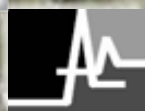


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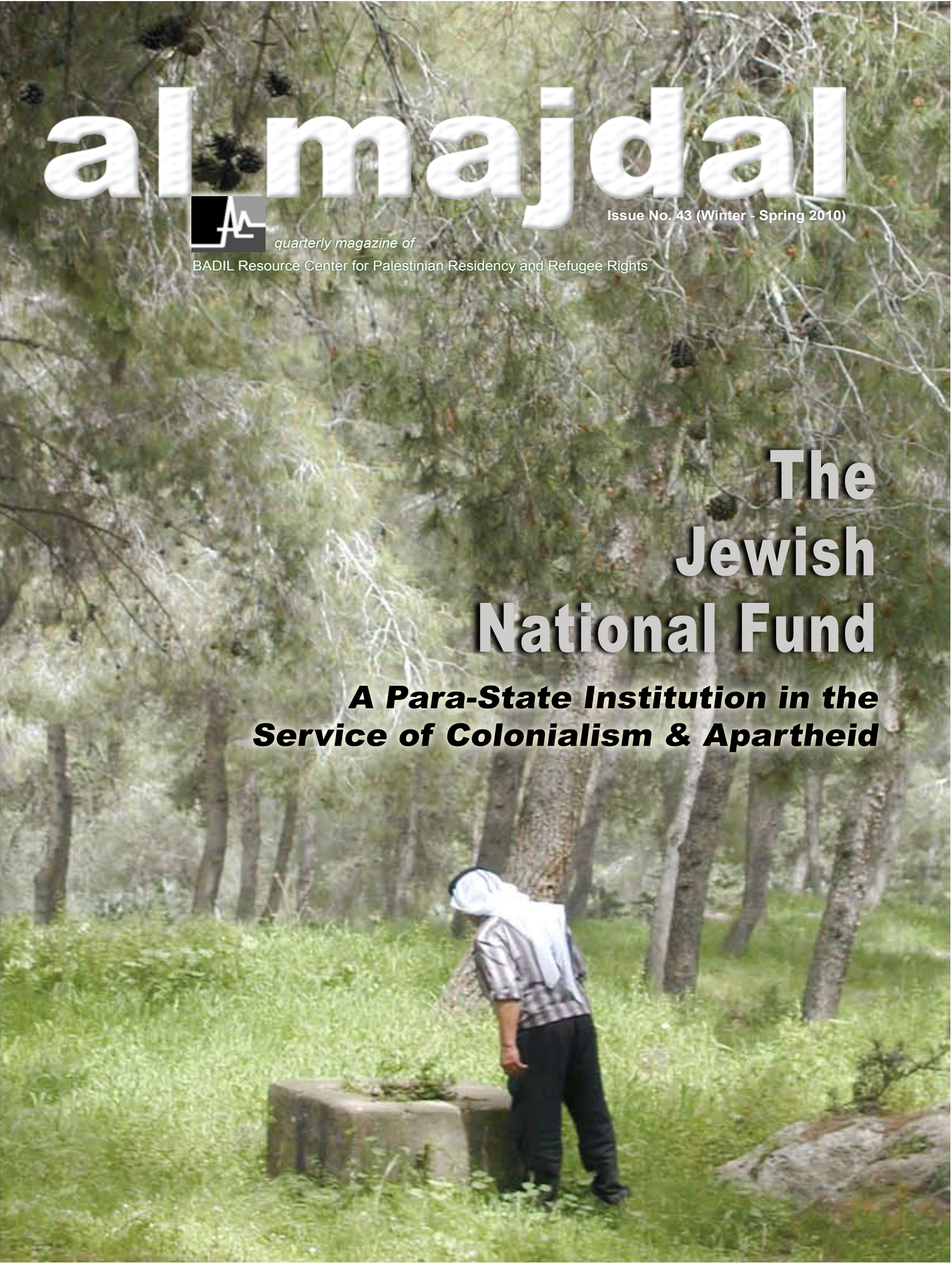
quarterly magazine of

BADIL Resource Center for Palestinian Residency and Refugee Rights

Issue No. 43 (Winter - Spring 2010)

## The Jewish National Fund

***A Para-State Institution in the  
Service of Colonialism & Apartheid***



BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy, and support of community participation in the search for durable solutions.

BADIL was established in 1998 to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights and is registered as a non-profit organization with the Palestinian Authority.

Learn more at [www.badil.org](http://www.badil.org)

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**Front Cover:** Abu al-Saeed visits his village of Lubyia in 2004. Lubyia was depopulated and destroyed in 1948 and today is the site the JNF South Africa Park (Photo: Mahmoud Issa)

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**Back Cover:** *Quote* from "A Solution to the Refugee Problem" Joseph Weitz, Davar, September 29, 1967, cited in Uri Davis and Norton Mervinsky, (eds.), *Documents from Israel, 1967-1973*, p.21; Map courtesy of Palestine Remembered; Images of JNF Blue Boxes by Badil; JNF posters courtesy of [palestineposterproject.org](http://palestineposterproject.org)

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The views expressed by independent writers in this publication do not necessarily reflect the views of BADIL Resource Center.

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## Knocking Down the Colonial Pillar of an Apartheid Regime

For anyone taking a road trip along the highways of the part of Palestine that became Israel in 1948, one is bound to spot a blue and green structure in the shape of a bird marked with the Hebrew letters KKL, which stands for Keren Kayemeth L'Yisrael, the Hebrew name of the Israeli branch of the Jewish National Fund (JNF). All around the bird one will see expanses of forests planted sometime in the past few decades. A walk through one of these forests will take the visitor past fruit trees, cactus plants, terraced hillsides, and the ruins of buildings. In some cases, these ruins are explained in a JNF brochure pointing to their ancient history, in other cases, one is left to the devices of one's imagination. In all cases, these sites are what remains of some of the more than five hundred villages depopulated and destroyed through the course of Israel's establishment, the homes of millions of Palestinian refugees struggling to return to them for over sixty years. By walking through a JNF park or forest, one inhales the fresh smell of the green-washing of Palestine's Nakba.

The history of the JNF is well documented, the seminal text still being the late Walter Lehn's 1988 book *The Jewish National Fund* written in association with Uri Davis. After heated discussions at the first four Zionist congresses, the JNF was established at the Fifth Zionist Congress held in Basel in 1901, and incorporated in England in 1907. Its Memorandum of Association defines the primary objective of the JNF as "to purchase, take on lease or in exchange or otherwise acquire any lands, forests, rights of possession and other rights in the prescribed region [Palestine and surrounding areas]... for the purpose of settling Jews on such lands."<sup>1</sup> The JNF was expressly prohibited from selling any land to ensure that it would hold on to these lands in the name of the Jewish people in perpetuity.<sup>2</sup>

The organization began its fundraising activities and began to seek out willing sellers, the most significant of whom were absentee landlords living in what would become Lebanon and Syria. The JNF's "blue box," a small box for collection of donations, became both a fixture in Jewish communities outside of Palestine, as well as an important tool of mobilizing Jewish community support behind the colonization of the country. By the 1920s, Palestinians were sufficiently knowledgeable of the Zionist project to colonize their country that they refused to sell their land to the Fund. In response, the JNF reverted to more insidious means to acquire land, including proactive recruitment of Palestinians who would acquire land on their behalf. *The Diaries of Yosef Nachmani* is a film that goes into some of the details of these methods based on the diaries of the JNF's main agent in the Tiberias region. To serve this process, the JNF systematically kept files on each Palestinian locality that included the names of Palestinians involved in resisting the British and Zionist colonization. These "village files" were later used as a central source of military intelligence for the 1948 ethnic cleansing of Palestine, and many of those activists named in the JNF's files were executed by Zionist forces.<sup>3</sup>

After the establishment of the state of Israel, the JNF seemed to have achieved its purpose. The land controlled by the JNF and other Zionist agencies, which amounted to no more than seven percent of the land in British Mandate Palestine, had jumped to almost ninety percent as Palestinian land appropriated by force was transferred to state and JNF ownership under Israeli military orders and laws passed for this purpose. The JNF had to be repackaged and its role reassessed.

The statement of Israeli author Amos Elon that "[f]ew things are as evocatively symbolic of the Zionist dream and rationale as a Jewish National Fund Forest"<sup>4</sup> encapsulates the most notorious role of the JNF since 1948. For many Jews abroad, the act of donating to plant a tree in Israel, sponsor a park bench, or bankroll a section of forest became an important avenue to support the maintenance and growth of the Zionist movement. The JNF's charitable status in most countries, usually based on the JNF's new packaging as an ecological organization that plants trees and develops "green" technology, has facilitated this process by creating a governmental subsidy in each country in the form of tax returns to the donors.

For the indigenous Palestinians and people concerned about basic human rights, the JNF forest is a concrete manifestation of Zionism's attempt to erase not only the presence of Palestinians in their homeland, but also any visible sign that they ever existed here. Israeli novelist Abraham Yehoshua's well-known short story *Facing the Forest* from 1970 attests to Israeli cultural attempts to bring the truths of the Nakba repressed within the Israeli psyche back to the surface. The story is of a Jewish-Israeli student who, together with a Palestinian who has lost his ability to speak, works as watchman at a JNF forest. The story culminates in the Palestinian burning down the forest to reveal the previously obscured remains of a destroyed Palestinian village.<sup>5</sup>

Eager to maintain a non-controversial image abroad, the JNF has avoided visible engagement in Israel's post-1967 colonial enterprise in the occupied Palestinian Territory. It has rather done so in disguise: through subsidiaries – in particular *Himanuta* – the JNF works to continue Zionist colonization in the 1967 occupied territory through acquisition of land earmarked for Jewish settlement construction and expansion.<sup>6</sup> Furthermore, in the Latrun salient, a pre-1967 demilitarized zone claimed by Israel, the rubble of the villages of Imwas, Yalu and Beit Nuba, sits under the trees of the JNF's Canada Park, awaiting the return of the Palestinian villagers.



