current hold over 2.5 million dunams of land, the land acquired in the 1949/50 fictitious sale, confirming the JNF as an institution which publicly acknowledges that its land policy is discriminatory.<sup>22</sup>

On 15 June 2005, an understanding was reached between the Deputy Prime Minister and Minister for Industry, Trade and Employment, Ehud Olmert, and the JNF Board Chairman, Yehiel Leket, wherein the JNF retains ownership of 13% of Israel’s state lands. In exchange for its municipal lands, the JNF will receive comparable state lands in the Negev, Galilee and other areas. As a private organization, the JNF would be free to continue its Jews-only land policy as it seeks to settle 250,000 Jews in the Negev in the next five to ten years and 100,000 Jews in existing Jewish communities in the Galilee, according to fund officials.

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<sup>20</sup> Benvenisti, *supra* note 7, p.177.

<sup>21</sup> Adalah Newsletter, Vol. 8, December 2004, [www.adalah.org/newsletter/eng/dec04/5.php](http://www.adalah.org/newsletter/eng/dec04/5.php).

<sup>22</sup> Adalah Newsletter Vol. 9, January 2005.

The following were the main points of the agreement<sup>23</sup>:

1. The JNF will transfer to the state ownership assets to which residential building and employment rights were allotted (tourism, industry and commerce) on non-agricultural lands. In exchange, the state will transfer lands tracts to the JNF, mostly in the Negev and some in Galilee, as well as in other places, identical to the areas transferred by the JNF.
2. Furthermore, the state will give the JNF the financial value of the lands transferred by the JNF, minus the financial value of the lands received by the JNF. The calculation of land and financial values will be made by actuaries on both sides, and in the case of disagreement, the attorney general will decide.
3. Should the process of valuations extend beyond the agreed time, the state will transfer to the JNF a prepayment of approximately NIS 500 million (about \$100 million) in five equal annual payments of NIS 100 million per annum.
4. A Coordinating Committee will be established alongside the ILA Board including equal representation of the state and the JNF. Its chairman will be the Minister and his deputy will be the JNF Board Chairman. The coordinating committee will be empowered to deliberate ad-hoc matters related to the JNF that affect its lands and on which there is agreement between the Minister and the JNF Board Chairman.
5. In furtherance, JNF representation on the ILA Board will be adjusted to reflect the JNF's relative share of land administered by the ILA.

The land to be swapped, which is located along the Mediterranean coast and in developed urban areas, is much more valuable than the land the JNF will be receiving. The Israel Land Authority will pay JNF the difference in value (about \$220 million) as compensation for the JNF's loss of the more valuable land – which is in fact confiscated Palestinian property.

In the proposed land swap between the JNF and the state, the JNF enters into fraudulent practices once again. First, it sells land in the centre of the country, part of which is Palestinian land, which it never legally owned, for enormous sums of money; many times more than the meagre amount it has paid the state, if indeed payment was made. Second, it plans to establish Jewish settlements for Jews only on Palestinian land in Galilee and Negev, with the purpose of depriving Palestinian citizens of Israel from the use of this land, without being exposed to the charge of discrimination against non-Jews.

Third, in the Negev, the JNF already acts in collusion with the State of Israel, through the notoriously brutal “Green Patrol”, in confiscating the property of Palestinians, demolishing their houses, desecrating their mosques and destroying their crops by spraying their fields with toxics. Fourth, the JNF acts in violation of international law by building Jewish settlements on the refugees' land contrary to UN resolutions, which call for the return of the refugees and the protection of their property.

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<sup>23</sup> Press Release of KKL-JNF (16 June 2005), “KKL-JNF scores a major victory: 13% of Israel's state lands to remain in KKL-JNF ownership”, [www.kkl.org.il](http://www.kkl.org.il).

### 6.3 Violation of International and Domestic Laws by the JNF

The JNF has been in violation of international law, specifically the Nuremberg Charter and the Fourth Geneva Convention, in relation the ethnic cleansing of Palestine beginning in 1948 and in its operations within the occupied territories since 1967. Furthermore, the JNF operates illegally in a racially discriminatory manner within Israel towards non-Jewish citizens, and violates constitutional laws of equality and human rights in Western countries where its offices are based.

#### *The Nuremberg Charter*

According to the Nuremberg Charter, War Crimes are defined as:

Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

Clearly the acquisition and wonton exploitation of stolen Palestinian land during the course of the 1948/1949 war, and thereafter, falls in the above prohibited categories. Indeed, even before the 1948 hostilities in Palestine began, the JNF conspired with the Jewish paramilitary organizations to conquer, evacuate, and settle new Jewish immigrants in Palestinian villages:

In the period preceding the 1948 War, almost all of the new settlements were established in response to decisions by the Jewish political leadership, based on plans drawn by military experts. The role of the settlement agencies (JNF, the Jewish Agency, and the settlement movements) was reduced to determination of the exact locations for new settlements and allocation of resources... [JNF] Committees actively engaged in settlement planning early in the war laid out a plan calling for the establishment of more than a hundred new settlements intended to absorb 1 million or 1.5 million new immigrants in the space of three years<sup>24</sup>.

At the time it was impossible to accommodate this number of new immigrants when Jewish control of the land did not exceed 5% of Palestine. The only way to achieve the objective of absorbing one and a half million immigrants was to seize Palestinian villages and depopulate them. This is precisely what happened.

Yosef Weitz, director of the JNF's Land Department and a key land-purchasing and settlement executive, a man described as "the originator and indefatigable champion of state seizure of Arab land"<sup>25</sup>, wrote about his ethnic cleansing (Transfer) plan<sup>26</sup> as early as 20 December 1940<sup>27</sup>:

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<sup>24</sup> Benvenisti, *supra* note 7, p.119.

<sup>25</sup> *ibid*, p.171.

<sup>26</sup> For full details of the Zionist's Transfer policy over several decades, see Nur Masalha, *Expulsion of the Palestinians: The Concept of Transfer in Zionist Political Thought, 1882-1948*. Washington, DC: Institute of Palestine Studies, Washington DC, 1992; Nur Masalha, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber and Faber, 1997; Nur Masalha, *The Politics of Denial*:

If the Arabs leave it, the country will become wide and spacious for us...The only solution [after World War II ends] is a Land of Israel, at least a western Land of Israel [i.e., Palestine], without Arabs. There is no room here for compromises...There is no way but to transfer the Arabs from here to the neighbouring countries, to transfer all of them, save few.

As Meron Benvenisti notes:

Josef Weitz of the JNF... pushed hardest for Israel to get rid of the Arabs and take possession of their land... This man had worked for the expulsion of the Arabs with a zeal that his superiors tried to restrain. Despite that, he succeeded in mobilizing people and institutions to implement both “retroactive transfer” and the transfer that he himself had initiated...<sup>28</sup>

The Israeli historian, Benny Morris, documents how JNF officials started carrying out their ethnic cleansing operations<sup>29</sup>:

Weitz was not merely the voice of the Jewish settlements; he was an executive, an initiator of thinking and policy. After meeting with JNF officials in the North, Weitz jotted in his diary (Jan 1948):

"Is not now the time to be rid of them [he was referring specifically to Palestinian tenant farmers in Yoqne'am and Daliyat ar Ruha]? Why continue to keep in our midst these horns at a time when they pose a danger to us? Our people are considering [solutions]."

JNF officials, with their eyes on the land, helped direct the Israeli military operations for the conquest of Palestine, even before the British Mandate ended and before the state of Israel was declared:

[Weitz] pressured the army “to evacuate Butaymat” (a village situated to the south of the village of Kafrayn), which had been occupied and destroyed. Butaymat’s land was important to him because the JNF held 60 percent of the musha’a rights in the village...<sup>30</sup>

Again, before the British departure and the Zionists’ take-over, JNF officials were involved in planning the evictions of the inhabitants:

In March 1948, Weitz, on his own initiative, began to implement his solution [with the approval of the Jewish officials]...using his personal contacts in the settlements and local Haganah units, and [Israeli] officers, he organized several evictions. At Yoqne'am, southeast of Haifa, he persuaded Israeli

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*Israel and the Palestinian Refugee Problem*. London: Pluto Press, 2003; and, Nur Masalha, *An Israeli Plan to Transfer Galilee's Christians to South America: Yosef Weitz and 'Operation Yohanan' 1949-1953*, Center for Middle Eastern and Islamic Studies, University of Durham, Occasional Paper No.55, 1996.

<sup>27</sup> Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge: Cambridge University Press, 2004, p.54.

<sup>28</sup> Benvenisti, *supra* note 7, pp.155-156

<sup>29</sup> Morris, *supra* note 27, p.131

<sup>30</sup> Benvenisti, *supra* note 7, p.134

officer Yehuda Burstein to ‘advise’ the local tenant farmers and those in neighbouring Qira wa Qamun to leave, which they did. Weitz and his JNF colleagues in the North then decided to raze the tenants’ houses, to destroy their crops and to pay the evictees compensation. At the same time, he organized with the settlers of kibbutz Kfar Masaryk the eviction of the squatting Ghawarina beduin in Haifa Bay, and the eviction of small tenant communities at Daliyat ar Ruha and Buteimat, southeast of Haifa...On 26 March 1948, at a meeting with JNF officials, he called for the expulsion of the inhabitants of Qumiya and neighbouring Tira<sup>31</sup>.

Following the declaration of the State of Israel and the British departure on 15 May 1948, the JNF started openly its intention for large scale ethnic cleansing. The JNF’s director, Yosef Weitz, formed and headed a “Transfer Committee” whose objectives as formulated on June 4, 1948 were, according to Morris<sup>32</sup>:

- Destruction of villages as much as possible during military operations.
- Prevention of any cultivation of land by Arabs, including reaping, collection of crops, picking olives and so on.
- Settlement of Jews in a number of villages and towns so that no ‘vacuum’ is created.
- Enacting legislation geared to barring a return.
- Making propaganda aimed at non-return.

Morris writes:

The [Transfer] committee proposed that it oversee the destruction of villages and the renovation of certain sites for Jewish settlement, negotiate the purchase of Arab land, prepare legislation for expropriation and negotiate the resettlement of the refugees in Arab countries.

Weitz recorded that Ben-Gurion ‘agreed to the whole line’... Then, using his personal JNF apparatus, the network of regional JNF offices and workers, and a web of land-purchasing agents and intelligence and settlement contacts around the world, Weitz set in motion the levelling of a handful of villages (al Mughar, near Gedera, Fajja, near Petah Tikva, Biyar Adas, near Magdiel, Beit Dajan, east of Tel Aviv, Miska, near Ramat Hakovesh, Sumeiriya, near Acre, Buteimat and Sabbarin, southeast of Haifa). On 10 June, Weitz sent two officials, Asher Bobritzky and Moshe Berger, to tour the Coastal Plain to determine which empty villages should be destroyed and which renovated and settled with Jews.

On 14 June, Danin [Weitz’ colleague on the Transfer Committee] informed Weitz of the progress in the destruction of Fajja and Zuckerman gave a progress report on the destruction of al Mughar.

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<sup>31</sup> Morris, *supra* note 27, pp.131-132

<sup>32</sup> *ibid*, pp. 313-314, 348-350.

Almost certainly on the basis of a progress report from Weitz, Ben-Gurion, on 16 June, partially summarized the destruction of villages to date:

"[Al] Mughar, Fajja, Biyar Adas have been destroyed. [Destruction is proceeding in] Miska, Beit Dajan (east of Tel Aviv), in [the] Hula [Valley], [in] Hawassa near Haifa, al Sumeiriya near Acre and Ja'tun [perhaps Khirbet Jattun] near Nahariya, Manshiya... near Acre. Daliyat ar Ruha has been destroyed and work is about begin at [al] Buteimat and Sabbarin."