JNF poster - courtesy of the Palestine Poster Project

While “green-washing” is what the JNF is most notorious for, its role as a pillar of Israel's colonial apartheid regime has been much less understood. As an institution that has incorporated the Zionist concept of an extraterritorial “Jewish race/nationality” in its statutes, the JNF was granted special status in Israel and charged with “the mission of gathering in the exiles and helping build Israel as the state of the “Jewish people” under the Israelilaws of the early 1950s that incorporated the JNF and defined its status.

At the same time, the JNF registered branches in numerous countries as local charitable organizations. The charitable non-governmental status of the JNF's branches abroad has allowed the agency to support Zionism practically and financially, whereas the state of Israel is precluded, as any foreign state, from interfering in the status of citizens in any country outside its sovereign jurisdiction. A look at the honorary members of JNF boards in many countries reveals a roster of political and economic elites, including past, present and future heads of state, who facilitate the work of Israel lobbies as well as JNF fundraising.

In Israel, the JNF joined the Israel Lands Authority, the arm of the Israeli government responsible for the management of “Israel Lands” based on its legal status as a quasi-state institution. As owner of thirteen percent of land in Israel, and the agency that appoints the largest number of people to the Israel Lands Authority board of directors (just under fifty percent), the JNF is the central pillar of Israel's regime over land. As a Zionist “national” agency unburdened by restrictions on whether or not it treats citizens equally, the state has systematically subcontracted the JNF for the implementation of demographically engineering the land in the country in favor of the Jewish community, or what Israeli officials have called “Judaization.” This process of outsourcing apartheid has been most meticulously described by Uri Davis in *Apartheid Israel*, a seminal text

## Editorial

*A JNF “blue box” from the 1980s makes quite explicit the JNF’s “green-washing” activities*



for those wishing to understand the workings of Israel’s apartheid regime over land within the green line.<sup>7</sup>

The JNF’s role in Israel’s colonial apartheid regime over the Palestinian people has not gone unchallenged, however. Activists in various cities around the world have organized protests to JNF fundraising dinners and other elite functions, while others have called on their government agencies to strip the JNF of its charitable status. In the late 1960s, a successful legal challenge against the JNF’s charitable status in the United States forced Zionist organizations in that country to reshuffle their official names and statuses in order to protect the inflow of donation money.<sup>8</sup> More recently, information gathered and exposed by activists, scholars and lawyers has forced the JNF to weave a tighter corporate veil, over the relationship between worldwide JNF branches and its headquarters (JNF-KKL) in Israel, including new logos and website, in order to avoid “brand risks” and possible liability for violations of international law and human rights abuses. In 2007, the JNF-USA suffered a defeat in the United Nations, when the UN’s Committee on NGOs rejected an application of the JNF-USA for consultative status with the UN Economic and Social Council (ECOSOC).

While the JNF-USA told the Committee that it was independent and involved in water, environmental and development projects in the Middle East, state representatives stated that they were unable to distinguish between the activities of the JNF-USA and JNF-KKL and argued that the JNF’s work violated the principles of the UN Charter, which emphasizes respect for human rights and equality.

In November 2008, civil society actors from all around the world gathered in Bilbao to discuss strategies to develop the campaign for Boycotts, Divestment and Sanctions (BDS) against Israel until it complies with international law. A concerted campaign to challenge the JNF was one of four main priorities adopted as part of the Bilbao Initiative. As follow-up to this step, the Palestinian BDS National Committee (BNC), the Scottish Palestine Solidarity Campaign (SPSC) and International Jewish anti-Zionist Network (IJAN) are co-hosting an organizing conference that will bring together legal experts, academics and civil society organizations to launch a coordinated anti-JNF campaign in May 2010.

In this issue of *al-Majdal*, we look at the Jewish National Fund from various vantage-points. Joseph Schechla examines the ideological roots of Zionist organizations such as the JNF. He shows how the conflation of religion, race, nationality and citizenship, and its incorporation into Israeli law and statutes of Zionist agencies constitutes the pillar of the colonial apartheid regime that harms not only Palestinians but also Jews worldwide. Alaa Mahajna situates the JNF in Israel’s legal regime over land, analyzing recent changes to Israel’s land laws in this light. Mahajneh’s analysis is supplemented by a useful diagram prepared by attorney Usama Halabi that provides a visual map of Israel’s legal regime over land. Ahmed Abughoush, Vivian Tabar, and Yeela Raanan provide us with case studies from both sides of the green line. These are complimented by a photo-story that describes what one would see on a visit to the JNF’s Menachem Begin park built on the ruins of the Palestinian villages al-Qabu and Ras Abu Ammar. Dan Freeman-Maloy attempts to untangle the workings of the JNF within the web of Zionists lobby, community and fundraising organizations operating in North America. Finally, Sofiah Macleod and Sara Kershner provide us with an overview of already existing campaigns to challenge the JNF, providing a starting point for discussions on how to develop such campaigns in the near future.

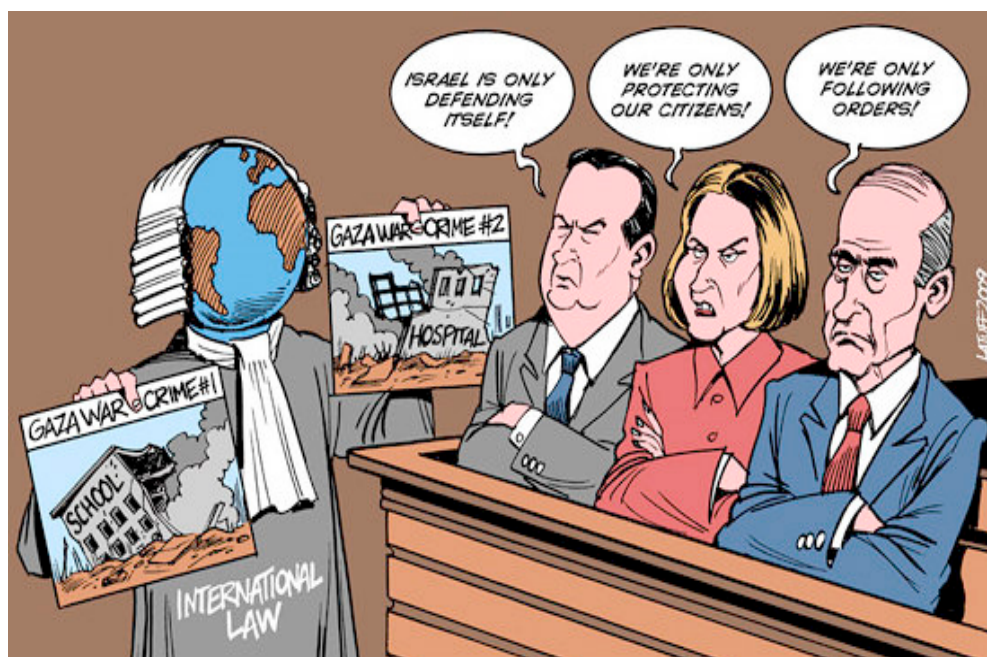
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*Endnotes: See online version at <http://www.badil.org/al-majdal>*

## Why Mr. President?

by Nidal Azza

*This open letter to Palestinian President Mahmoud Abbas was first published in Arabic by Ma'an News, Palestine, in early March 2010.*



Gaza War Crimes, by Carlos Latuff. 2009

Since the adoption of the strategy of the “peace of the brave” which seeks to achieve Palestinian rights through negotiations, Palestinian officials have never missed an opportunity to raise the demand for the international community to intervene and ensure respect of its international law and UN resolutions. And while the Palestinian leadership had limited its own strategic options in the public relations battle around the peace negotiations, the demand for enforcement of international law preserved a certain “logic” in midst of the general deterioration, in particular the disintegration of the Palestinian political system. However, what is puzzling in light of this strategy is the fact that Palestinian officials have recently challenged sincere international bodies and figures who have identified Israel's regime as one that combines belligerent occupation with colonialism and apartheid. In other words, where is the logic in claiming a Palestinian strategy which demands enforcement of international law and UN resolutions, when Palestinian officials are the first to stand in opposition to strong international reports and resolutions which seriously aim to protect and promote Palestinian rights?

At the end of February 2010, Ibrahim Khreisheh, Permanent Representative of Palestine in the United Nations in Geneva, requested that the Human Rights Council postpone discussion of the report of the UN Special Rapporteur on Human Rights in the Occupied Palestinian Territory Professor Richard Falk. Prior to Khreisheh's formal request, many Palestinian and international human rights organizations tried to persuade Palestinian representatives at various levels of the risks involved in such a decision for the interests of the Palestinian victims, Palestinian rights and human rights in general, and of its negative impact on the positions of UN member states, especially supportive members.

## Commentary

In response, Representative Khreishah argued in an interview with al-Jazeera that the request for postponement was caused by the shortcomings in the Falk report, such as references to the responsibilities of Israel and Hamas and not the Palestinian Authority, and criticism of the Goldstone Report. He said that discussion of the report at this stage would be divisive and that there were other and more important reports to be debated than Falk's.

Mirroring the Palestinian controversy preceding the vote over the Goldstone Report, the Palestinian Representatives again put forward a number of justifications which appear to be consistent with the strategy of seeking the implementation of international law and UN resolutions. Even more so, Mr. Khreishah made sure to shape his arguments in a way that suggested that he was, more than anybody, else concerned to protect the "supreme national interest."



*Professor Richard Falk speaking at the Palestine Center in Washington DC  
October 2009 (photo courtesy of the Palestine Center)*

Such arguments may mislead those unfamiliar with the content of the Falk report, in particular because Professor Falk has also been portrayed as "a Jew," someone who attacks the Palestinian Authority and apparently sympathizes with Hamas, and has caused a scandal by giving credit to rumors according to which President Abbas initially withheld official Palestinian support of the Goldstone Report in exchange for Israel's approval of the Wataniyah cell phone company's business deal in which his son was allegedly involved. Alternatively, Khreishah argued that from a practical point of view, Israel's ban on Professor Falk's entry into the country "will make it impossible for him to closely monitor the human rights situation in the occupied territory," and that it was not convenient to cooperate with an expert who is considered an anti-Semite by Israel.

The question begging to be asked is: Where exactly is the supreme national interest in postponing the discussion of Falk's report?

For lack of space, I first invite all concerned to actually read the report that Mr. Khreishah requested to be removed from the U.N.'s agenda (we Palestinians know exactly that to postpone is tantamount to removal of the report and exclusion of the responsible author). The truth that must be said is that Professor Falk's report is not less important than Goldstone's and maybe even more so.

First, the report covers the period from July to December 2009; it cannot be considered incomplete, therefore, for not including events and Israeli violations that occurred afterwards, such as Israel's listing of the Ibrahimi and Bilal Ibn Rabah mosques in Hebron and Bethlehem among its national, cultural and religious sites. In fact, the



report points to serious Israeli violations of sacred and archaeological Palestinian sites. Doesn't it address the issue of Joseph's Tomb in Nablus? Also, doesn't it address the attacks committed by Jewish settlers against Palestinians, especially during the olive harvest, and the protection afforded to them by the Israeli army? Mr. Khreisheh, where exactly is the shortcoming in all of this?

The Falk Report reaffirms the recommendations of the Goldstone Report and does not criticize them. Falk rather attempts to fill gaps in the investigation of Israel's aggressive war on Gaza as conducted by the Mission led by Judge Goldstone. Where is the shame in Professor Falk stating that the Goldstone Mission should have investigated Israel's violations of the temporary truce that preceded the war, such as the assassination of six Palestinians on 4 November 2008? What is wrong with emphasizing that the Goldstone Mission did not give enough attention to the impact of the protracted blockade of the Gaza Strip? Where is the flaw in saying that Israel is responsible for the failure of efforts to reach a lasting truce over the past decade? Where did Falk go wrong when he states that the Goldstone Mission gave more importance to the sole captured Israeli soldier Gilad Shalit than to the some ten thousand Palestinian prisoners and detainees, most of whom are civilians? Does any of this detract from the supreme national interest?

The Falk report also affirms the conclusion of the Arab League fact finding mission that Israel's targeting of Palestinian civilians in the occupied Gaza Strip was not accidental, but rather intentional. What is the shame in affirming that the deliberate targeting of Palestinian civilians has been a systematic policy of Israel ever since the establishment of the state? Does any of this detract from the supreme national interest?

Falk's report is critical of legal analysis which treats both parties (Israelis and Palestinians) as equals. Calling upon the international community to examine Israel's assault on the Gaza Strip, he explains that despite Hamas's International Humanitarian Law violations, such as the launching of rockets into civilian Israeli areas, this was a war carried out by one side. What is wrong with calling on international organizations, particularly the International Committee of the Red Cross, to formulate rules that would regulate state responsibility in situations of unequal warfare, especially if that state is an occupying power such as Israel? Is this something that would detract from the supreme national interest?

After reaffirming the Goldstone Report's recommendations regarding universal jurisdiction over those responsible for serious human rights violations and war crimes in the Gaza Strip, the Falk report calls on states to take seriously these recommendations and implicitly criticizes states that evade their legal obligations. Where is the shame in criticizing third-party collaboration with Israel? What is wrong with criticizing the British government for seeking to change its universal jurisdiction laws for international crimes in order to help Israeli perpetrators escape accountability? Does this detract from the supreme national interest?

The Falk report boldly addresses Israel's ongoing colonization of the occupied West Bank. It not only reports related numbers and statistics, but also refutes the allegations of Israeli leaders and emphasizes that the ultimate Israeli goal of settlement expansion is annexation of the West Bank. What is the shame in saying that settlement expansion in occupied East Jerusalem is not the result of "natural growth," but of a policy intended to reduce the number of Palestinian Jerusalemites to less than 8%, in order to extinguish the possibility of Jerusalem ever becoming a Palestinian capital? What is wrong with saying that Jewish settlement expansion will lead, in practice, to the failure of efforts for Palestinian statehood? Does this detract from the supreme national interest?

The report also covers issues related to the Israel's Wall, suppression of Palestinian resistance (even peaceful resistance), the continuing blockade of the occupied Gaza Strip, and the failure of the international community

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## Commentary

to impose its will and protect the Palestinian people. What is wrong with stating that the Human Rights Council has an obligation to exercise its authority by insisting that Israel ends its occupation and by intervening to stop its demolitions, forced evictions and settlement expansion in Jerusalem? Does this detract from the supreme national interest?

Notably, the report also tackles the issue of the Palestinian refugees and their right to return. Not limited to the ongoing forced displacement of Palestinians in the OPT, the report raises the need to implement UNGA Resolution 194 in order to facilitate return of the Palestinian refugees to their homes of origin, property restitution and compensation for damages and losses, which is the basis of achieving a just, comprehensive, and lasting peace. What is the shame in saying that remaining silent on refugee rights, especially 1948 refugees, is no longer acceptable? Does this detract from the supreme national interest?

In light of the inability of the international community to bring about a just solution to the Palestinian issue for the past sixty years, does Professor Falk's call to adopt the civil society campaign for Boycott, Divestment and Sanctions contradict the supreme national interest?

It seems that the supreme national interest known to Mr. Khreisheh is different from the one we know.

Why, Mr. President, should Prof. Falk's report be postponed when "indirect" negotiations with Israel are approved? And this while Israel just announced that the Ibrahimi and Bilal Ibn Rabah mosques in the occupied West Bank were "national" Jewish holy sites and the expansion of Jewish settlement continues?

How can the supreme national interest of the Palestinian people be achieved when the official Palestinian position towards Falk's report is similar to the Israeli position?

Why, Mr. President, have we not received any response from you regarding the request of human rights organizations to stop this unreasonable postponement of Falk's report?

In fact, the Palestinian position in the United Nations is in contradiction with the publicly declared Palestinian strategy at least since January 2009 [when the UN's General Assembly convened to decide about ways to end Israel's war on the Gaza Strip]. UN records from the General Assembly's emergency session show that opposition to the draft resolution proposed by the GA President was shared by the representatives of Palestine and Israel. Western and Arab media described Israel at the time as the only state that enjoys having two permanent representatives in the General Assembly, one Israeli and one Palestinian! The draft resolution was submitted by Ecuador and supported by more than two-thirds of the member states. It was rejected by the representatives of Palestine and Egypt and opposed by the European Union and the United States. If adopted, the resolution would have condemned Israel and held it responsible for the war on Gaza; it would have called upon Israel to immediately halt the war, withdraw from and lift its blockade of the Gaza Strip; it would have recommended establishment of a special international tribunal to investigate and prosecute those responsible for war crimes and serious human rights abuses, as well as adoption of boycotts, divestment, and sanctions against Israel. Such a resolution, however, was found to be "very extremist" by the Palestinian representative. A letter was sent to the President's office by a number of human rights organizations and networks, asking to investigate the occurrences in the United Nations. (It was not the first letter of its kind. A similar one was sent in October of 2008, requesting clarification of why the Palestinian representative to the United Nations was disturbed by NGO reports and "interference," and why he insisted on excluding them from the work of the U.N. Committee on the Exercise of the Inalienable Rights of the Palestinian People.)

Did you receive these letters, Mr. President? If not, why? If yes, why has there been no response?

The official Palestinian position and treatment of the Goldstone Report has been frustrating for all victims, human rights defenders and defenders of the rights of the Palestinian people. The justifications initially may have misled those unaware of the details. For NGOs present in the Human Rights Council, however, the situation was clear but they abstained from immediately going public. Instead, several human rights organizations and members of Palestinian national institutions submitted a memorandum to the President's Office requesting scrutiny of the work of the Palestinian representatives to the U.N., as well as a firm stand against manipulation of U.N. protocol and titles, such as "Representative of the Palestinian Authority," or "Representative of Palestine – PA," which undermine representation of the Palestinian people in the United Nations.

Did you receive this memorandum, Mr. President? If not, why? If yes, then why has there been no follow-up?

Earlier this year, a letter was sent to the President by Palestinian human rights and civil society organizations and networks, requesting that he instruct the responsible specialized authorities to set up a mechanism for the domestic criminal investigation and prosecution required under the General Assembly Resolution endorsing the Goldstone recommendations. The letter urged for urgent action in order to prevent Israel from using a Palestinian shortcoming as a pretext for avoiding its obligations (which is indeed what happened). The responsible Palestinian authorities and officials, however, did not do what was required of them. The result was a finding by the U.N. Secretary General that both, the Israeli and Palestinian parties have fallen short equally so far in meeting their obligations.

Did you receive this letter, Mr. President? If not, why? If yes, then why has there been no reaction?

On 25 February 2010, more than twenty organizations appealed to the President to intervene as a matter of urgency and issue instructions to the Palestinian U.N. delegation in Geneva to drop the request for postponement of discussion of Prof. Falk's report by the Human Rights Council, and to halt all personal attacks against the Special Rapporteur.