The JNF guided the military operations in order to evacuate and expropriate the land of Palestinian villages:

The village of Qumya and Indur – the biblical Endor – were captured and evacuated. Late in May 1948 three villages on the slopes of Mount Gilboa, facing the Jezreel Valley (Nuris, Mazar, and Zir'in), were taken... the objective in conquering the villages in the southern part of the valley was to obtain their land. The arable land of these five villages amounted to not less than 41,000 donums. The Jews were particularly interested in the village of Qumya, which was entirely surrounded by JNF land, and those of Zir'in (22,000 donums) where Jews owned 7 percent of the musha'a land...<sup>33</sup>

The JNF was involved in the destruction of Palestinian villages and the seizure of its land as the Israeli conquest proceeded toward Galilee in the north. The leaders of Mapam, a left-leaning party which objected to the seizure of Arab land but was soon overruled, received the following complaint from some of its members:

I got the impression that there exists the possibility that there is a desire to destroy the villages and [the Arab] houses so that it will be impossible for the Arabs to return to them. A week ago a representative of the JNF [possibly Yosef Nahmani] came to visit. He saw that in the village of al Sanbariya... several houses were still standing, albeit without roofs. He told the secretariat of the kibbutz to destroy the houses immediately and he said openly that this will enable us to take the village's lands, because the Arabs won't be able to return there. I am sorry to say the kibbutz agreed immediately without thinking about what they were doing.<sup>34</sup>

After the 1948 hostilities, the JNF was awarded generously for its activities. As described earlier, about 2,500 sq. km (2.5 million dunams) of Palestinian land were transferred by Ben-Gurion to the JNF under a fictitious 'sale' agreement in order to alienate this land from the refugees, for the benefit of Jews everywhere in the world, i.e., to prohibit its rightful owners from return and re-possession of their property.

According to Noga Kadman's research, the JNF expropriated most of the lands of 372 Palestinian villages whose total area was 5,687,342 dunams. As stated earlier, the owners of this property are 2,191,556 UN-registered refugees, or 54% of all registered Palestinian refugees, living in the occupied territories, in the surrounding Arab countries or in exile further afield. [The list of these 372 villages and their expelled populations is shown in Table 6.7 at the end of this chapter – this is a partial list.]

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<sup>33</sup> Benvenisti, *supra* note 7, p.132.

<sup>34</sup> Morris, *supra* note 27, p.357.

The traces of these villages are still visible. The remains of the old mosque, church and cemetery are still visible. It is forbidden for Palestinians to repair or use them. The cactus plant, which defies uprooting, marks the location of the Palestinian villages. Hence, the JNF found it convenient to plant parks on their sites, to hide the location of the original villages, paid for and named after wealthy Jewish donors in Europe and North America (or political and cultural dignitaries who serve the cause). The JNF alone planted 60 parks on expropriated Palestinian village sites, and a further 22 involving the National Parks Authority<sup>35</sup> (the name and location of these parks are given in Table 6.7).

Under international law, ethnic cleansing, the destruction of property and the depopulation of villages are war crimes. The JNF has participated in these war crimes. All such actions are punishable under international law. Remedy/restitution must be made, as has been made in many cases during the Second World War, and recently in the Bosnia and Kosova conflicts. JNF actions must be viewed in this context. As war crimes have no statute of limitations, the JNF remains culpable and restitution of the land to its rightful owners waits upon the prosecution of international jurisdiction.

The UN has repeatedly affirmed that the Palestinian refugees are entitled to return to their homes and property through the well-known resolution 194 (III) of 11 December 1948, reaffirmed annually ever since, in which the General Assembly resolved that the refugees should be permitted to return to their homes and be compensated.<sup>36</sup> In its explanation of resolution 194, the UN Conciliation Committee on Palestine stated in very clear terms that:

...the property of a refugee has been wrongfully seized, sequestered, requisitioned, confiscated, or detained by the Israeli Government; the claimant is entitled to restitution of the property, if it is still in existence, plus indemnity for damages...<sup>37</sup>

Other UN resolutions have called for the protection of Palestinian property and the entitlement of the refugees to the revenue from it. The following resolution is a typical example:

Para 1: Reaffirms that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice. Para 4: Calls upon all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution. [A/Res/59/120 dated 15 December 2004]

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<sup>35</sup> Kadman, *supra* note 3, Appendix II.

<sup>36</sup> *United Nations Resolutions on Palestine and the Arab-Israeli Conflict*, George J. Tomeh (ed.), Institute for Palestine Studies, Vol. 1 (1947-1974), p.15.

<sup>37</sup> *Historical Survey of Efforts of the United Nations Conciliation Commission for Palestine to Secure the Implementation of Paragraph 11 of General Assembly Resolution 194 (III)*, AC.25/W.81/Rev.2, United Nations Conciliation Commission for Palestine, (Annex IV "Compensation for the Property of Non-Returning Refugees" -Excerpts from a memorandum prepared by the Legal Adviser to the Economic Survey Mission, November 1949), 2 October 1961.

### *The Fourth Geneva Convention*

The International Court of Justice (ICJ) ruled on July 9, 2004 as follows:

In view of the foregoing, the Court considers that the Fourth Geneva Convention is applicable to any occupied territory in the event of an armed conflict arising between two or more High Contracting Parties. Israel and Jordan were parties to that Convention when the 1967 armed conflict broke out. The Court accordingly finds that that Convention is applicable in the Palestinian territories which before the conflict lay to the east of the Green Line and which, during that conflict, were occupied by Israel, there being no need for any enquiry into the precise prior status of those territories. [No. 101]

Thus the West Bank and Gaza Strip are “occupied territories” and the Fourth Geneva Convention applies. The Statute of Rome of July 1998 (Article 8 on War Crimes) prohibited ethnic cleansing or removal and replacement of the inhabitants in occupied territory in the following terms:<sup>38</sup>:

...extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly... (Para 2, a, iv)

The transfer, directly or indirectly, by the Occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory. (Para 2, b, viii)

The Rome Statute relates to the Palestinian Occupied Territories. To avoid international censure, the JNF established Himnuta as a subsidiary of the JNF with wide powers to operate in the West Bank and to “buy” land, frequently through forged papers, for the settlement of Jews in the occupied territories. Though Himnuta is run as a division of the JNF, it is a private company – and therefore, its dealings go largely unsupervised. It has never issued financial statements or publicized any information about its business dealings, even though it is financed in part by Israeli state funds, nor is it subject to oversight by either the state comptroller or the High Court of Justice.<sup>39</sup>

The JNF today holds 99% of the company’s [Himnuta] shares, and its official offices are at the JNF. Legally Himnuta is an independent company; in many other aspects, it is the JNF by another name.

Since 1967, tens of thousands of donums of land have been purchased by the Jewish National Fund in areas of strategic importance in Judea and Samaria. The lands share a common location: they are all near the Green Line, in areas which will be up for negotiation in the event of an Israel withdrawal to the 1949-1967 armistice lines. The lands were purchased with funds from the state and the World Zionist Organization, through Himnuta – a subsidiary established by the JNF to carry out complex and discreet transactions.”<sup>40</sup>

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<sup>38</sup> See [www.un.org/law/icc/statute/romefra.htm](http://www.un.org/law/icc/statute/romefra.htm)

<sup>39</sup> “Background / State funded, yet private”, *Haaretz*, 28 February 2005.

<sup>40</sup> Amiram Barkat, “JNF-owned company bought land in the territories”, *Haaretz*, 17 February 2005.



In 2004, Himnuta was in the news for the purchase of illegally acquired West Bank lands for more than NIS 20 million (\$4 million). The investigation began in May 2004, when certain Palestinian landowners discovered that their lands had been sold without their knowledge and were now registered in Israel's Land Registry as belonging to Himnuta. As reported in Haaretz, land deals in the West Bank involve the ILA, which "markets building plots in the West Bank" (23 July 2004), aiming to sell (to Jews) "1,815 lots in West Bank by end of year" (28 July 2004).

In addition to the unlawful activities involving the ILA and Himnuta, the JNF openly acquired land in the occupied territories and planted 'forests' upon it, in its usual practice of staking claim to Palestinian land. Figure 6.3 shows lands acquired by the JNF in and around occupied Jerusalem. This is part of the plan to Judaize greater Jerusalem and other parts of the West Bank.



**Figure 6.3: Land Planted by the JNF in the Occupied West Bank and Jerusalem**  
 (Source: Shaul Ephraim Cohen, *The Politics of Planting: Israel-Palestinian Competition for the Control of Land in the Jerusalem Periphery*, Geography Research Paper No. 236, Chicago and London: The University of Chicago Press, 1993, p. 110)

***The International Convention on the Suppression and Punishment of the Crime of Apartheid***

The JNF acts on behalf of “the Jewish people” everywhere in its use and exploitation of expropriated Palestinian land in Israel and discriminates against the non-Jewish Palestinian citizens of Israel. The use of Palestinian land expropriated by the State of Israel has been challenged by various human rights organizations, on behalf of the non-Jewish citizens of Israel, before the Israeli courts. Uri Avnery, the Israeli peace activist, stated that the JNF “has become an instrument for institutionalized discrimination”.<sup>41</sup>

As mentioned above, Adalah, The Legal Center for Arab Minority Rights in Israel, has challenged this policy of discrimination:

Adalah argues that, as a public authority established under the law, the ILA is obliged to operate in a manner consistent with the principles of public administration; above all the principles of equality, just land distribution and fairness. Adalah stressed that these principles are of the utmost importance, “in light of the great significance of the resource of lands administered by the ILA, which is considered the most fundamental and essential resource for socio-economic development”. Adalah contends that, in spite of its obligations and the significance of land resources, the ILA fails to adhere to these principles. On the contrary, the ILA has pursued inequitable and discriminatory land allocation and development policies towards the Arab minority in Israel. Land has been distributed along sectarian lines for the benefit of the Jewish population, at a time when large tracts of land have been expropriated from the Arab population.<sup>42</sup>

Adalah stated that JNF enjoys an enormous influence over land distribution policy in Israel. For example, half of the members of the ILA Council, which determines land policy in Israel and manages “Israel’s lands”, must be nominated by the JNF by law. These lands comprise 93% of the land in Israel, and include the land owned by the JNF. Although under Israeli law state-owned land cannot be sold, the JNF’s special status enables the transfer of lands to it from the state.<sup>43</sup>

As the JNF declared in response to Adalah’s petition and a further petition filed against the ILA’s policy by the Association for Civil Rights in Israel, its loyalty is only to the Jewish people and not the general public in Israel, and it operates only for the benefit of Jewish citizens. The JNF attempted to justify this position by claiming to have purchased the lands within its ownership using money donated by Jews from around the world for the purpose of buying land in Israel and its distribution among Jews. However, as Attorney Bishara argued in the petition, 80% (close to 2 million dunums) of the JNF’s lands were transferred to it by the state in 1949 and 1950, giving the JNF a special status under Israeli law.

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<sup>41</sup> Uri Avnery, “Dunam After Dunam” in *Israel Horizons*, Spring 2005.

<sup>42</sup> Adalah Newsletter, Vol. 4, August 2004, [www.adalah.org/newsletter/eng/aug04/5.php](http://www.adalah.org/newsletter/eng/aug04/5.php)

<sup>43</sup> Adalah Newsletter, Vol. 8, December 2004, [www.adalah.org/newsletter/eng/dec04/5.php](http://www.adalah.org/newsletter/eng/dec04/5.php).

The ILA rationalizes its policy of restricting bids for JNF-owned lands to Jews citing the agreement signed between the state of Israel and the JNF in 1961. Under this agreement, the ILA is obliged to respect the objectives of the JNF, which include the acquisition of land “for the purpose of settling Jews”. However, Adalah argued that the agreement does not permit the ILA to be a sub-contractor for discrimination on the basis of nationality: as a public agency established under law, the ILA is not authorized to adopt positions or pursue goals which are contrary to the principles of equality, just distribution and fairness.<sup>44</sup>

Adalah also discussed the question of the proposed separation of JNF-controlled lands from the ILA. The [Gadish] committee has received recommendations for an exchange of lands via this process of separation between the state and the JNF, according to which the JNF would concede lands in towns in the central region of Israel to the state in exchange for lands in the ‘National Priority Areas’.

Adalah stated that the combination of the JNF’s influence over land policy in Israel, its ability to acquire ‘Israel’s lands’, the classification of the JNF’s land as ‘Israel’s lands’, in addition to its control over 13% of the most important resource in Israel, mean that the JNF cannot be considered a private entity, beyond the obligation to operate within the principles of public administration. Adalah argues that, even if not a purely public entity, the JNF must be regarded as a “dual entity”, obliged to abide by the principles of public administration, respecting and adhering to the fundamental principles of equality, just distribution and fairness.