Did you receive this appeal, Mr. President? If not, why? If yes, why has there been no response?

As soon as Ibrahim Khreisheh, head of the Palestinian delegation to the U.N. in Geneva, had confirmed the request for postponement of the Falk report, numerous members of the PLO Executive Committee, leaders of Palestinian political groups and factions and the Secretary of the Legislative Council were contacted. All of them were briefed, provided with a copy of the letter to the President, and urged to take action in order to correct the mistake and avoid repetition of the frustrating experience with the Goldstone Report.

To this moment, we have not heard back from any of them!

What remains of the strategy seeking implementation of international law and U.N. resolutions? If the supreme national interest is a mystery which only the Palestinian representatives understand, then peace be upon our cause...

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*\*Nidal Azza is the Coordinator of Badil's Resource Unit and a Lecturer at the al-Quds University Faculty of Law.*

## The Consequences of Conflating Religion, Race, Nationality and Citizenship

by Joseph Schechla

*JNF-planted trees obscure a flour mill that is among the very few standing remains of the once thriving village of al-Lajjun (north of Um al-Fahem south of Nazareth). The river that used to power this mill has dried up because Mekorot (the Israeli water company, partly owned by the JNF) pumps water out of the underground water aquifer that fed this once abundant river.*



Much has been written, forgotten and written again over the past century on the subject of Zionism and Israel's unique civil status categories and corresponding practices. For a person with a long life and memory, it may be surprising to find that the crucial distinction between nationality and citizenship in Israel is news to so many people concerned with the conflict and problem of Zionism. Understandably for observers not regularly engaged in the conflict, such as human rights treaty body members, the concept has been a revelation.<sup>1</sup> Why is this fundamental distinction, with its corresponding terminology, a new frontier for others, including many Palestinians long disadvantaged by the institutionalization and material consequences of that very distinction in practice?

A partial answer may lie in the nature and history of anti-Zionism outside Palestine, which has experienced waves and currents since Jewish nationalism first sprang from its eugenic “primordial soup” in race-obsessed fin-de-siècle Europe.<sup>2</sup> The Zionist notion that people of Jewish faith constituted a “race” offended emancipationist Jews first and foremost then. That quintessential premise of Zionist ideology and its colonial movement reverted to a presumed, albeit long-discredited, theory that was popular with Jew haters. They and other racists have always sought, conceptually at first, to assert a convincing distinction of the denigrated group so as to socialize the notion that they (the inferior lot) are not like us (self-acclaimed superior beings). The most ambitious racists have tried to invoke scientific – even genetic – criteria for their arguments.

Monumental thinkers and activists, including the Jewish emancipationist Moses Mendelssohn (1729–86), had already struggled intensely to rid Europeans of Jewish faith – and their neighbors – of the convenient falsehood that practitioners of Judaism formed a single, alien bloodline. Such intellectual contributions to debunking that

racist notion include a long pedigree of biblical scholars, from Julius Wellhausen (1844–1918), who influenced Hebrew Union College President Rabbi Nelson Glueck (1900–71), who, in turn, mentored Rabbi Elmer Berger (1908–96), who later became the American Council for Judaism’s unwaveringly anti-Zionist executive director.

Advocates of the emancipation of Jews as equal citizens living in democracy – a condition distinct and apart from assimilation<sup>3</sup> – also include such notable figures as Berr Isaac Berr (1744–1828), Heinrich Heine (1797–1856), Johann Jacoby (1805–77), Gabriel Riesser (1806–63), and Lionel Nathan Rothschild (1808–79), who drew much of their philosophical inspiration from, and indeed were part of European Enlightenment. As Berger explains, the emancipationist tradition descending from Mendelssohn’s intellectual line sought not only to be free from anti-Semitism, whose proponents sought to characterize people of Jewish faith as a separate “race,” but also from the oppressive Jewish community leadership, exemplified by the stifling authoritarianism and ritualistic religiosity of the shtetl.<sup>4</sup>

The emancipationist and, at once, anti-Zionist wave in North America drew on this liberal tradition to oppose the Zionist institutions, which embodied much of what the emancipationists in the “Old World” struggled against for centuries, especially the conflation of the Jewish faith with “race.” That Jewish emancipationist wave crested in the late 1960s, as Zionist myths and the power of Zionist institutions dwarfed the American Council for Judaism, the Reform Movement’s most important organized emancipationist anti-Zionist force. The Council was reduced to a mere shadow of its former self, and the affiliated senior advocates of anti-Zionism in that period, including Rabbi Henry Cohen (1863–1952), Judah Magnes (1877–1948), Rabbi Louis Wolsey (1877–1953), Rabbi Abraham Cronbach (1882–1965), Rabbi Morris Lazaron (1888–1979), Lessing J. Rosenwald (1891–1979), Moshe Menuhin (1893–1983) and Rabbi Elmer Berger, alas, have all passed away.

At least a generation now has intervened since most of these anti-Zionist advocates deceased, and two generations have lapsed since the decline of the American Council for Judaism. While some of that history and its continuity are accessible on the current Council’s website,<sup>5</sup> the enduring and most commonly identifiable Jewish anti-Zionist positions arise from either the Marxist or Orthodox traditions. The recent book by Shlomo Sand that exposes the constructed myth of a “Jewish people/nation”<sup>6</sup> makes no reference to predecessor Elmer Berger, despite his prolific writing on the subject for half of the 20<sup>th</sup> Century.<sup>7</sup>

Benefiting from the arguments of the emancipationist tradition, we can better understand the problem they found with the concept of a “Jewish race,” a “Jewish people” and/or, especially, “Jewish nationality.” The institutionalization of this concept, with its grave material consequences for the indigenous people under Israeli rule, reveals how the “Jewish race/people/nationality” concept violates a bundle of human rights of the Palestinian people. In the prophetic writing of Elmer Berger, for example, empowering and funding institutions set up to implement this constructed distinction can only be harmful to Jews and impede – even reverse – their emancipation in democratic countries. However, applied in a country of mixed population and in the context of colonization, where those Zionist institutions operate to privilege people “of Jewish race or descendency,” it would also predictably harm the “non-Jewish” population.

And so it has come to pass.

### **It Harms Jews**

As the Jewish emancipationists teach us, “Jewish nationality” is a concept arising from Zionist ideology that has become enshrined in the charters of the principal Zionist institutions engaged in colonizing Palestine since the end

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## The Jewish National Fund

of the 19<sup>th</sup> Century (World Zionist Organization/Jewish Agency<sup>8</sup> and Jewish National Fund<sup>9</sup>). Thus, even before the Zionist colonization project found resources and other means to colonize Palestine, the very codification of such a racialist concept, particularly by institutions populated and affiliated with Jews, could not have been more objectionable.

### *It Promotes a Racist Classification of Jews*

For Jewish emancipationists, for centuries advocating common citizenship and nondiscrimination guaranteed by the democratic state, the notion of a “Jewish race,” as such, undermines the pursuit of equal status for all people of Jewish faith, or of any creed or color. Zionism creates an unwanted barrier between them and their neighbors. The creation of a race identity for Jews encourages stereotyping and seeks to provide a scientific basis for discrimination. While this concerned the emancipationist Jew directly, the promotion of a “Jewish race” also runs counter to more general efforts to combat the ideological falsehood of racism.

In fact, humans are far more genetically similar than other species. They are all *homo sapien sapiens*, without subspecies. Any superficial differences manifest as a result of three possible processes: random mutations, natural adaptations to climate and environment, and personal selection. The last of these involves the physical mixing of new genetic material through procreation by otherwise distant partners brought together by choice, travel, migration, conquest or trade.

The use of “race” as a means of justifying the exploitation of a human group or groups by others is inherently immoral. Such racism has been condemned by scientists, law makers and diplomats at the international level. A UNESCO statement following World War II, *The Race Question*, reflects the collaboration of leading natural and social scientists commonly rejecting race theories and a morally condemning racism.<sup>10</sup> That consensus statement suggested, in particular, to “drop the term ‘race’ altogether and speak of ‘ethnic groups.’”<sup>11</sup> In the post-Nazi era, “Jewish race” is an anachronism.

### *It Claims to Act on Behalf of All Jews*

The concept of “Jewish race” incorporated in the charters of the Zionist institutions, thus, became coupled with the Zionist political program. The objective of colonizing Palestine to create a “Jewish national home” implied that such an enterprise was being carried out in the name of, and on the behalf of all people of Jewish faith. The Jewish objection to such a generalization was grounded in the value and fact of free will among individual Jews, regardless of the individual’s position on the colonization of Palestine. Open inquiry and debate has been a time-honored Jewish methodological tradition. The Zionist cry for all Jews to rally to the colonial project on the basis of an involuntary and immutable affiliation to a “Jewish race” was seen as alien and antidemocratic on its face. The conformism required by Zionist leaders, theories and institutions led to eventual bullying tactics against non-compliant Jews.<sup>12</sup> For those with a deeper historical memory, that invoked life in the shtetl, from which so many sought to one day be free.

Israel’s *Basic Law: Law of Return (1950)*, while defining a nationality right of “return” (*aliyah*)<sup>13</sup> reserved for Jews only, provides a definition of belonging to this category of persons – including citizens of Israel, or of other countries – as members of the Jewish “race” promoted in the Jewish National Fund (JNF) charter. The Law of Return specifies, for the purpose of that Law, that “‘Jew’ means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.”<sup>14</sup>

Both Zionist leaders and institutions, as well as Israeli politicians, have interpreted support for practical Zionism (replacing the indigenous people of Palestine) variously as a “Jewish” obligation, and/or as an act of survival,

self-preservation and even “national liberation” for Jews.<sup>15</sup> Any specter of Jewish persecution potentially helps to make this Zionist argument convincing.

Along with the concept of belonging to the Zionist project to colonize Palestine by virtue of some biological imperative also came the insistence that a «good Jew,» a «good Zionist,» should live in Israel, or at least support the Zionist project from other countries, if necessary. In the minimum, this could be accomplished by Jewish children everywhere dropping coins into JNF blue boxes to contribute to the colonization effort.

In the legal dimension, Israel’s *World Zionist Organization–Jewish Agency (Status) Law (1952)*, whose importance is discussed below, specifies that Israel is the state of the “Jewish people” and provides:

The mission of gathering in the exiles, which is the central task of the State of Israel and the Zionist Movement in our days, requires constant efforts by the Jewish people in the Diaspora; the State of Israel, therefore, expects the cooperation of all Jews, as individuals and groups, in building up the State and assisting the immigration to it of the masses of the people, and regards the unity of all sections of Jewry as necessary for this purpose

#### *It Imposes a Foreign “Nationality” on Jews*

A practical feature of “Jewish nationality” is that Israel and its “national” (para-state) institutions, including the World Zionist Organization/Jewish Agency (WZO/JA) and Jewish National Fund (JNF), apply this charter-based status to Jews living in many countries around the world. These institutions extend the Jewish “obligation” to support Zionism practically and financially, whereas the State of Israel is precluded, as is any foreign state, from interfering in the status of any citizen in a country outside its internationally defined state jurisdiction. The Zionist institutions, as Israeli state agents, nonetheless operate overseas programs to engage and recruit Jews in their own countries of citizenship to carry out “practical Zionism.”<sup>16</sup>

In the 1960s, Reform Jews in the United States objected to the Zionists’ imposition of an unwanted second “nationality” and foreign state affiliation imposed by the WZO/JA. At their request, the U.S. Department of State issued a legal opinion in response to this unique case of foreign state intervention in the status of U.S. citizens. The legal position affirmed that the United States “does not regard [Israel’s

JNF-USA “blue box”



## The Jewish National Fund

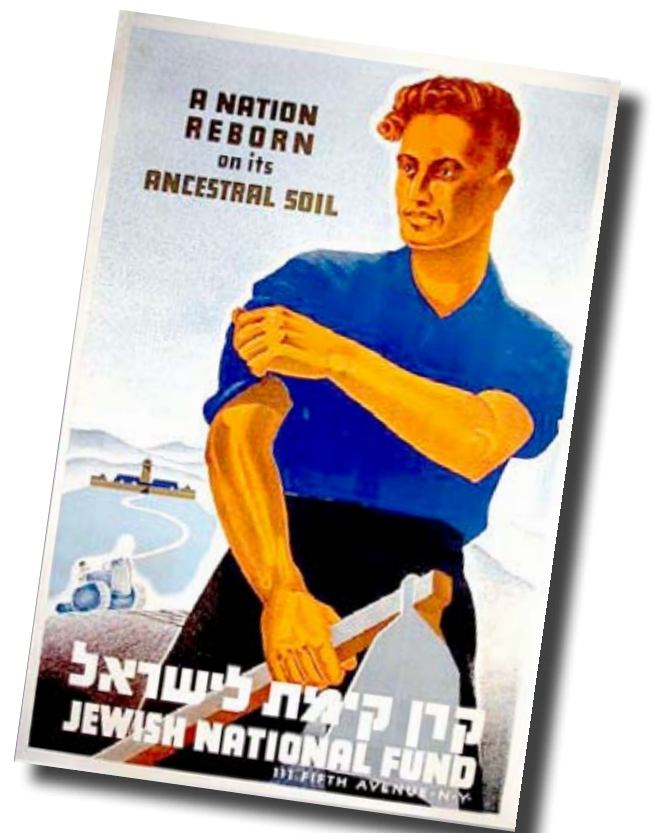
extraterritorial] ‘Jewish people’ concept as a concept of international law.”<sup>17</sup> The related legal battle led to the Superior Court of the District of Columbia forcing the U.S. Justice Department to register WZO/JA as foreign agents, instead of the tax-exempt charity status that they claimed to themselves.

Since 1791, with the recognition of Jews as French citizens equal to other citizens in all rights and obligations, emancipation became the norm across Europe and the wider world. Israeli para-state institutions imposing “Jewish nationality” and promoting corresponding obligations on citizens of some fifty other countries where those institutions operate may be seen as threatening to undo over three hundred years of progress in the struggle for equal status of the Jew as citizen in a democracy. The concept of “Jewish nationality,” or belonging to a “Jewish nation” (*le’om yahudi*) also gives credence to the old anti-Semitic charge that Jews are disloyal to the countries in which they live. In this light, the “Jewish race/nationality” concept makes Jews outside Israel vulnerable to reprisal and charged of alien status. Moreover, these breaches of international legal norms on nationality vitiate the rights of other sovereign states by inciting their Jewish citizens to emigrate and pledge allegiance to a foreign country (Israel) and extending an additional alien civil status to them by claiming them as subjects under the legal jurisdiction of Israel.

Also for Jews in Israel, the “national” institutions and corresponding legislation apply “Jewish nationality” to create irreconcilable distinctions in civil status with others living in the “Jewish state.” With unique privileges applying to “Jewish nationality” (*le’om yahudi*) that are denied to holders of mere Israeli “citizenship” (*ezrahut*), no one in Israel has the prospect of living in a state possessing the fundamental features of a democracy. A famous Israeli High Court case in 1971 affirmed that “there is no Israeli nation separate from the Jewish nation...composed not only of those residing in Israel but also of Diaspora Jewry.” The President of the Court Justice Shimon Agranat explained that acknowledging a uniform Israeli nationality “would negate the very foundation upon which the State of Israel was formed.” Thus, for a Jew to reside in Israel is to negate the essential values of the emancipationist tradition, regardless of one’s position on the colonization project.

### It Harms Palestinians

To interpret an Israeli law, or any Zionist document, it is necessary to know Zionist terms and their ideological meaning. While the «Jewish people» concept is essential to Zionist public law relations with Jews outside of the State of Israel, the *Israel Government Year-Book (1953–54)* recognized the “great constitutional importance” of the *Status Law (1952)*: Not only did Israel’s first prime minister submit it for legislation as “one of the foremost basic laws,” but also clarified that “this Law completes the Law of Return in determining the Zionist character of the State of Israel.”<sup>18</sup> The cornerstone of the discriminatory legal structure is the *Status Law (1952)*, supported by two Basic Laws: the *Law of Citizenship* and the *Law of Return*.



JNF poster from the 1950s - courtesy of the Palestine Poster Project



Israel's *Basic Law: Law of Return (1950)* effectively establishes a "nationality" right for Jews only. Under the Law of Return,<sup>19</sup> only Jews are allowed to come to areas controlled by the (civilian or military) Government of Israel to claim the «super-citizenship» status of "Jewish nationality" [*le'om yahudi*], while acquiring their new civil status in Israel through "return.» This notion of a «Jewish national» who «returns» for the first time from some other domicile country to Palestine is majestically ideological and wholly unique, even among other colonial-settler states.

The criteria for acquiring citizenship under Israel's "Citizenship Law," amending Section 3A in 1980,<sup>20</sup> disqualify the majority of Palestinian families who fled from their homes in the 1948 ethnic cleansing, effectively blocking their rightful status as citizens – and nationals – in their own country, where Israel is the *de facto* successor state. Thus, the title of the "Law of Return" is bitterly ironic, as it allows for the "return" of individuals who never lived in Israel before, and – supported by other legislation – prevents the actual return of people who had been residents in the land.

Already in January 1949, the new Government of Israel signed over one million dunams of Palestinian land acquired during the war to the parastatal JNF to be held in perpetuity for "the Jewish people." In October 1950, the state similarly transferred another 1.2 million dunams to the JNF. In 1951, a JNF spokesman explained how, necessarily, JNF "will redeem the lands and will turn them over to the Jewish people—to the *people* and not the *state*, which in the current composition of population cannot be an adequate guarantor of Jewish ownership."

In September 1953, the Israeli Custodian of Absentee Properties executed a contract with the Israeli Development Authority, transferring the "ownership" of all the Palestinian refugee lands under his control to the latter. The price (not value) of these properties was to be retained by the Development Authority as a loan. At the same time, the Custodian conveyed the ownership of the houses and commercial buildings in the cities to *Amidar*, a quasi-public Israeli company founded to place Jewish settler/immigrants.<sup>21</sup> Thus began a practice that forms and unbroken pattern of continuing dispossession to this day.

Three months before that 1953 transaction, the Jewish National Fund also executed a contract with the Development Authority, whereby the Authority sold 2,373,677 dunams of "state land" and lands held by the Authority to the Jewish National Fund. The JNF completed the deal just after the Authority concluded its transaction with the Custodian. As a result, this Palestinian property came under the possession of the JNF, which claimed to own over 90% of the total territories that fell under the control of the state of Israel. These properties are referred to as «national land,» a subtle but important distinction, meaning that it be limited to exclusive use by (Jewish) "nationals," whoever and wherever they may be, and foreclosed to the indigenous people, whoever and wherever they may be, including the actual private and collective owners.<sup>22</sup>

To understand how "Jewish nationality" operates in practice to discriminate against non-Jewish "citizens" of Israel, especially the indigenous Palestinian ones, one must appreciate that the Zionist para-state institutions that authored the concept and enshrined it in their charters, are also the same guardians of "Jewish nationality" privilege. This is particularly institutionalized in economic fields, most clearly activities involving land, housing, public services and development.