The ILA and JNF claim, conversely, that the principles of public administration do not apply to the JNF, and that the fund therefore has the right to exclusively serve the Jewish public, contrary to the above principles. However, Adalah stressed that, even if the ILA and JNF’s position is legally acceptable, the JNF is not thereby authorized to act without constraints in this case. Of the 2.5 million donums of JNF-controlled land, almost 1 million donums were transferred to the JNF by the Israeli authorities in the late 1940s. Additional land was transferred to the JNF over the years. Hence, despite the official transfer of these lands to the JNF, the vast scale of land involved in the proposed transfer, as well as the JNF’s extensive powers over large swathes of land in Israel and its involvement in determining land policy, mean that these lands remain subject to the principles of equality, just distribution and fairness.

Regarding the plan for land transfers between the ILA and the JNF, Adalah contends that the plan is unconstitutional, as it represents an attempt to circumvent the principles of equality, just distribution and fairness with respect to affected lands in the north of Israel and the Naqab. Moreover, if implemented, the ramifications of this plan would be particularly grave, given that the Arab population in the north of Israel constitutes over half the region’s population (51.6%), 13.6% in the south of Israel, and almost 25% in the northern Naqab.<sup>45</sup>

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<sup>44</sup> Adalah Newsletter, Vol. 9, January 2005, [www.adalah.org/newsletter/eng/jan05/kkl.php](http://www.adalah.org/newsletter/eng/jan05/kkl.php)

<sup>45</sup> Adalah Newsletter, Vol. 4, August 2004, [www.adalah.org/newsletter/eng/aug04/5.php](http://www.adalah.org/newsletter/eng/aug04/5.php)

These discriminatory, indeed racist practices, have been repeatedly censured by the UN OHCHR Treaty-Based Committees on Human Rights:

The Committee is particularly concerned about the status of "Jewish nationality", which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, particular Palestinian refugees. (E/C.12/1/Add.90 dated 23 May 2003)

Another resolution directly criticizes the discriminatory policies of JNF:

The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/ Jewish Agency and its subsidiaries including the Jewish National Fund to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State Party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties by non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant. (E/C.12/1/Add.27 dated 4 December 1998)

A largely forgotten convention that was never ratified by Israel (or other settler-colonial states like the USA, Canada, Australia or New Zealand) but that clearly outlines the illegal nature of the apartheid policies practised by the Israeli state and its affiliated agencies is the *International Convention on the Suppression and Punishment of the Crime of Apartheid* adopted by UN General Assembly resolution 3068 (XXVIII) on 30 November 1973 and enforced on 18 July 1976. Article II of this convention states<sup>46</sup>:

For the purpose of the present Convention, the term "the crime of apartheid", which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group or persons over any other racial group of persons and systematically oppressing them.

Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade union, the right to education, the right to leave and to return to their country, the right to a

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<sup>46</sup> <http://www.unhchr.ch/html/menu3/b/11.htm>

nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association (Para c).

Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups... the expropriation of landed property belonging to a racial group or groups or to members thereof (Para d).

The JNF continues to this day its practice of discrimination and Apartheid against the Palestinian citizens of Israel. Although the UN and several human rights NGOs have condemned these practices, no effective measure has been taken to stop JNF from these practices. This must change.

### ***Violation of Domestic Law in Western countries***

The JNF is registered as a charity in many countries in the West. Gala events, donations and bequeaths result in the collection of many millions of tax-free dollars, which are used in Israel for the illegal practices described above. This is not to mention that the tax-free dollars would be better spent on the citizens in the country where the money was earned.

Due to the influence of Jewish communities in these countries, JNF local boards include distinguished personalities and political figures from the country concerned. Perhaps they are not aware of the extent and severity of the JNF's violation of international law. Perhaps they are not aware of the contradiction with their own liberal constitutions in terms of equality and human rights.

With the world-wide climate of increased awareness of human rights – through parliaments, churches<sup>47</sup>, NGOs and the media – and with the equally-rising importance of the world-wide control on the movement of money (given its effect on world peace and stability), it is absolutely necessary to control, curtail, censure and eliminate the JNF's violation of domestic law in the countries where the JNF is registered.

The status of the JNF as a charity organization has been questioned in Canada, Scotland and Australia (and in the USA, there have been reports of JNF mishandling of funds and possible violation of US law). But there has not yet been a fully documented and well-argued court case. Hopefully, this book provides the necessary material and impetus for a legal case against the JNF in Canada.

Citizens of all countries where the JNF is registered (as a charity or not) are called upon to examine its status and enforce its compliance with applicable laws, domestic and international.

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<sup>47</sup> Several churches have taken resolution to divest from Israel and from companies that deliver equipment which cause destruction and suffering. For example, US Presbyterian Church accused five companies namely, Caterpillar, Motorola, United Technologies, ITT industries and Citigroup, of contributing to the “ongoing violence that plagues Israel and Palestine” and pledged to use the Church's multimillion-dollar stock holdings in the businesses to pressure them to modify or halt their dealings with Israel. See Haaretz, 7 August 2005.

**Table 6.7: [Partial] List of Villages whose land was expropriated by the JNF and the corresponding no. of UN-registered Palestinian refugees**

No.	Village Name	No. of Refugees (Dec 2002)	National Park / Nature Reserve / JNF park / other	Developer of Park
1	Ghabisiyya	3,481		
2	Bassa al	11,528		
3	Zib al	9,479	Tel Achziv NP	NPA
4	Nahr al	3,040		
5	Umm Al Faraj	4,874		
6	Birwa al	3,754		
7	Jiddin; Khirbat	706	Yechiam Fortress	NPA
8	Amqa	7,856		
9	Kuwaykat	6,113		
10	Damun al	3,380		
11	Suhmata	6,028		
12	Iqrit	217		
13	Tarbikha	3,797		
14	Jish	3,529		
15	Majd al Kurum	1,954		
16	Dayr Ayyub	1,193	Canada Park	JNF
17	Dayr Muhaysin	2,380		
18	Khulda	1,594		
19	Saydun	1,523		
20	Bayt Far; Khirbat	1,259		
21	Mansura al	1,016		
22	Mukhayzin al	855		
23	Bash-shit	11,666		
24	Beit Nabala	19,538		
25	Abu Shusha	5,409	Tel Gezer NP	NPA
26	Na'ani al	11,512		
27	Qubab al	17,031	Lehi Park	JNF
28	Qatra	8,617		
29	Maghar al	12,816	Merar Hills NP	JNF & NPA
30	Sarafand al 'Amar	20,131		
31	Qubayba al	11,080		
32	Zarnuqa	15,319		
33	Bayt Jiz	4,030	Rabin Park	JNF
34	Bayt Susin	1,098	Rabin Park	JNF
35	Yibna	40,199		
36	Tina al	5,257		
37	Idnibba	4,261	Kharuvit Forest	JNF
38	Jilya	3,430		
39	Khayma al	2,208		
40	Barriyya al	3,762		
41	Daniyal	1,693		
42	Dayr Tarif	13,070		
43	Dhuhayriyya al K	859	Ben Shemen Forest	JNF

44	'Innaba	9,630	Ben Shemen Forest	JNF
45	Jimzu	12,668	Ben Shemen Forest	JNF
46	Kunayyisa al	2,536		
47	Lydda	114,657		
48	Qula	5,773	Kula Castle NP	JNF & NPA
49	El Ramle	83,874		
50	Tira al	8,990		
51	Wilhelma	85		
52	Haditha al	6,764	Tel Hadid	JNF
53	Jindas	55		
54	Kharruba	3,017	Ben Shemen Forest	JNF
55	Muzayri'a al	5,880		
56	Zakariya K	8	Ben Shemen Forest	JNF
57	Dayr Abu Salama	1,052	Ben Shemen Forest	JNF
58	Majdal Yaba (Majdal al Sadiq)	8,477	Migdal Zedek NP	NPA
59	Barfiliya	7,019	Ben Shemen Forest	JNF
60	Bayt Shanna	3,644		
61	Bir Ma'in	2,134		
62	Salbit	8,406		
63	Latrun al	912		
64	Farwana	1,547		
65	Ashrafiyya al	2,834		
66	Baysan	33,143		
67	Fatur al	112		
68	Hamidiyya al	1,031	Yissaschar River NR	NPA
69	Zab'a	620		
70	Bira al	1,273	Tavor River NR	NPA
71	Bawati al A (Hakimiya)	2,539		
72	Kaukab al Hawa	1,766	Kochav Hayarden NP	NPA
73	Bashatwi	9,392		
74	Jabbul	1,547		
75	Arida al A	768		
76	Ghazawiyya al A	6,666		
77	Khunayzir al A	583		
78	Safa al A	2,310		
79	Zarra'a al A (Tirat Tsevi)	31		
80	Samiriyya al	2,043		
81	Hamra al	3,627		
82	Masil al-Jizl (al Zinati)	367		
83	Umm 'Ajra	845		
84	Bayt Daras	21,105	Zemorot Pool NR	NPA
85	Burayr	19,287		
86	Huleiqat	2,930		
87	Kawkaba	5,046		
88	Barqa	5,627		
89	Batani Gharbi	6,426		
90	Batani Sharqi	5,089		
91	Najd	5,749		

92	Simsim	9,328		
93	Sawafir al Gharbiya al	8,323		
94	Sawafir ash Shamaliya al	3,346		
95	Sawafir ash Sharqiya al	8,220		
96	Kawfakha	4,228		
97	Suqrir A	3,562		
98	Muharraqa al	4,317		
99	Huj	5,590		
100	Yasur	6,915		
101	Julis	7,363		
102	Ibdis	3,735		
103	Jaladiyya al	2,693		
104	Masmiyya al Kabira	20,041		
105	Masmiyya as Saghira (Huraniyya)	2,326		
106	Summayl	7,330		
107	Qastina	6,461		
108	Tall at Turmus	5,374		
109	Hatta	7,243		
110	Juseir	8,142		
111	Beit Tima	8,211		
112	Dimra	4,891		
113	Isdud	28,489	Sands Park	JNF
114	Bayt Jirja	7,784		
115	Dayr Suneid	6,721		
116	Hiribya	19,378		
117	Al Majdal (Ashkelon)	58,431		
118	Barbara	19,860		
119	Jiyya al	8,280		
120	Jura al	18,092		
121	Khisas K	1,314		
122	Ni'ilya	9,162		
123	Faluja al	34,838		
124	Daliyat ar Rawha	496		
125	Ghubaiyat	6,401		
126	Abu Shusha	4,752		
127	Lid; Khirbat (Lydd el 'Awadim)	1,976		
128	Abu Zureiq	3,690	Ramat Menashe Park	JNF
129	Kafrayn al	6,334	Ramat Menashe Park	JNF
130	Mansi al (Arab Baniha)	13,924		
131	Qannir	6,684		
132	Rihaniyya al	1,564	Ramat Menashe Park	JNF
133	Butaymat al	663		
134	Burayka	2,027		
135	Khubbayza	1,771	Ramat Menashe Park	JNF
136	Sabbarin	12,240		



137	Sindiyana al	8,592	Alona forest NR	NPA
138	Umm ash Shauf	3,042		
139	Atlit	510		
140	Umm az Zinat	9,825	Carmel Mountain NR	JNF & NPA
141	Tantura al	7,766		
142	Ayn Haud	3,012		
143	Mazar al	1,386		
144	Kafr Lam	1,198		
145	Sarafand al	840		
146	Shafa Amr	4,599		
147	Tira al	30,746		
148	Ayn Ghazal	10,992	Karmel Park	JNF
149	Ijzim	12,896		
150	Jaba'	1,050	Karmel Park	JNF
151	Mughallis	3,458		
152	Tall as Safi	10,815	Tel Zafit NP	JNF & NPA
153	Zayta	2,727		
154	Ajjur	31,162	British Park	JNF
155	Bayt Nattif	21,712	(unknown name)	JNF
156	Kidna	3,488	British Park	JNF
157	Ra'na	1,911		
158	Zikrin	8,209		
159	Dayr ad Dubban	7,770	British Park	JNF
160	Beit Jibrin	21,020	Beit Govrin NP	JNF & NPA
161	Dayr Nakh-khas	5,613		
162	Zakariyya	9,375		
163	Muwaylih al	75		
164	Biyar 'Adas	4,152		
165	Bayt Dajan	23,149		
166	Kafr 'Ana	15,212		
167	Saqiya	6,786		
168	Abbasiyya al (al Yahudiyya)	35,937		
169	Safiriyya	23,960		
170	Rantiya	3,473		
171	Bayt Naqquba	843		
172	Bayt Thul	2,147	Hakfira Forest	JNF
173	Qaluniya	6,412		
174	Qastal al	881	Qastel NP	JNF & NPA
175	Nataf	276	Kfira river NP	JNF & NPA
176	Saris	3,978	Rabin Park	JNF
177	Bayt Mahsir	20,633		
178	Jura al	2,551		
179	Aqqur	131	Sataf Forest	JNF
180	Lawz al; Khirbat	4,557	Judean Hills NP	JNF & NPA
181	Sataf	4,563	Sataf NP	JNF & NPA
182	Suba	4,590	Zova NP	JNF & NPA
183	Maliha al	12,169		
184	Dayr 'Amr	300		
185	Kasla	1,446	The Saints' Forest	JNF
186	Ayn Karim	16,756		

187	Deir Rafat	562		
188	Ishwa'	3,558		
189	Islin	2,071	Eshta'ol Forest	JNF
190	Burayj al	7,370		
191	Dayr Aban	18,150	US Independence Park	JNF
192	Dayr al Hawa	309	US Independence Park	JNF
193	Sufla	445	Nahal Dolev NR /	JNF & NPA
			US Independence Park	
194	Bayt 'Itab	4,848	Beit 'Itab NP /	JNF & NPA
			US Independence Park	
195	Bayt Umm al Mays	299	The Saints' Forest	JNF
196	Dayr ash Sheikh	1,064	Sorek River NR	JNF & NPA
197	Jarash	1,603	Nahal Dolev NP /	JNF & NPA
			US Independence Park	
198	Ras Abu 'Ammar	4,808	Begin Park	JNF
199	Umur al K	2,006	The Saints' Forest	JNF
200	Walaja al	11,349	(unknown name)	JNF
201	Allar	3,291	US Independence Park	JNF
202	Qabu al	2,546	Begin Park	JNF
203	Ayn al-Mansi	9		
204	Mujaydil al	6,224		
205	Saffuriyya	26,803	Zippori NP	JNF & NPA
206	Taytaba	3,152		
207	Wayziyya	33		
208	Suyyad al A (Jubb Yusuf)	2,043		
209	Zanghariyya al (Zuhluq)	3,814		
210	Dallata	1,909		
211	Mirun	1,122		
212	Qaddita	1,118		
213	Zuq at Tahtani al	8,274		
214	Sammu'i al	1,659		
215	Na'ima al	6,553		
216	Qaytiyya	6,485		
217	Lazzaza	1,378		
218	Zawiya al	4,186		
219	Ammuqa	471	Biria Forest	JNF
220	Salihyya al	11,292		
221	Marus	118	(unknown name)	JNF
222	Qabba'a	2,893	Biria Forest	JNF
223	Malikiyya al	3,136		
224	Safsaf	5,472		
225	Alma	5,953		
226	Dayshum	3,091		
227	Fara	2,132	Bar'am Forest	JNF
228	Ras al Ahmar al	3,052		
229	Sa'sa	7,517		
230	Sabalan	655		
231	Saliha	6,367		
232	Kafr Bir'im	509	Kefar Bara'am NP /	JNF & NPA

233	Tiberias	22,342	Bar'am Forest	
234	Wa'ra al-Sawda al K (A al-Mawasi)	4,013	Haarbel NP	NPA
235	Samakiyya al A	336	Kfar Nahum NP	JNF & NPA
236	Hittin	9,284	Haarbel NP	NPA
237	Lubiya	19,262	[South Africa Park] / Lavi Forest	JNF
238	Nimrin	1,740		
239	Wadi Qabbani	431		
240	Raml Zeita (K Qazaza)	1,272		
241	Manshiya al K	541		
242	Zalafa K	405		
243	Birket Ramadan (Wakf Khalil Rahman)	7		
244	Miska	4,300		
245	Kafr Saba	8,570		
246	Zababida al; Khirbat	644		
247	Qaqun	11,857	Kakun Fortress NP	NPA
248	Arab El Samniya	742		
249	Fassuta	375		
250	Mi'ilya	107		
251	Mazra'a al	1,047		
252	Abu Sinan	35		
253	Julis	34		
254	Tarshiha	17,374		
255	Beit Jann	7		
256	Makr	28		
257	Judeida	17		
258	Sha'b	6,666		
259	Kabul	145		
260	Sakhnin	197		
261	I'billin	760		
262	Daliyat El-Carmel	102		
263	Fureidis	1,202		
264	Zalafa	1,017		
265	Umm El-Fahm etc.	1,403		
266	Muqeibila	1,776		
267	Qaryet El-'Inab (Abu Gosh)	1,825		
268	Beit Jimal	437		
269	Kafr Manda	139		
270	Rummana	1		
271	Tur'an	161		
272	Reina	148		
273	Rihaniya	212		
274	Hurfeich	151		
275	Tuba ('Arab El-Heib)	1,212		
276	Jatt	295		
277	Qalansiwa	963		
278	Tira	986		

279	Taiyiba; Kh 'Amarin; Nuseirat Kh	1,122		
280	Jaljuliya	1,987		
281	Kafr Bara	12		
282	Kafr Qasem	1,726		
283	Abu Zeina K.	46		
284	Khureish	250		
285	Qubeiba; Kh. El	81		
286	Zububa	3,084		
287	Arab El 'Aramisha & El Quleitat	47		
288	Rummana	2,833		
289	El Yamun	31		
290	Gh. Jaiyus	29		
291	Kafr Jammal	236		
292	Kafr Sur	568		
293	Far'un	121		
294	Irtah	8		
295	Tulkarm	430		
296	Shuweika	265		
297	Deir el Ghusun	378		
298	Zeita	38		
299	Kafr Thulth	22		
300	Habla	8		
301	Qalqiliya	27,156		
302	El Lubban	315		
303	Rantis	327		
304	Shuqba	18		
305	El Midya	35		
306	Budrus	4,418		
307	Qibya	90		
308	Beit Nuba & 'Ajanjul	63	[Canada Park]	JNF
309	'Imwas	429	[Canada Park]	JNF
310	El Khalayil	33		
311	Nuba	2		
312	Surif	3,352		
313	El Jab'a	18		
314	Qatana	7,949		
315	Beit Surik	1,358		
316	Beit Iksa	5,145		
317	Battir	4,838		
318	Husan	1,086		
319	Wadi Fukin	2,468		
320	Beit Lahiya	6		
321	Beit Hanun	27,129		
322	Gaza	5,045		
323	Bani Suheila	4		
324	Kh. Ikhza'a	3,980		
325	Tubas & Kashda & Bardala	25		
326	Hula Concession Area	101		

327	Abu Al Hussain/ Ghawali	4,617		
328	Abu Amrah/Ghawali	5,183		
329	Abu Athera/Najamat	4,986		
330	Abu Bakrah/Ghawali	1,856		
331	Abu Ghalion/Jarawin	10,821		
332	Abu Khatleh/Ghawali	2,314		
333	Abu Middain	19,304		
334	Abu Muailiq/Hasanat	4,018		
335	Abu Rawwaa	1,502		
336	Abu Rqayiq/Qdeirat	4,115		
337	Abu Shalhoub/ Ghawali	1,493		
338	Abu Shunnar/Alamat	3,203		
339	Abu Sitteh/Ghawali	5,920		
340	Abu Sousain/Najamat	6,476		
341	Abu Suailiq/Jarawin	3,258		
342	Abu Suhaiban/Najamat	18,874		
343	Abu Yehya/Jarawin	5,690		
344	Al Buraiqi/Hkuk	5,174		
345	Al Dhawahreh	2,691		
346	Al Diqs	4,805		
347	Al Huzaiyil/Hkuk	3,346		
348	Al Omour/Ghawali	3,927		
349	Al Soufi/Najamat	14,464		
350	Al Zraiye/Ghawali	6,433		
351	Atawneh/Ntoush	5,668		
352	Beli	2,430		
353	Bin Rifee/Sawarkeh	3,800		
354	Bin Sabbah/Hasanat	2,142		
355	Gatatweh	1,133		
356	Imara al PS	158		
357	Jammama PS	377		
358	Kawfakha	4,228		
359	Rawashdeh	1,948		
360	Thabet/Galazin	1,868		
361	Urour	2,544		
362	Wulaydeh	3,206		
<b>Total No. Refugees</b>		<b>2,152,578</b>		
Other (13 Villages)		38,978		
<b>Total Population</b>		<b>2,191,556</b>		
<b>Abbreviations:</b>				
JNF = Jewish National Fund, NPA = National Parks Authority				
NP = National Park, NR = Natural Reserve				

**Notes for Table 6.7:**

(1) The number of villages whose land was expropriated by JNF wholly or partially is 372. The table above gives the names of only 362 villages. The population of 10 villages is not listed as the population size is unknown.

(2) Figure 6.1 shows 336 affected village lands. A further 36 village lands in Beer Sheba are not well-defined, therefore not shown.

(3) The table above shows only 71 parks out of 116 shown on Figure 6.2. Details of these parks are as follows:

**71 parks** planted on capital village land part of which is expropriated by JNF

**9 parks** planted on non-capital villages similarly expropriated

**17 parks** planted on capital village lands expropriated by the state

**2 parks** planted on non-capital villages similarly expropriated

**16 parks** planted on pre-1948 Jewish land

**1 park** planted in Beer Sheba sub-district, an example of several such parks

**116 parks** – the total number of parks

Source: Noga Kadman, “Erased from Space and Consciousness – Depopulated Palestinian Villages in the Israeli-Zionist Discourse”, Master’s thesis, Department of Peace and Development Research, Goteborg University, November 2001.

Note: According to Noga Kadman, of these 116 parks, 33 were planted by NPA, 60 by JNF and 22 by both, in addition to a sample of one in Beer Sheba.

(4) The total number of registered refugees whose land was expropriated by JNF is 2,191,556, or 54% of all UN registered Palestinian refugees.

## **7. Stop the JNF – Stop Greenwashing Apartheid: A Call for Endorsements**

The Jewish National Fund (JNF)[1] was instrumental in the ethnic cleansing[2] of Palestine in the 1948 Nakba, and continues to play a central role in maintaining Israel's regime of apartheid.[3] The JNF provided political, financial and intelligence[4] support for the Zionist forces in their conquest, massacres and ethnic cleansing operations that characterized the 1948-49 war and the Palestinian Nakba. Today, the JNF controls vast properties belonging to millions of Palestinians, developing them exclusively for persons of "Jewish nationality," a concept established and promoted in the JNF's charter to exclude all others.

The JNF was created in 1901 to acquire land and property rights in Palestine and beyond for exclusive Jewish settlement. While indigenous Palestinians are barred from leasing[5], building on, managing or working their own land, the JNF holds the land in trust for "those of Jewish race or descendency" living anywhere in the world to "promote the interests of Jews in the prescribed region." [6]

To ensure such racist control over the majority of confiscated Palestinian lands, Israel adopted the JNF model of discriminatory land management as official state policy. In 1953, the Israeli Knesset legislated special status for JNF, enabling it to carry out governmental functions as a Zionist institution ("for Jews only"). The JNF continues to operate as a state-chartered organization[7] under Israeli law with direct control over some thirteen percent of the land in pre-1967 Israel. Further, the JNF appoints six out of thirteen members of the governing board of the Israel Lands Authority (ILA), which manages the JNF's thirteen percent, in addition to another eighty percent of all land in Israel. It is through this relationship with the JNF that Israel, while portraying itself as the only democracy in the Middle East, in fact, outsources the land-management functions of the state to this discriminatory state-chartered organization.

After the 1948 Nakba and the expulsion of approximately two-thirds of the Palestinian population from their homeland, the JNF was repackaged as an environmentalist organization carrying out forestation activities. The JNF's forests, parks and recreational facilities, planted and built on the ruins of hundreds of destroyed and depopulated Palestinian villages, have critically served to veil from public view the continuing official Israeli attempts to erase the traces of the ethnic cleansing of Palestine. The JNF is thus fundamentally complicit in the denial of displaced Palestinians' rights to return, restitution and compensation, and in green-washing Israel's regime of apartheid, colonization and occupation.