Israeli laws related to these fields of human activity, and even many aspects of commerce, give special policy and implementation status to the WZO/JNF and/or JA; that is, by applying those institutions' chartered principle of benefiting exclusively persons of "Jewish race or descendency." For Jews in Israel, the emancipationist dream of living free in a democratic society is shattered and, so far, unregenerate.

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## The Jewish National Fund

Many of the current stories of deprivation of the Palestinian people derive from the institutionalized application of this concept of “Jewish race/people/nationality.” The plight of the Palestinian refugees, the analogous case of the internally displaced persons since 1948, the continuum of land confiscation inside 1948-incorporated territories, the nonrecognition and poverty of the Naqab Bedouin villages and other contemporary human rights violations involve application of a superior “Jewish nationality” status at the expense of Israeli “citizens.” Worse affected are those other indigenous people who, as refugees, are unable to enter their country. The damages, costs and losses to the indigenous Palestinian people are material consequences of the Zionist ideological and institutional system by default as well as by design.

**A partial list of such laws that directly or indirectly apply the concept of “Jewish race/people/nationality” includes the following examples:**

- World Zionist Organization - Jewish Agency (Status) Law (1952);
- Peanut Production and Marketing Board Law (1959);
- Vegetable Production and Marketing Board Law (1959);
- Egg and Poultry Board (Production and Marketing) Law (1963);
- Fruit and Vegetables Products Boards (Production and Export) Law (1973);
- Fruit Board (Production and Marketing) Law (1973);
- Fruit Board (Production and Marketing)(Regulation of Planting Fruit Orchards) Regulations (1975);
- Flower Board (Export and Marketing) Law (1976).

**Laws in Israel that reserve land ownership/lease for the “Jewish people” include:**

- Basic Law: Israel Lands (1960);
- Israel Lands Law (1960);
- Absentees’ Property Law (1950) - Custodian of Absentees’ Property;
- Development Authority (Transfer of Property) Law (1950) - Development Authority;
- *Keren Kayemet Le-Israell*/Jewish National Fund Law (1953);
- Israel Land Administration Law (1960) - Israel Land Administration, Israel Land Council;
- Planning and Building Law (1965) - National Planning and Building Board;
- Agricultural Settlement (Restrictions on Use of Agricultural Land and Water) Law (1967).

### Conclusion

The emerging literature related to the question of “nationality” and “citizenship” in Israel generally acknowledges the distinction between the two types of civil status. However, that analysis does not always apply the normative framework of international public law and social justice, codified in human rights standards. Instead, the explanations are more likely prefaced with the assumptions of Zionist ideology, derived from longing to be separate, if not to be free.<sup>23</sup>

In the light of the ground-breaking work of post-Zionist historians, and the recent work of Ilan Pappé and Shlomo Sand, now may be the time to rediscover also the earlier generation of emancipationist, anti-Zionist commentators who addressed the hazards of “Jewish race/people/nationality” and the operations of their mother institutions generations before us. These Zionist concepts and their implementation afflict both people of Jewish faith and Palestinians victims everywhere. Implementing “Jewish nationality” extraterritorially also affects the rights of states and citizens in other countries where the Zionist para-state institutions operate. In that sense, at least, besides our sharing one species, we are all related.

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*Joseph Schechla is coordinator of the Habitat International Coalition’s Housing and Land Rights Network, based in Cairo, Egypt.*

*Endnotes: See online version at <http://www.badil.org/al-majdal>*

# Photo-Story: A Trip to *al-Qabu*

by Hazem Jamjoum



JNF bird signalling the entrance to a JNF park



Close up of map and legend. Palestinian remains are designated as "Archaeological Sites" marked by symbols of Roman pillar capitols on the map. The remains of the village of al-Qabu are described as "Ein Qobi" and "Khorbet Qobi," the picnic areas on the eastern part of the map.

Map at entrance to JNF "Begin Park" named after Menachem Begin and built on the ruins of the depopulated Palestinian villages of al-Qabu and Ras Abu Ammar





*From the remains of the depopulated Palestinian village of al-Qabu...*





... now a picnic area for Israelis and tourists.



## The Jewish National Fund

Map showing Qabu and Dheisha refugee camp- (Source: Google)

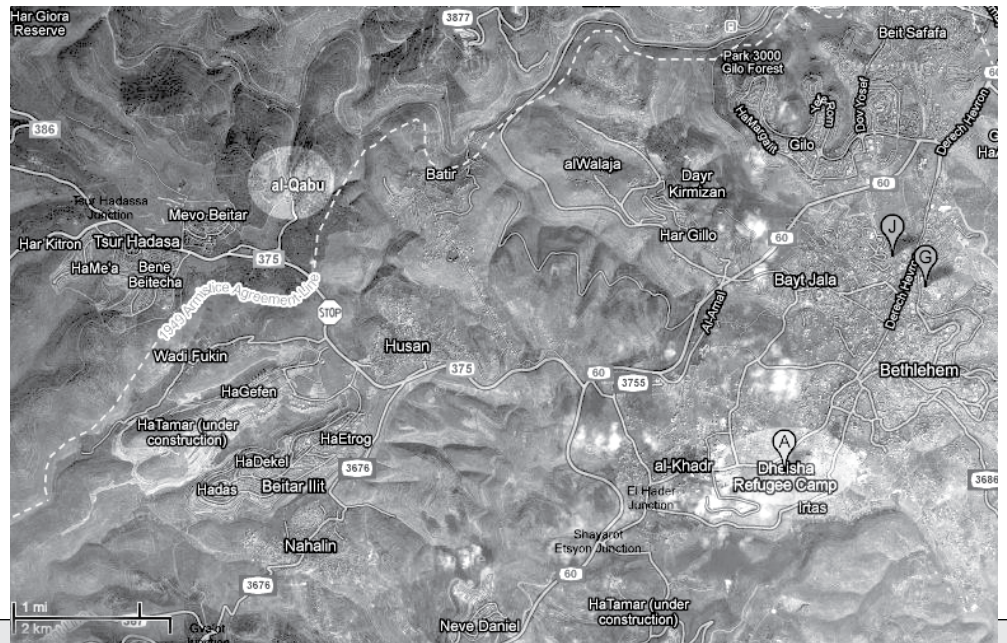
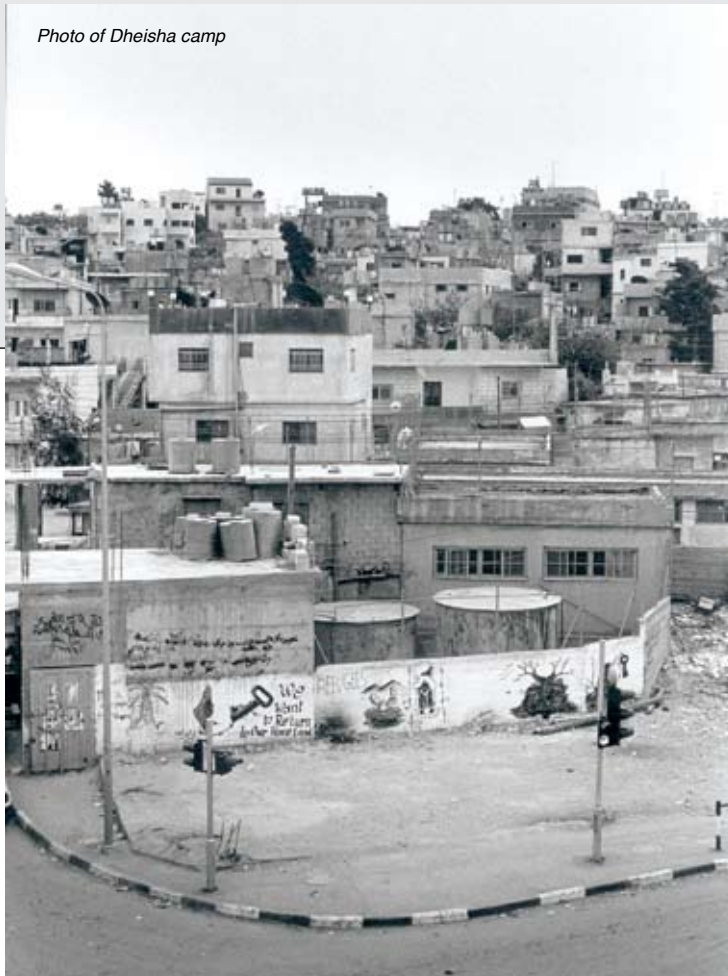


Photo of Dheisha camp



Many of the refugees expelled from al-Qabu live only minutes away in Dheisha refugee camp south of Bethlehem. The Husan military checkpoint is set up half way between the camp and the village preventing al-Qabu's refugees from even visiting their land.

## Imwas: Canada Park's Concealed Crime

*Interview with Ahmad Abughoush*



*Imwas before its destruction.  
Photo: palestineremembered.com.*

**T**he Palestinian village of Imwas, together with the villages of Yalu and Beit Nuba, were razed to the ground in the 1967 war. In the mid-1970s, the Jewish National Fund (JNF) used donations from its Canadian branch to establish Canada Park on the lands of the three villages. We spoke with Ahmad Abughoush, president of Lajnet Ahali Imwas (Imwas Society) about the plight of the village, the villagers, and their attempts to return home.

*What do you remember of your village, Imwas?*

I was almost fourteen when we were expelled from the village. Imwas had a middle school that took students to the ninth grade; I was in the seventh grade. As with most people, the topography of my hometown had a huge impact on my childhood. It was, and continues to be, as beautiful as a village could possibly be; lush green fields that stretched out to the sea towards the west, and the roaming hills of the West Bank and Jerusalem to the east. The village had more than twelve springs and seven wells spread out across the village lands. Almost half of the village was from the Abughoush family.