The JNF's activities are not limited to the part of mandate Palestine that became Israel in 1948. The JNF's Canada Park, for example, covers the remains of the Palestinian villages Imwas, Yalu, and Beit Nuba, which the Israeli army depopulated and razed on the explicit orders of the then Chief-of-Staff, General Yitzhak Rabin, in the course of the 1967 war. Moreover, through its subsidiary Hemnuta, the JNF has illegally acquired lands and houses in the occupied West Bank, and particularly in 1967 occupied Jerusalem.

Today, the JNF's projects of displacement and forestation continue, particularly in the Naqab (Negev) and the Galilee. In these areas, "development" projects in which the JNF plays a central role, aim to continue the forced displacement of Palestinian citizens of Israel to make way for exclusively Jewish settlements and for JNF parks and forests.

The JNF continues to serve as a global fundraiser for Israeli colonization and apartheid. Despite its complicity in war crimes and crimes against humanity, and despite its status as a chartered agent of the State of Israel, the JNF and its affiliate organizations enjoy charitable status in over 50 countries as environmental charities. These JNF branches worldwide also work to muster the political support necessary for legitimizing and promoting Israeli apartheid, a task greatly facilitated by the political, economic and cultural elites in each country that have signed on as JNF patrons.

As part of the global movement for Boycott, Divestment and Sanctions (BDS) against the state of Israel until such time as it respects and implements international law, we the undersigned organizations call on global civil society to join us in a campaign to challenge the JNF by:

- exposing and documenting the role of the JNF in the ongoing ethnic cleansing of Palestine;
- protesting and disrupting the JNF's fundraising activities across the globe;
- opposing and acting to nullify the JNF's charitable and tax exempt status in Europe, the Americas, Oceania and Asia, and Africa;
- condemning the activities of the JNF through popular tribunals and truth commissions;
- supporting Palestinian and Israeli organizations resisting the forced displacement of Palestinians in the Naqab and Galilee; and
- urging those organizations collaborating with the JNF, and especially those with environmental and anti-racist mandates, to break ties with the JNF.

*To join the campaign and endorse this statement, contact: [stopjnf@bdsmovement.net](mailto:stopjnf@bdsmovement.net). Organizations who have already joined the campaign are listed below*

1. Palestinian BDS National Committee (BNC)
2. International Jewish Anti-Zionist Network (IJAN)
3. Scottish Palestine Solidarity Campaign
4. Collectif Judéo Arabe et Citoyen pour la Paix, Strasbourg
5. Collectif 69 De Soutien Au Peuple Palestinien
6. Canada Palestine Association
7. Nederlands Palestina Komitee
8. AL-BEIT: Association for the Defence of Human Rights in Israel



Notes:

[1] In Hebrew, Keren Kayemet Le-Yisrael (KKL) [literally, the 'Perpetual Fund for Israel.'] In some states, JNF affiliate organizations use this name instead of JNF.

[2] Ethnic cleansing by means of expulsion, massacre and population transfer and related grave breaches and crimes is defined in the Fourth Geneva Convention (1949), as well as the Charter of the Nuremberg International Military Tribunal (1945) and the Rome Statute on the International Criminal Court (1998).

[3] The term apartheid refers to the crime defined in article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid and article 7 of the Rome Statute of the International Criminal Court.

[4] The JNF played an important role in the preparation of the “Village files,” used by Zionist forces as a primary reference in planning and executing the depopulation and destruction of Palestinian communities in the 1948 Nakba (See Ilan Pappé, The Ethnic Cleansing of Palestine, Oxford: One World Press, 2006, pp.

[5] Palestinians Bedouin in the Naqab have been allowed up to 3-year leaseholds (compared to the 49-year leaseholds granted Jewish citizens of Israel). Up to 3-year leaseholds do not endow the lessee with occupancy rights in the land (whereas 49-year leaseholds and multiples of 49-year leaseholds can be bequeathed from one generation of Jewish settler-families to the next).

[6] Jewish National Fund Memorandum of Association (1907).

[7] State-chartered, or para-state, organizations are organizations that through a formal, legal agreement, participates in the functions of the state.

[8] Most villages of Palestinian Bedouin of the Naqab were rendered non-existent by Israel's 1965 Planning and Construction Law. Today, over 80,000 of these Palestinian citizens of Israel live in the “unrecognized villages,” their land has been confiscated, they receive no water, electricity, or any other form of government-provided means of existence, and face the constant threat of home demolition and forced eviction. The state aims to displace them to the urban townships and use their land for exclusively Jewish settlements. The JNF aims to play a leading role in this process through its “Blueprint Negev” fundraising campaign, through which it plans to invest \$600 million in 10 years “supporting a new generation of Israeli pioneers.” See the electronic book JNF: Colonizing Palestine Since 1901, pg.18

<http://www.stopthejnf.bdsmovement.net/>

## Appendix 1

### **JNF-owned Company Bought Land in the Territories**

**Amiram Barkat, *Haaretz*, 17/02/2005 (reprinted with permission)**

*Fund used subsidiary Himnuta to acquire land near Green Line in the Jerusalem area*

Since 1967, tens of thousands of dunams of land have been purchased by the Jewish National Fund in areas of strategic importance in Judea and Samaria. The lands share a common location: They are all near the Green Line, in areas which will be up for negotiation in the event of an Israel withdrawal to the 1949-1967 armistice lines. The lands were purchased with funds from the state and the World Zionist Organization, through Himnuta – a subsidiary established by the JNF to carry out complex and discreet transactions.

According to its official policy, the JNF does not purchase lands beyond the Green Line, one reason being to keep it out of political debates liable to have a negative effect on donations. However, since the 1967 Six-Day War, Himnuta has purchased land near the settlements near Jerusalem, including Beit Jala, Beit Safafa and the Etzion Bloc.

The High Court of Justice is currently considering three petitions against the state and the JNF regarding JNF's policy of allocating land to Jews only. The petitions concern land under the jurisdiction of the Israel Lands Administration. Even before the petitions were submitted to the court, Attorney General Menachem Mazuz decided that the state would no longer be able to sell JNF lands to Jews only.

The JNF mission of redeeming land using donations from Jews officially ended with the establishment of the state in 1948. In discussions held during those years between the heads of the JNF and state representatives, it was agreed that instead of purchasing land the JNF would focus on strengthening Jewish settlement on the land that had already been acquired. In fact, the JNF continued purchasing land, with the declared intention of ensuring a Jewish majority in various parts of Israel.

Himnuta was founded in 1938, and later was registered as a company according to Jordanian law – a move that enabled it to operate in the territories. For years the company was the only Jewish group purchasing land in the territories. During the British Mandate (1921-1948), the company bought land near Jericho and present-day Ma'aleh Adumim to create a contiguous area under Jewish ownership. The funding in urban areas usually came from the state coffers, while the purchase of agricultural land was paid for by the JNF.

Sources involved in the matter told *Haaretz* that in recent years, the scope of Himnuta's land purchases in the territories has decreased significantly. Reasons for this include a budgetary crisis in the JNF, personal disagreements, and a loss of the "dynamic spirit" that characterized Himnuta's activity in the past, according to the sources.

The JNF's land purchase policy in areas such as the Galilee and East Jerusalem has been the subject of many studies, and has also been discussed in the reports of public commissions of inquiry. Very little has been published about JNF activity over the Green Line.

*The Green Line is not a border*

A former JNF senior executive confirmed in a conversation with Haaretz that thousands of dunams in the territories are registered under Himnuta's name (a dunam is approximately a fourth of an acre). Attorney Avraham Halleli, who until four years ago headed the lands division in the JNF, is considered the inspiration behind most of the transactions carried out by Himnuta in East Jerusalem and the territories.

In spite of the fact that most of the land in question is adjacent to the Green Line, Halleli said that Himnuta's purchases were not political. He said the land was acquired for the "natural development" of Jerusalem and additional communities. At the same time, he said that the land was purchased in places where the Green Line is subject to change. "The Green Line is not a border line; the 'border' can take on a different shape, changes can be made," Halleli said.

One of the main reasons for the dearth of information on the subject is the great secrecy that has characterized Himnuta's work. Prof. Alexander Kedar, a specialist in property law at the University of Haifa who has studied JNF activity after the establishment of the state, calls Himnuta, "the Sayeret Matkal (an elite IDF commando unit) of the JNF in the realm of land purchase."

The JNF today holds 99 percent of the company's shares, and its official offices are at the JNF. Legally, Himnuta is an independent company; in many other aspects, it is the JNF by another name.

As opposed to the JNF, Himnuta is allowed to sell assets registered in its name. This is why the JNF prefers to buy certain assets, such as residential units, through Himnuta. The second main use that the JNF makes of Himnuta is to purchase assets that cannot be registered immediately under the name of the JNF.

It is not only the JNF that uses Himnuta's services. Government ministries have done so frequently. In 1990, for example, the Housing Ministry transferred NIS 3.6 million to Himnuta to buy the St. John's Hospice building in the Muslim Quarter of Jerusalem's Old City. The transaction, which aroused international protests at the time, was made in cooperation with donors to the Ateret Cohanim Yeshiva.

The JNF denied that Himnuta had decided to purchase the St. John's Hospice on behalf of the Housing Ministry.

"The Ministry of Construction and Housing gave money to fund the purchase - this was by government decision rather than a decision by the JNF or Himnuta. In this case, Himnuta was prepared to take custody of the shares of the company that bought the hostel, and nothing more," the JNF said.

*JNF: Himnuta is a private company*

In response to an inquiry, the JNF said, "There is nothing mysterious about Himnuta, which is properly registered both in Israel and in Judea and Samaria. ... These land acquisitions have met the test of the land registration offices as well as all the requirements of the law."

They also said that although it is a private company, Himnuta is committed to the goals of the JNF.

"The argument that implies that Himnuta is only a tool in the hands of the JNF is not correct," the JNF representative said. "As a company, Himnuta determines its activities and is allowed to do anything that accords with its public goals. Himnuta has chosen a policy of thrift and avoiding duplication, as an efficient and prudent company, and therefore it receives services from the JNF."

<http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=541281>

## Appendix 2

### **Covenant between the State of Israel and the Keren Kayemeth Leisrael**

**Signed on 28th November, 1961**

THIS IS THE COVENANT MADE THIS DAY IN JERUSALEM BETWEEN THE STATE OF ISRAEL, REPRESENTED FOR THIS PURPOSE BY THE MINISTER OF FINANCE, AND KEREN KAYEMETH LEISRAEL - WITH THE SANCTION OF THE WORLD ZIONIST ORGANIZATION - REPRESENTED FOR THIS PURPOSE BY THE CHAIRMAN OF THE BOARD OF DIRECTORS OF KEREN KAYEMETH LEISRAEL.

- A. Since its inception more than half a century ago, Keren Kayemeth Leisrael has been engaged in acquiring land in Palestine and transferring it to the ownership of the people, reclaiming and afforesting land, leasing out land for settlement and housing, and administering its lands. The fundamental principle of Keren Kayemeth Leisrael is that its lands shall not be sold, but shall remain the property of the people and shall be given on lease only.
- B. After the establishment of the State, the volume of the acquisition of land by Keren Kayemeth Leisrael from non-Jewish owners has decreased, while the extent of the redemption of land from desolation has steadily increased. The State had become the owner of most of the land in Israel, and the Government administers and develops these domains.
- C. The Government of Israel and Keren Kayemeth Leisrael have resolved to end the duplication resulting from the administration of their lands by different agencies, to concentrate the administration, conservation and care of these lands in the hands of the State, and to strengthen the hands of Keren Kayemeth Leisrael in fulfilling its mission of redeeming land from desolation.

The parties to this Covenant have therefore agreed as follows:

1. Upon the coming into force of the Basic Law: Israel Lands (hereinafter referred to as "the Law"), the administration of the lands which are State land or land of the Development Authority or land of Keren Kayemeth Leisrael, whether acquired in the past or to be acquired in the future, shall be concentrated in the hands of the State.
2. The Government shall establish an "Israel Lands Administration" (hereinafter referred to as "the Administration") and shall, after consultation with Keren Kayemeth Leisrael, appoint a Director to head the Administration. The Director shall be subordinate to the Minister charged by the Government with the implementation of this Covenant (hereinafter referred to as "the Minister").
3. Notwithstanding the provision of clause 1, there shall be no change in the ownership of the lands as registered in the Land Registry, save to the extent that the parties to this Covenant agree, in respect of particular lands, to register them in the name of the State or in the name of Keren Kayemeth Leisrael, either by way of exchange or in any other manner.