The location of the village in what is known as the “Latrun salient” has historically been very important, as it serves as the main entrance to Jerusalem for anyone coming from the coast. As such, the powers that have controlled Palestine have always paid special attention to controlling it, and the village has a very long history. It was the site of an important tax strike against the Romans – who called it Nicopolous (the city of victory) – and of the Imwas Plague that struck the Islamic armies stationed on the village lands at the time of the Islamic conquest. The two main leaders of that army, Abu Ubeida al-Jarrah and Muath Bin Jabal, died from that plague and are commemorated by two maqams (burial shrines) that are still standing, although that of Muath bin Jabal is in very bad condition and it may not be long before it crumbles. The village has a religious significance for Christians as it is said that Jesus appeared to two of his disciples and gave them pieces of bread, for this the village has a

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church, as well as a monastery that is still there. While the village went into decline during most of the Ottoman period, the Abughoush family was tasked with protecting christian pilgrims coming to Jerusalem, and so after a period of decline, the village economy was reinvigorated and it began to grow, a pattern which continued during the British Mandate.

The village had 55,000 dunams (almost 14,000 acres) of land. Fifty thousand dunams lay in the plain area just to the west of the built up part of the village – this was where most of the agricultural land was. In the 1948 ethnic cleansing, the Zionist forces took control of the plain, but were unable to get past the village that, because of its elevation, was quite easy for the few villagers with weapons and Jordanian troops stationed there to protect. Despite attempting six or seven times to capture the village, the Zionists' failure forced them to go further south to try to reach Jerusalem through Bab el-Wad and al-Qastal, which they ultimately succeeded in doing. However, even though we managed to stay in our village and save it from destruction, Israel and the two-kilometer wide militarized zone took all of the fifty-thousand dunams of agricultural land in the 1948 Nakba.

Having lost our main source of livelihood, some of the villagers were forced to look for work elsewhere. But many stayed and turned to education and craftsmanship as sources of income. Like I said before, the village was spectacularly beautiful; when they [the JNF] made it a scenic picnic area later, they didn't have to do much.

### *What do you remember of the 1967 war?*

The dislocation from our land since 1948 made our village a very culturally and politically vibrant place; after all, the village lands were right in front of us every time we looked westwards. Most of the villagers were outspoken supporters of the Arab unity project exemplified by the Egyptian President Jamal Abdel-Nasser. As such, many of the villagers volunteered to help the Jordanian troops stationed in the village. The day the war started, the Jordanian troops left the village, telling the volunteers that they were not withdrawing, rather they were going on a mission to support an Egyptian commando operation targeting the airport in al-Lydd. We later learned that this was not true, but either way, the Jordanians left behind a defenseless village. It also turned out that our village was a major military priority for the Israelis, both for its strategic location, and as revenge for holding out in 1948 and the Zionist casualties inflicted by the successful defense of our village.

On Tuesday, 6 June 1967, the second day of the war, Israeli troops surrounded the village and opened fire. When no one fired back they realized that the village was defenseless and entered the village from the north-west and south-west. For many of the villagers, the 1948 Nakba was a vivid memory. Those in southern parts of the village sought sanctuary in the monastery. Upon capturing the monastery, the Israelis



Map showing the location of the three destroyed villages in the Latrun salient.



imprisoned the young men in this group for two months. The Israelis forced those in the central part of the village to gather in the village square and those on the northwestern part of the village were gathered in an open field, both groups were then forced northwards towards Ramallah. There is a famous story that the soldier speaking to one of these groups said that “Everything from here to Jeddah is ours [Israel’s], and so everyone has to walk beyond that. Anyone who stops on the way will be shot!”

My family lived up the hill on the eastern end of the village, and we fled towards Yalu, but upon reaching that village we realized the Israeli army was already there and we could not enter. We ended up walking for sixteen hours to reach Ramallah, thirty-two kilometers away. Every time we tried to reach a road we’d find soldiers blocking our way. When we reached Ramallah, we entered the city which had been largely surrounded by Israeli troops who would occupy it a few days later. A week after our expulsion, we heard that we’d be allowed to return. My brother was one of the people who went to see if this was true. Alas, the army had set up a barricade and once people got close to the village, the army opened fire and shot at the returnees.

A few days after this incident, the army began to demolish of the houses of the village. Something that perhaps sets our village apart from other Palestinian villages that were destroyed is that there was an Israeli photographer [Joseph Onan] who took photos of the demolition. Also, a few families living on the outskirts of the village had managed to remain in their homes. At the time of the demolition, these families were expelled, and there are photos of their expulsion. Another thing we always remember is that in the village there were thirteen elderly people who could not walk and stayed, we never heard of them again. Hussein Shukri, a young man, also disappeared. He had a physical disability, and the monastery had arranged an electronic wheelchair for him, definitely one of the first of its kind in the country. I remember that he was a very active young man who was very athletic, and a skillful bird hunter. All the disappeared are thought to have been buried under the houses when they were demolished.

*Where are the Palestinians of Imwas today?*

As part of our work in the Imwas Society, we try to maintain contact with as many of the people from the village as possible. Our estimate is that of the 23,000 Imwas villagers alive today, 18,000 are in Jordan. There are another 1,500 in the West Bank, and most of those are in the Ramallah area – Betounia in particular – and others in the Jericho and Jerusalem areas.

*Were there any attempts to return to Imwas after 1967?*

Of course return is something we always want, demand, and struggle for; it’s also not limited to Imwas, two-thirds of Palestinians are people who are denied their right to return to their places of origin, and our struggle to return is inseparable from the broader struggle.

My father, Hassan Ahmad Abughoush, told me that after the expulsion in 1967, the Israeli military commander in the area asked to meet with representatives of the three destroyed villages: Imwas, Yalu and Beit Nuba. My father was the representative for Imwas, Mahmoud Ayyad represented Yalu, and I can’t remember the name of the Beit Nuba representative. The officer wanted to offer the villagers compensation for the villages and to arrange for them to be resettled in the area where Ofer military prison sits today. My father reportedly told him that “we won’t accept a dunum of land even in heaven in exchange for our village land. That is where we were expelled from and that is where we shall return. Furthermore, the army must rebuild the houses it destroyed.” The representatives also told the commander that if there was to be any compensation that would result in ending claims to the village and their lands, all the villagers would have to be consulted and not just a small group of representatives.

That was the last time we heard from Israel on the matter, and, on paper, Imwas has been a closed military zone since then – even though there is the JNF picnic area. Until 1991 it was possible to go and visit the site of the

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## The Jewish National Fund

village, which we did often, but since then it has been blocked, and we had to smuggle ourselves through the hills to get there, which we also did. Since the construction of the Wall, this has become virtually impossible.

I should also note here that our relationship with the monastery on the village lands has always been very strong. Before 1967, more than forty of the villagers were employed there, and recently the monastery has become a very strong financial supporter of the Imwas Society's work to support impoverished Imwas families. My father was one of the people that helped build the monastery, and when I visited there in 1988, the older monks sat me down to tell me nostalgic stories about him. Perhaps most important is that the monastery has publicly stated that they will donate the costs of rebuilding our village when we return.

*When did you first learn of the JNF and its role in covering up Israel's crime on your village?*

I was a student in Beirut from 1973 to 1976 and also active in the liberation movement. I returned to Palestine in 1976 and was soon arrested by the Israelis for being a member in a political organization. I was imprisoned for ten years and nine months until my release in 1988. In prison I learned about the JNF in my general studies about Zionism as part of my prisoner education. At first, I refused to learn Hebrew, but by 1982 realized the importance of being able to read that language. When I did learn it, I began to follow the Hebrew press, and learned a great deal more about the JNF that way.

It wasn't until my release in 1988 that I went to visit the site of the village and saw that our beloved Imwas had been transformed into a JNF picnic area then I realized the direct connection between the JNF and Imwas. Since then I have worked to raise awareness through the Imwas Society about the JNF's specific role in our situation.

*How was the Imwas Society founded and what has it done since then?*

The society was founded in 1978 while I was in prison. The founders were six or seven young men from the village who wanted to raise awareness about what happened to our village. I became active in the Society after my release. Since then we have also begun providing services and support to impoverished families from Imwas. In 1994, I was elected Vice President of the Society – the President was my old school principal. I am currently the Society's President.

In addition to being part of the general Palestinian struggle for return and against occupation, colonialism and apartheid, the specific work of the society at three levels: the international level, the official Palestinian level, and within the Imwas families. At the international level we work with journalists and international agencies to keep the issue of Imwas alive. While the story of Imwas is the same as that of over 530 Palestinian localities destroyed and depopulated by the Zionists, the fact that it suffered this fate in 1967 makes it, like the Jewish-only settlements in the West Bank, part of what the international community is more willing to recognize as a crime. We have also worked to find avenues to reach the Canadian public to let them know that this park was built in their name. A Canadian Broadcasting Corporation (CBC) documentary in 1991 made the case very well, and I think it is since then that the JNF has tried to market the park as the Ayalon Park instead of Canada Park, but both names are still in use. It is in this vein that we are very interested to support an international campaign to challenge the JNF.

With the Palestinian Authority, we have struggled to make clear that we will not accept any land swap or resettlement proposal. The late President Arafat authorized an "honorary" village municipal council for Imwas in 1998, but this never materialized. We have also tried to keep the issue alive in the Palestinian press. We have refused to go to Israeli courts to press for our rights because it is contradictory to appeal to an institution that is part and parcel of the racist regime that expelled us in the first place. We have also called for a boycott of visits to Canada Park, except for educational visits that educate participants on the history of the place and the plight of the villagers.