4. Israel lands shall be administered in accordance with the law, that is to say, on the principle that land is not sold, but only given on lease, and in accordance with the land policy laid down by the Board established under clause 9. The Board shall lay down a land policy with a view to increasing the absorptive capacity of the land and preventing the concentration of lands in the hands of individuals. The lands of Keren Kayemeth Leisrael shall, moreover, be administered subject to the Memorandum and Articles of Association of Keren Kayemeth Leisrael.
5. Where the Administration, in respect of a particular transaction, deems it necessary to deviate, in one or the other detail, from the principles of the land policy referred to in clause 4, such transaction shall only be made with the approval of the Board established under clause 9 and, where land registered in the name of Keren Kayemeth is concerned, with the consent of Keren Kayemeth Leisrael or, where other Israel land is concerned, with the consent of the Minister.
6. Any transaction in respect of Israel land shall be entered into by the Administration on behalf of and as the agent of the registered owner of such land, and any proceeds of Israel land shall be the property of the registered owner; and the State accepts, in consideration of this Covenant, to bear the expenses of the Administration.
7. The Administration shall deliver to the registered owners of Israel land, once every three months (and for the first time at the expiration of six months from the day of the coming into force of the Law), a report of the income and expenditure of the administration of their land. The expenditure shall include a fixed amount determined by the Administration, either as a certain percentage of the income or as a quota on a certain unit of measurement of the land. Upon the delivery of such a report, any balance appearing therein to the credit of Keren Kayemeth Leisrael shall be regarded as a debt due to it and payable by the State, and any balance appearing therein to the debit of Keren Kayemeth Leisrael shall be regarded as a debt due from it and payable to the State.
8. The Administration shall deliver to the Government and to Keren Kayemeth Leisrael, once a year, a report of all its activities.
9. The Government shall establish a Board, under the chairmanship of the Minister, which shall lay down the land policy, approve the budget proposal of the Administration and supervise the activities of the Administration and the manner in which this Covenant is carried into effect. The number of the members of the Board shall be thirteen; half of them, less one, shall be appointed upon the proposal of Keren Kayemeth Leisrael. The members of the Board may be replaced in the same way as they were appointed. Notice of the appointment of the Board and of the names of its members, as appointed from time to time, shall be published in Reshumot.
10. The reclamation and afforestation of Israel lands shall be concentrated in the hands of Keren Kayemeth Leisrael, which shall establish a "Land Development Administration" (hereinafter referred to as "the Development Administration") for that purpose. Keren Kayemeth Leisrael shall, after consultation with the Minister, appoint a Director to head the Development Administration, who shall be subordinate to Keren Kayemeth Leisrael.

11. The Development Administration shall draw up once a year (and for the first time at the expiration of three months from the day of the coming into force of the Law) a scheme for the development and afforestation of Israel lands, and shall submit that scheme to the Government and to Keren Kayemeth Leisrael. The scheme shall be drawn up in complete coordination with the Minister of Agriculture.
12. The Afforestation Section of the Ministry of Agriculture shall henceforth engage in afforestation research only. However, the Minister of Agriculture shall continue to be charged with the implementation of the Forestry Ordinance, 1926, through the Development Administration.
13. The Development Administration shall engage in operations of reclamation, development and afforestation of Israel lands as the agent of the registered owners; and Keren Kayemeth accepts in consideration of this Covenant, to bear the administrative expenses of the Development Administration.
14. The expenditure involved in operations of reclamation, development and afforestation of Israel lands shall fall on the registered owners of the land on which the operation is carried out; and the Development Administration shall deliver once every six months (and for the first time at the expiration of nine months from the day of the coming into force of the Law) a report to the registered owners of expenditure as aforesaid incurred in respect of their lands. Upon the delivery of a report as aforesaid, any balance appearing therein to the debit of the State or the Development Authority shall be regarded as a debt due from them and payable to Keren Kayemeth Leisrael. Where the Government requests the Development Administration to carry out operations of reclamation, development or afforestation of land registered in the name of Keren Kayemeth Leisrael, and Keren Kayemeth Leisrael notifies the Government, in writing, before carrying out the operation, that it is unable to carry it out at its expense, the State shall bear the expenditure involved in the operation, and the amount thereof shall be paid to Keren Kayemeth either by a grant, loan or exchange of property or in any other manner, as may be agreed upon between the Government and Keren Kayemeth Leisrael.
15. The Board for Land Reclamation and Development attached to Keren Kayemeth Leisrael shall lay down the development policy in accordance with the agricultural development scheme of the Minister of Agriculture, shall approve the budget proposal of the development Administration, and shall supervise the activities of the Development Administration and the manner in which it carries this Covenant into effect. The number of the members of the Board shall be thirteen; half of them, less one, shall be appointed by the Government. The members of the Board may be replaced in the same way as they were appointed. The Board shall be headed by the Chairman of the Board of Directors of Keren Kayemeth Leisrael or a person appointed in that behalf by Keren Kayemeth Leisrael.
16. Keren Kayemeth Leisrael shall continue to operate, as an independent agency of the World Zionist Organization, among the Jewish public in Israel and the Diaspora, raising funds for the redemption of land from desolation and conducting informational and Zionist-Israel educational activities; and the Government shall extend assistance to Keren Kayemeth Leisrael in informational and propaganda activities in Israel and abroad.

17. This Covenant shall come into force on the day of the coming into force of the Law and shall remain in force for five years. Unless one of the parties to this Covenant, at least six months before the expiration of the five years, announces its intention not to renew it, its validity shall be automatically extended for another five years; and so on indefinitely from five-year-period to five-year-period.
18. If the Law is repealed or amended, Keren Kayemeth Leisrael may withdraw from this Covenant by giving notice of withdrawal, in writing, to the Government; however, Keren Kayemeth Leisrael may not withdraw from this Covenant if the Government notified it in advance, in writing, of the proposed amendment or repeal, and Keren Kayemeth Leisrael did not express opposition.
19. If this Covenant becomes void, whether by virtue of clause 17 or by virtue of clause 18, the position which existed immediately before the coming into force of the Law shall be restored; the Government undertakes to propose the necessary legislation to the Knesset.
20. If one of the parties to this Covenant considers that a change should be made therein, it shall give written notice to the other party, which shall reply to the proposal, favourably or unfavourably, within six months from the day on which notice is given. If the reply is favourable, the Covenant shall be deemed amended, in accordance with the proposal received from the day on which the reply is given.
21. From the day of the signing of this Covenant, the parties thereto shall do everything necessary and expedient for the implementation thereof and shall be bound by it in all respects.

IN WITNESS WHEREOF THERE HAVE HEREUNTO SET THEIR SIGNATURES,

on behalf of the State of Israel, the Minister of Finance, Mr. Levi Eshkol, and on behalf of Keren Kayemeth Leisrael, the Chairman of the Board of Directors thereof, Mr. Jacob Tsur, in Jerusalem, this 20th day of Kislev, 5722 (28th November, 1961).

LEVI ESHKOL

Minister of Finance

JACOB TSUR

Chairman of the Board of Directors of Keren Kayemeth Leisrael

\* The text of this translation is not binding, the only authentic text being the Hebrew original.



## Appendix 3

### Correspondence addressed to the Canada Revenue Agency

#### **Bruce Katz & Uri Davis**

- (1) Addressed to Derek Carlisle, 28 September 2004
- (2) Addressed to Natalie Boileau, 26 June 2009

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(1)

Derek Carlisle (Esq.)  
Director of Parliamentary Affairs  
Canada Customs and Revenue Agency  
Ottawa

28 September 2004

RE: Jewish National Fund of Canada

Dear Derek Carlisle,

Thank you for making the arrangements to meet with me this morning on the above subject with the view to discuss the Jewish National Fund (JNF) of Canada and its charitable registration and tax exempt status.

Kindly find enclosed a copy of (1) Walter Lehn in association with Uri Davis, The Jewish National Fund, Kegan Paul International, London 1988, (2) the REPORT On the Legal Structure, Activities, Assets, Income and Liabilities of the Keren Kayameth Leisrael/Jewish National Fund, Jerusalem, 1973, and (3) the CBC 5th Estate documentary film Park With No Peace: Canada Park, 22 October, 1991.

The first reference is an academic critical historical study of the JNF from its inception to the 1980s, and will, I believe, provide you with an overview of JNF activities, including its activities in the post-1967 occupied territories. The second textual reference includes relevant JNF legal documents such as the Memorandum and Articles of Association of the JNF as registered in London, 1907 (“Jews only”); Keren Kayameth Leisrael/Jewish National Fund Law as legislated in the Parliament of the State of Israel in 1954; Memorandum and Articles of Association of the Keren Kayameth Leisrael/Jewish National Fund as registered in Jerusalem, 1953/54 (“Jews only”); Covenant Between the State of Israel and the Keren Kayameth Leisrael With the Sanction of the World Zionist Organization, 1961 (underpinning the “Jews only” JNF discrimination, enforced by the Israel Lands Administration and framed by the relevant Acts of the Parliament of the State of Israel (the Knesset). The third is a visual reference, namely, a documentary film detailing the activities, wholly illegal to my understanding, of the JNF in the territory known as the “Latrun Salient” in the post-1967 occupied West Bank.

I believe the documentation enclosed herewith provides sufficient prima facie grounds for your legal department to undertake an enquiry into the charitable registration and tax exempt status of the Jewish National Fund of Canada.

I thank you again for making the arrangements to meet with me this morning on the above subject.

With all good wishes,

Sincerely,

Uri Davis (Dr)

Bruce Katz

Coordinates:

Coordinates:

Dr Uri Davis  
P O Box 99  
Sakhnin 20173  
Israel

Mr. Bruce Katz  
P O Box 53076  
Dorval, Quebec  
Canada H9S 5W4

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Cell: 514 582 1642  
Tel: 514 428 1642

-----  
(2)

Ms Natalie Boileau  
National Headquarters  
Canada Revenue Agency  
Connaught Building  
555 MacKenzie Avenue  
Ottawa K1N 1A1

26 June 2009

Dear Ms Natalie Boileau,

I write to thank you for sending your assistant Ms Magdala down to the lobby of Connaught Building to meet me and receive the file that I had brought with me for delivery in person at your office.

As my passport suggests I am, inter alia, a British Citizen, and it may therefore be the case that you are under no legal obligation to respond to my intervention.

I wonder, though, whether as a matter of courtesy, you would please respond to my intervention in writing at the address given in my signed cover letter (as well as perhaps contact me on my cellular telephone number given below) in addition to sending either a copy of your response or the original hard-copy of your response to

Mr. Bruce Katz (whose coordinates are given at the bottom of the copy of our letter addressed to your predecessor Mr. Derek Carlisle and attached to my said cover letter) and to Mr. Craig Smith (of Apartment #4, 195 James Street, Ottawa K1R 5M6) who has acted on my behalf in attempting to secure an face-to-face interview with yourself.

With all good wishes,

Sincerely,

Uri Davis (Prof Dr)  
P O Box 41168  
Jaffa 61411  
Israel  
Cellular tel. no: +972 54 452 3838



## Appendix 4

### Correspondence addressed to the British PM Gordon Brown

**Uri Davis**

Rt. Hon. Gordon Brown, MP  
Prime Minister  
10 Downing Street  
London, SW1A 2AA

22 October 2007

Dear Prime Minister,

Re: Your patronage of the Jewish National Fund - UK

My name is Dr. Uriel Hyman Davis (known as Uri Davis), and I write on the matter of your agreement to become a Patron of the Jewish National Fund-UK (JNF-UK). I do so in my capacity as a dual citizen of the State of Israel and the United Kingdom; as an anthropologist specializing in the study of the JNF and Israeli land tenure legislation; and as a human rights defender.

I wonder whether you were aware of the following:

1. In the Articles of Association of the JNF, as incorporated under English law in 1907, the primary object of the JNF is defined inter alia as settling Jews on such lands as it may “purchase, take on lease or in exchange, or otherwise acquire”;
2. Since 1961, the JNF is bound to the Government of the State of Israel by a Covenant in terms of which the land tenure legislation and practice of the Government of the State of Israel are informed by the JNF constitutional limitation of “for Jews only”;
3. The greater part of JNF afforestation activity inside Israel is over the lands and on sites of destroyed Palestinian Arab villages, ethnically cleansed by the Israeli army in the course of and in the wake of the 1948-49 war (in itself a crime against humanity under the Geneva Conventions). Thus, in its role as “Israel's exclusive forestry agency”, the JNF is complicit with crimes against humanity and also in war crimes;
4. The JNF's public projection of such complicity as a commitment to charitable “maintenance of an ecologically sound environment” is a misrepresentation, and the benefits of the said questionable charitable registration of the JNF-UK and its related instruments and their tax exemptions are drawn out of the general weal;
5. These benefits, awarded to the JNF-UK as a UK charity that funds such activities as are complicit with violation of international law, are thus funded by every tax-paying individual resident in the UK;

6. From the international legal advice available to me, legally questioning the compatibility of your patronage of the JNF-UK (or any organ related to the World Zionist Organization for that matter) with the basic terms of the Israel-EU Association Agreement of 2000, suggests that such patronage might expose you to the possibility of appearing before the European Court of Justice in Luxembourg.

Needless to say, I would be happy to present you, or any person delegated on your behalf, with the documentary corroboration of each of the items above.

I urge you to consider whether your Patronage of the JNF-UK serves the best interest of all the peoples concerned, and take the liberty to suggest that, given the above, you may wish to renounce the said Patronage.

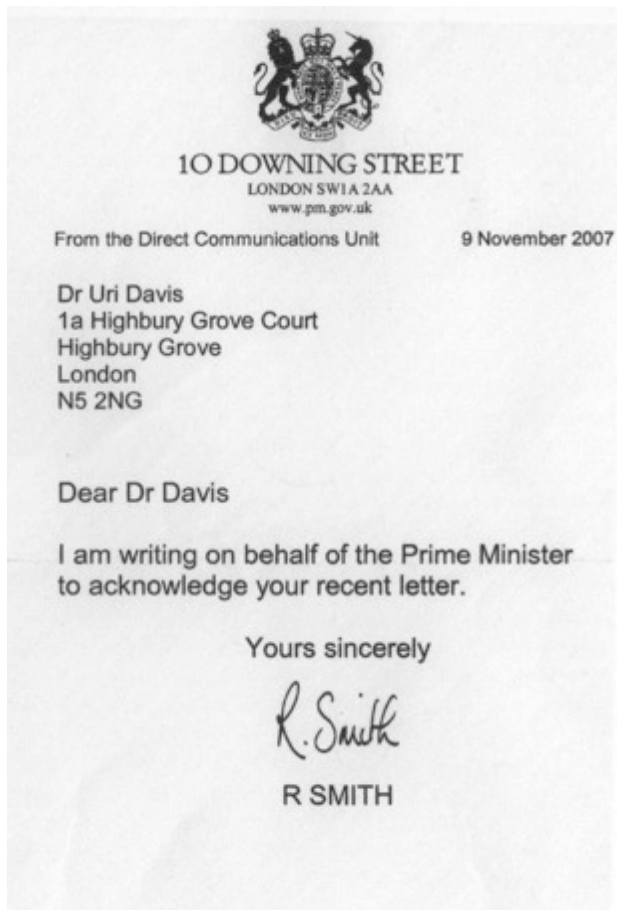
With all good wishes,

Sincerely,

Uri Davis (Dr)

Flat 1A Highbury Grove Court      &  
Highbury Grove  
London N5 2NG  
UK

Shafiq Adas Street No 20  
The Old City  
Ramle 72216  
Israel



## **Appendix 5**

### **Correspondence with Buckingham Palace, London**

#### **Abe Hayeem, Architects & Planners for Justice in Palestine**

Her Majesty The Queen  
Buckingham Palace  
London SW1A 1AA

RE: Israel's 60th Anniversary JNF dinner at Windsor Castle on 7 April 2008

Your Majesty,

After 40 years of Occupation of the West Bank and Gaza strip, Israel intends to celebrate its 60 years of Independence. Yet there has been no peace, or justice for Palestinians while Israel continues its relentless and illegal settlement expansion on confiscated Palestinian-owned land, and builds its Separation Wall that has been declared illegal by the International Court of Justice in 2004. Vast areas of the West Bank and East Jerusalem have been annexed, making a viable Palestinian State impossible. Gaza is imprisoned in a crippling siege with excessive force being used by the IDF against children and civilians, causing many deaths, which the UN Secretary General has branded as disproportionate, and collective punishment. This has bred the unending cycle of violence.

With this continuing scenario, it is particularly disappointing to hear that the Jewish National Fund and the United Jewish Israel Appeal are holding a fund-raising 60th anniversary dinner at Windsor Castle attended by HRH, the Duke of Edinburgh with Israeli President Shimon Peres as the guest of honour. Since 1948, the JNF was the beneficiary of land that was taken from the 530 Palestinian villages and a dozen large towns that were deliberately destroyed, its inhabitants having fled in fear and even killed under order by Israel's leaders, creating 750,000 refugees.

Contrary to the JNF's benign image, huge tracts of Palestinian agriculture, farmland and orchards were uprooted to make way for the sterilizing impact of pine forests. This ethnic cleansing has been well documented by the new Israeli historians like Ilan Pappé, and Israeli human rights organizations, which reveal the myths of 'making the desert bloom' that the JNF has tried to project. This confiscation without compensation is now ongoing in the Negev, within Israel.

The JNF, through its 'Blueprint Negev' plan, intends to create 25 new towns over the coming years, bringing 250,000 new Jewish-only residents to the region, according to its website. To make way for new JNF communities, 'unrecognized' Bedouin villages were destroyed during 2007 in military-style operations displacing hundreds of families, all citizens of Israel. The JNF is also planting forests on Bedouin land, such as the Ambassador Forest on the lands of the Elokbi Tribe north of Beersheba.

As architects and planners in the UK and internationally, we are most concerned about the ethics of Israeli architects designing and building on these lands, and the devastation of the environment that the JNF and the IDF are party to.

We have already written to the Prime Minister about the contradictions of his being a patron of the charity JNF-UK and thus an unbiased participant in the Middle East peace 'process'. The presence of HRH, the Duke of Edinburgh at the JNF celebrations in Windsor Castle this April, would damage the UK's international standing and its relations with countries concerned about the result of the ethnic cleansing of Palestine. We respectfully urge your re-consideration of allowing this event to take place at Windsor Castle.

Yours sincerely,

Signed by: Ted Cullinan, CBE RA, Charles Jencks, Eva Jiricna, CBE RA, Abe Hayeem, RIBA, Chair APJP, Haifa Hammami, Sec APJP, Hans Haenlein, RIBA, Eyal Weizman, Architect, Tchaik Chassay, RIBA, Phil Gusack, Cezary Bednarski, RIBA, Kate Mackintosh, RIBA, MBE, Louis Hellman, RIBA, Jake Brown, RIBA, Mike Macrae, RIBA, Malkit Shoshan, Architect, FAST, Ian Martin, John Murray, Architect, Walter Hain, Architect, John van Rooyen, RIBA, David Berridge, RIBA, Hubert Murray, RIBA, AIA, Martin O'Shea, RIBA, Nicholas Wood MA Cantab, ARIBA, FRGS, Sara Wood, MA Oxon, Michael Gwilliam, Planner, Dena Qaddumi, Zahira Zamuch, Hilary Wise, Anna Simpson, Mustafa Chauduri, John Hodge, RIBA, Malcolm Hecks, Architect, Karin Pally, TPIA Santa Monica, LA, John Lynes, FSIBSE, FSELL, Kelvin Bland, Architect, Francesca Visconti, Architect, Faisal Khan, RIBA, Asif Khan, MRTPI, Mari Riddle, Urban Planner, CA, Mick Scott, Architect, Chris Teague, RIBA, Wade Sowman, Planner, NZ, Rand el Haj Hasan, Dr. Jim Berrow, Architect, Historian, Renate Prince

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Reply from the Duke of Edinburgh's Office:

From: Private Secretary to H.R.H. The Duke of Edinburgh,  
Buckingham Palace.

10 March, 2008

The Duke of Edinburgh has asked me to thank you for your letter dated 1st March to me in which you commented on the wisdom of the dinner at Windsor Castle to be held in April to mark the 60th Anniversary of the State of Israel.

Your comments have, of course, been noted and whilst not wishing to be drawn into a discussion about the points raised in your letter, I feel you may wish to be aware that the proceeds from the dinner are going to a number of charities, one of which will be the Israeli Youth Award for Young People, which is the Israeli branch of the Duke of Edinburgh's Award. This charity plays a significant part in attempting to bridge the gap between young people of all faiths and backgrounds, in amongst other places, Israel and Jordan.

Yours faithfully,

Miles Hunt-Davis

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Brigadier Sir Miles Hunt-Davis, K.C.V.O., C.B.E.  
Private Secretary to H.R.H. The Duke of Edinburgh  
Buckingham Palace

Dear Sir Miles,

RE: Israel's 60th Anniversary JNF dinner at Windsor Castle on 7 April 2008

Thank you very much for your very prompt reply to our letter of 10 March to H.R.H. The Duke of Edinburgh regarding his hosting of the JNF/UJIA dinner at Windsor Castle.

I do appreciate that one of the subjects of the fund raising - the Israel Youth Award - is doing some good work with youth in all faiths and backgrounds as you say In Israel and Jordan. Yet what is being done for the Palestinian youth in Gaza and the West Bank? The Gaza under-19s team which had been invited to play British football clubs was refused entry by the UK last year. The players had overcome difficult circumstances to qualify for their national team even though there are few proper football pitches and Israeli forces had bombed Gaza's main stadium.

In general, Palestinians are being herded into vast prison-like cantons, strangled by checkpoints and Jewish-only highways, with daily incursions by the IDF who assassinate activists, arrest youth indiscriminately, and destroy homes, farms and schools, and continue confiscating their land to build illegal settlements and the obscene Separation Wall. This is what has been achieved for peace after 60 years of Israeli Independence and what will underlie the celebrations – the destruction of hope.

Although the Duke's Award may bridge some sort of social gap between these youths of the different communities, it unfortunately does not address the basic inequalities between the Palestinian and Jewish citizens of Israel. In fact it is the Jewish National Fund that is still instrumental in Judaizing the Galilee and the Negev, continuing with the divisive and racist policies that are the antithesis of Israel's own Declaration of Independence based on the principle of civic equality for all citizens. Even the World Zionist Organisation has called upon the government of Israel "to act urgently to implement its decisions to reduce the gaps between the Arab citizens and the Jewish citizens in the State of Israel in all areas of life". One cannot disconnect the treatment of Jewish-Arab relations in Israel from Israel-Palestinian relations.

As it is obvious that the dinner will go ahead (I believe without Shimon Peres attending), it is regrettable that the excuse of the Israel Youth Awards will be seen as a sop to the other charities like the JNF. The majority of the funds raised will continue to underline the Israel/Palestine divide. Unfortunately the presence of the Duke, hailed by Israel supporters, will be seen by those struggling for a just peace, as lending respectability to Israel's continuing Occupation and oppression of the Palestinian people.

Yours sincerely,

Abe Hayeem  
Chair APJP



## Appendix 6

### **Letter from Latroun Villagers to Canadian Museum of Civilisation re: JNF Negev Dinner, Ottawa**

Dr. Victor Rabinovitch  
President and CEO  
Canadian Museum of Civilization  
Gatineau, Quebec, Canada

24 November 2008

Dear Victor Rabinovitch,

As the residents of the villages of ‘Imwas, Yalo and Beit Nouba, we write to tell you our story. As you are undoubtedly aware, the Negev Dinner of the Jewish National Fund (JNF) of Ottawa is scheduled for 24 November 2008 at the Museum of Civilization. As President and CEO of the Canadian Museum of Civilization Corporation, we hope that you will consider our experience and stand up for human rights by refusing to allow the JNF to hold its event at the Museum.

‘Imwas, Yalo and Beit Nouba are three Palestinian villages that were home to 10,000 civilians until June 1967. Close to the Green Line, the internationally recognised border between Israel and the West Bank, the villages are in their entirety situated inside the West Bank. Until June 1967, we lived peacefully in our villages. We are a simple, agricultural people and have never in any way posed a threat to security or been a source of trouble in the area.

Although the Latroun area in which our villages are situated was the site of a number of battles between Israel and Jordan in the 1948 Arab-Israeli war, the Jordanian army had withdrawn its troops from the area before Israel invaded the territory during the Six-Day War in 1967. As soon as it occupied our villages, where we offered white flags and no resistance, the Israeli army forced us out of our houses and villages, on foot, with our children and elders. The soldiers would not allow us to take food, water or basic essentials, saying we would be able to return in a few days once the war was over. Forty-one years later, and we are still being denied our right to return. As soon as we had been forced off our land, our houses were demolished, along with our possessions and livestock, with no possible military justification. There is nothing left of our villages. At least eighteen elderly residents of the villages who were unable to leave were killed when the Israeli army demolished their houses over their heads. Dozens more civilians were killed on the long walk to Ramallah – some arbitrarily executed by Israeli soldiers, some, including children, due to heat exhaustion and dehydration.

To help the State of Israel cover up these atrocities, erase us from history and consolidate its control over our land in the Occupied Palestinian Territory, in the 1970s the Jewish National Fund of Canada established “Canada Park” over the ruins of our destroyed villages. This is a stain on the good name of Canada, and, we believe, not representative of the intentions of the majority of the Jewish community in Canada, who we know to be good people. The Museums Act of 1990 establishes

that the Canadian Museum of Civilization Corporation is “responsible for preserving and promoting the heritage of Canada, and contributing to the collective memory and sense of identity of all Canadians.” Moreover, one of the Museum’s Guiding Principles is to promote the “fundamental Canadian commitment to democracy in its political and social sense.” With such noble values, we are shocked that the museum would support the Jewish National Fund, an organization which has attempted to demolish our collective identity and memory in order to transplant a new identity and history on its ruins.

We also know our rights. Forcible transfer of civilians and extensive destruction and appropriation of property in occupied territory are war crimes amounting to grave breaches of the Fourth Geneva Convention. We have a legal entitlement to return to our land and to receive compensation for damage suffered. Despite this, we remain displaced elsewhere in the West Bank, Jordan and beyond. We have only one simple wish – to return to our land to live in peace. We have informed the Israeli authorities that we are prepared to rebuild our houses ourselves, even without compensation from the State of Israel, and we long to be able to live once again as in the past, as peaceful neighbours.

The existence of Canada Park, and the financial support it continues to receive from the Jewish National Fund of Canada, serves to preclude this. As a Canadian charitable association, we believe that the Jewish National Fund’s support of Canada Park breaches Canada’s charitable status laws, which prohibit charities from violating Canadian public policy. We are aware that Canada views all of the West Bank as occupied by Israel and therefore subject to the Fourth Geneva Convention.

We also must remember that Canada Park is just a small part of the Jewish National Fund’s broader discriminatory policies which have served to appropriate Palestinian land throughout Israel and the West Bank for exclusive Jewish use. The Museum vows to refrain from “activities...which may promote intolerance.” Facilitating and supporting an organisation which actively operates to aid and abet war crimes, institutionalise racism and prolong our suffering is certainly counter to the mandate of any Canadian Crown Corporation, including that of the Museum of Civilization. On this basis, we strongly urge you to refuse to allow the Jewish National Fund’s Negev Dinner to take place at the Museum of Civilization.

Sincerely,

The residents of ‘Imwas, Yalu and Beit Nuba

## **Appendix 7**

### **Protest fundraiser for agency that abets Israeli land confiscation**

#### **Independent Jewish Voices, Canada**

Press release: 20 November 2008

The Jewish National Fund (JNF) of Canada is holding its annual Negev Dinner at Canada's Museum of Civilization on 24 November 2008. Canadians trust that the incumbent president/CEO and board of the museum will faithfully safeguard and honor the museum's guiding principles for its choice of activities -- i.e. "that activities are informed by respect" and "that we will not engage in activities or present materials which may promote intolerance."

In hosting the JNF event, the Museum of Civilization is violating principles which it is charged with safeguarding on behalf of all Canadians. Approximately 500,000 out of almost 625,000 acres owned by the JNF were confiscated from Palestinians fleeing war in 1948, and were not purchased with contributions from Jews around the world, as the JNF commonly claims. During 1948-53, the Israeli state transferred ownership of this land to the JNF for the sole use of Jews -- as per the JNF's governing articles -- without any compensation to its rightful Palestinian owners. This confiscation violates international law and is an ongoing source of grievance inside Israel amongst its Palestinian citizens and amongst Palestinian refugees in the Occupied Palestinian Territories and neighboring Arab states.

In Israel, this "redemption of land" (which in fact is the appropriation of Palestinian land and its "transfer" to Israeli Jews) is ongoing in East Jerusalem and the West Bank, occupied by Israeli forces since 1967. The so-called "Canada Park," which is maintained through JNF-Canada contributions, is built on the site of three Palestinian villages captured in 1967, which were evacuated and razed to the ground. Forcible transfer of civilians and extensive destruction and appropriation of property in occupied territory are war crimes amounting to grave breaches of the Fourth Geneva Convention, international legal codes adopted after World War II in recognition that maltreatment and atrocities against civilians in wartime should never happen again.

The Canadian government has consistently called for restoration and promotion of rule of law at home and abroad. The museum, as an institution of the government, has an obligation to uphold this principle. Moreover, in providing space to the JNF, the museum is in violation of its own principle to promote Canada's fundamental "commitment to democracy in its political and social sense."

Canada's Museum of Civilization is part of Canadians' acknowledgement and atonement for the colonial ethnic cleansing of First Peoples. By providing space for the JNF's Negev Dinner, the museum is aiding and abetting ethnic cleansing in Palestine and facilitating the celebration of these actions next to the exhibit of aboriginal culture in the Museum's Great Hall. This discredits our nation's understanding of its own egregious colonial past and raises questions about the sincerity of our apologies to aboriginal peoples in Canada.

Take action to demand that the museum's CEO, Dr. Victor Rabinovitch, honor the Museum's Guiding Principles and the apology made to Canada's aboriginal peoples and that he rescind the museum's agreement to provide space to the JNF for its Negev Dinner.

Calls and letters of protest can be made to the museum's president and CEO, Dr. Victor Rabinovitch at (819) 776-7116, [victor.rabinovitch@civilization.ca](mailto:victor.rabinovitch@civilization.ca).

## *List of Contributors*

**Walter Lehn** (1926-2009) was educated in anthropology and history at Tabor College (BA, 1951) and in linguistics at Indiana University and Cornell University (PhD, 1957). He was Assistant Professor and Director of the English Language Institute, American University, Cairo (1957-69), Associate Professor and Director of the Middle East Centre, University of Texas, Austin (1960-66), and Professor and Chairman of the Department of Linguistics, University of Minnesota, Minneapolis (1977-74). He was a Visiting Professor at the University of Waterloo, Ontario, Birzeit University, University of Jordan, Amman, and Najah National University, Nablus. Professor Lehn served as Director, Study of the Economic and Social Situation of the Palestinian People, United Nations Economic Commission for Western Asia, Beirut (March 1979-August 1980). Professor Lehn published several articles on Palestinian resistance and Palestinian rights, including articles and the first book in the English language on the Jewish National Fund (in association with Uri Davis).

**Ismail Zayid** was born and grew up in the village Beit Nuba, Palestine. Beit Nuba, together with the neighbouring villages of 'Imwas (Emmaus) and Yalu, were occupied and totally bulldozed and demolished, in June 1967, by Israel, on the orders of Yitzhak Rabin, an act which has been rightly described as a war crime. Today, at the site of the ruins of these villages, stands the infamy called "Canada Park", built by Canadian tax-deductible dollars. Dr. Zayid is the author of two books: Palestine: A Stolen Heritage, and Zionism: The Myth and the Reality.

**Salman Abu Sitta** is Founder and President of Palestine Land Society. The Palestine Land Society is a British-registered non-profit academic society, not affiliated to any government or political party. Its general aim is the documentation and study of Palestine land and people with special reference to the refugees and Palestine 1948. Dr. Abu Sitta is the author of over 300 papers and articles and 5 books on Palestine land and people including the compendium Atlas of Palestine 1948.

**Uri Davis** is a Palestinian Hebrew, citizen of the alleged constitutional monarchy of the UK and of the apartheid State of Israel, born in Jerusalem in 1943. He has been at the forefront of the defence of human rights in Israel, notably Palestinian rights, since 1965 and has pioneered critical research on Zionism and the State of Israel since the mid-1970. He has published extensively in these fields, including Israel: An Apartheid State (Zed Books, London 1987 & 1990; abridged edition, MRN, Laudium, 2001); Citizenship and the State: Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon (Ithaca Press, Reading, 1997); Citizenship and the State in the Middle East: Approaches and Applications (co-ed) (Syracuse University Press, 2000) and most recently Apartheid Israel: Possibilities for the Struggle Within (Zed Books, London, 2003); (with Ricky Romain), A Secular Anti-Zionist COMPANION of an Abridged Passover Haggadah (forthcoming).

Professor Dr Davis is Associate Professor at AL-QUDS University, Institute of Regional Studies, Israel Studies Programme, Jerusalem/Abu Dis; member of the

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**Mortaza Sahibzada** is currently a freelance researcher, with an academic background in biochemical engineering. Dr Sahibzada has been a Community Action Project leader (Bath), a non-executive director of Third World First (Oxford), a member of the Scottish Palestine Solidarity Campaign (Edinburgh), a co-organiser of the Scottish Palestinian Forum conference “Israel/Palestine: Lessons from History”, a convenor of the London branch of the International Solidarity Movement, a non-executive director of Open Bethlehem, editor of Islamic Internationalist, and is a member of the Muslim Council of Britain Research and Documentation Committee. He is the founding editor of the JNF eBook Series.

**Mary Nazzal-Batayneh** is a UK barrister with vast experience of campaigning for Palestinian human rights. She is the co-founder and Chairperson of the Human Rights Legal Aid Fund ([www.humanrightsfund.org](http://www.humanrightsfund.org)) and has worked with organizations including the Anti-Apartheid Wall Campaign and Human Rights Watch. She holds degrees from Columbia University, SOAS (University of London), College of Law and the Inns of Court School of Law. Mary also has extensive corporate experience in her role as President of Landmark Hotels Company and President of Vision Hospitality Management.

**Amos Kenan** (1927-2009) was a columnist, painter, sculptor, playwright, novelist, LEHI (Stern Group) and Israeli army war criminal. He passed away at the age of 82.

**Trish Wood** was, at the time of making the documentary “Park With No Peace”, an investigative journalist with The Fifth Estate, Canada's premier investigative documentary program.

**Bruce Katz** was co-founder with the late Rezeq Faraj, a Palestinian Canadian, of PAJU (Palestinian and Jewish Unity), which is a human rights organization in Montreal that explicitly recognizes the right of the Palestinian people to national existence and to live in security. PAJU is comprised of Jews, Palestinians and other Canadians of good conscience who work together to promote peace in the Middle East and to educate the public on the Palestinian question. Bruce Katz was also one of the founding members of the Canadian NGO, the CCCCH (Canadian Committee to Combat Crimes Against Humanity), an organisation committed to the establishment in international law of the principle of economic crimes. Born and raised in Montreal, he is a language teacher by profession.

**Abe Hayeem** is an Iraqi Jew born in India and settled in the UK where he has been an architect, writer, and peace activist since the 1960s. He was a founder member of Architects Against Apartheid during the 80s and 90s against South Africa, formed in the 1980s by UK architects to oppose the links between the UK and South Africa, in line with the cultural and academic boycotts. In 2003 helped found Architects and Planners for Justice in Palestine (APJP, see <http://apjp.org>). APJP sees architecture and planning as central to the consolidation of a colonial occupation, the erosion of human rights and destruction of a nation. As an independent international pressure group of design professionals APJP works closely with Israeli and Palestinian professionals and other solidarity groups and NGOs committed to non-violent resistance to the occupation and seeks an ethical and just practice for our professions in Israel and the Occupied Territories, including East Jerusalem. APJP campaigns against the building of the illegal settlements, the expropriation of Palestinian land, the check points, settler-only highways and above all the Separation Wall, and for the establishment of a just and lasting peace in Israel/Palestine.

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