Sign in Canada Park on the land of Imwas, January 2009. (photo: Badil)

Most of our day-to-day work focuses on the families from Imwas, in particular keeping alive our struggle for return and passing it on to the younger generations. This includes Nakba commemorations which we organize in early June on the anniversary of our expulsion. The youth also work on dabka, poetry and other cultural activities that keep alive the memory of Imwas. We organize discussion panels periodically that cover a variety of topics relevant to our struggle. We also produce a yearly agenda/day-planner that includes pictures and information about the village.

We are constantly trying to incorporate new ideas in how we keep the issue alive and struggle for return. In 1995 we joined together

and physically defied the military order by entering the village and tending to the village cemetery. We're also constantly looking for photographs and documents relating to our village before and after we were uprooted. In April of 2009, we organized a trip of more than forty village children who were smuggled to the site of the village with a few of the elders. The children recorded their thoughts through prose and drawings. We learned a great deal from that trip and hope to organize more in the future, although Israeli restrictions make it increasingly difficult.

We are currently working on creating a two-meter by one-meter plaster reconstruction of the village in a project we are calling "Rebuilding Imwas from Memory." The idea is that children and elders can sit together and take a virtual walk through the village with the children asking questions that the elders can answer, and which together with photos and other descriptions can generate an idea of what the village was like for the youngsters. My niece, Deema Abughoush, has made a ten-minute film about the village called "My Palestine." She is also documenting the process of making the plaster reconstruction and the children's experiences.

*Are there any other thoughts you would like to share with our readers?*

Perhaps just to say that the JNF shouldn't be seen as an independent enemy of Palestinians in and of itself. The fact that the JNF has built this park on 1967 occupied land and is involved in settlement construction in the West Bank through its subsidiaries, in addition to all it has done since its inception, shows very clearly that this is an institution that is part and parcel of the overall Zionist movement. Attempts to challenge this institution should be conscious of the fact that it is just a manifestation and not a cause. This does not lessen from the importance of a campaign to challenge the institution, on the contrary, a proper understanding of where this institution lies in the overall Zionist movement can potentially provide a very solid understanding of that movement's colonial aims and methods. A well organized challenge to this institution can only benefit the overall struggle against apartheid and colonialism in Palestine.

## Insulting the Memory of an Anti-Apartheid Activist: The Jewish National Fund and Coretta Scott King

by Vivian Tabar



*Ain al-Zaytoun before its  
destruction - photo courtesy of  
palestineremembered.com*

In recent years, the Jewish National Fund (JNF) has announced its plans to rebuild a section of the Biryra forest, located in the Galilee, and to name it after the late Coretta Scott King, the renowned civil rights and anti-apartheid activist and wife of Martin Luther King Jr. The Coretta Scott King Forest is being built as part of ‘Operation Northern Renewal,’ a \$400 million JNF campaign that aims to rebuild its forests in the North that were destroyed during Israel’s brutal assault on Lebanon the summer of 2006. Approximately two million trees were reported to have been completely burned or damaged beyond repair by Hezbollah’s Katyusha rocket fire across Lebanon’s southern border. The initiative, a joint partnership with Afro-American churches in the United States, is designed to “strengthen ties between blacks and Jews.” According to a JNF press release, the forest will stand as a “tribute to Coretta Scott King and her message of peace and equality.”<sup>1</sup>

King was a well known activist who challenged the Jim Crow laws, a state sponsored segregation policy encompassing numerous laws that institutionalized U.S. racism, during the Civil Rights movement. Systematic discrimination in the U.S. was fashioned under the slogan of ‘separate but equal,’ but the situation was separate and unequal as Africans in the US were blatantly discriminated against in all aspects of life, to the point of being prohibited from using the same facilities as whites, like restaurants, phone booths, bathrooms, water fountains, transportation, just to name a few examples. These policies were enforced with brute violence by the state, police and white supremacists who would harass black families and often conduct brutal public lynching with impunity.

King continued the fight for justice, dignity and equality, advocating for workers, women and gay rights until her death in 2006. She is particularly remembered for her active opposition to Apartheid in South Africa, advocating for Boycotts, Divestment and Sanctions against the Apartheid regime until the racist policy was dismantled.

One cannot help but be disturbed by the bitter irony in this appropriation of the life and legacy of Coretta Scott King. How would she, a woman who opposed discrimination and apartheid, feel if she knew that her name was being used by an organization that deliberately discriminates against Palestinians simply because they are not Jewish? Or moreover, an organization that is not only a cornerstone in the Israeli apartheid system, but also an integral part of the Zionist colonization of Palestine, playing a key role in the ethnic cleansing of the land, from the organization's inception in 1901 until the present. The role of the JNF was to acquire lands in and around Palestine through moneys fundraised in Europe and North America. The lands held by the JNF were to be controlled and used by Jewish people only.

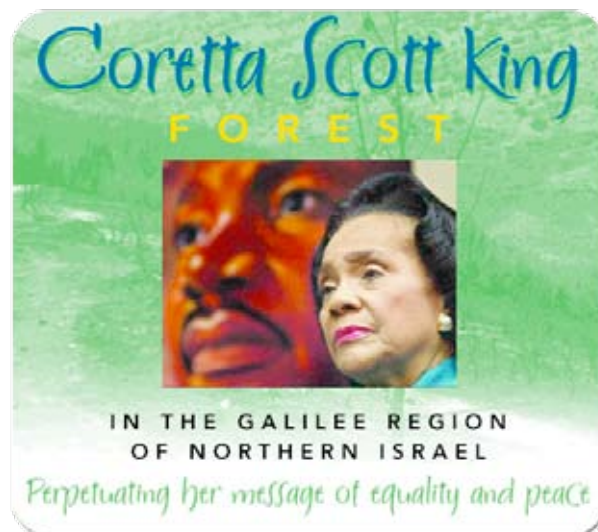
The acquisition of Palestinian land proved easier in theory than practice, as Palestinians became conscious of the goals of the Zionist movement, and which led to the boycott of Zionist businesses and institutions in the 1930s. The JNF resorted to finding wealthy Arab landowners who didn't live on the land and had no attachment to it, but who officially owned large tracts of property in Palestine and offering them large sums of money for the purchase. Despite this, the JNF and other Zionist land purchasers was unable to acquire any more than 7% of the land of Palestine by 1948.

After the 1948 Nakba in which over two-thirds of the Palestinian people were expelled and banned from returning to their homes and lands, the property of these refugees was confiscated and transferred to the newly founded state of Israel. A debate within the Zionist movement ensued on how to deal with the JNF's holdings between those who wanted to keep the JNF, and those who wanted to transfer lands controlled by it to the state. The winning argument was that by keeping the JNF, the Israeli state could maintain a façade of democracy, while allowing discrimination in land policy to continue by giving authority over land policy to the JNF. The JNF was handed fifteen percent of the lands of the displaced Palestinians' towns and villages, over which it built parks and forests to hide the evidence of Israel's ethnic cleansing of Palestine, and to provide the organization with a new public image as an environmentalist organization.

Considering itself the 'caretaker of the land of Israel for Jews in perpetuity,' the JNF prohibits the sale and lease of land to non-Jews in its constitution – in keeping with one of Zionism's underlying maxims, the racist notion of "land redemption" or, from the point of view of the land's rightful owners, ethnic cleansing. The JNF then develops land stolen from Palestinian refugees for the exclusive control of Jews only, whether they live in Israel, Canada, Europe, or elsewhere, while the rightful owners, Palestinian refugees and internally displaced persons, have no right to return or claim what is theirs simply because they are not Jewish. So it is that any one of the 1.2 million Palestinian citizens of Israel can enter and walk around a JNF park or forest and look at the remnants of their village, but cannot actually reclaim their land even if they have the key to the house and the title deed proving their ownership. As for the over 6 million Palestinian refugees, they cannot hope to even visit the land as Israel denies the entry, let alone return, of these refugees to their homeland.

After 1948, the Palestinians that were able to remain in 1948 occupied Palestine watched in horror as Palestinian villages were cleansed, razed to the ground, and

*JNF advertizement to raise funds for the Coretta Scott King Forest*



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## The Jewish National Fund

transformed into Jewish only settlements, kibbutzim and national forests. In a matter of years, Saffuriyya became Tzipuri, Sa'as'a turned into Sasa, abandoned mosques and churches were turned into bars and stables or left to rot, the old city of Jaffa was depopulated only to be called 'Yafo' and turned into an Israeli artist colony, all part of an intentional and systematic remapping of Palestine to erase its Arab-Palestinian past and replace it with the Zionist dream.

The JNF plays an essential role in erasing the history of Palestine. Today stand over 100 man-made JNF forests and parks, all built on the lands of destroyed Palestinian villages, land which belongs to the refugees. As the JNF so candidly admitted in a press release, "Israel was not blessed with natural forests. While northern Israel is covered with trees, they were all hand-planted 2-3 generations ago by the pioneers of the State."<sup>2</sup> By placing trees over the locations of where homes and entire villages once stood, the JNF is attempting to literally 'cover up' and erase any evidence of Palestinian existence and history on that land. These trees cover up sites where forced expulsion, massacres, and ethnic cleansing occurred.

Despite this role as a key institution in the implementation and maintenance of Israeli apartheid, the JNF acts as a multinational 'charitable' organization, meaning that in countries like Canada where the JNF has charitable status, a portion of any donation is returned to the donor in the form of a tax reduction. Its charity status is enabled by undergoing projects to 'plant trees' for 'ecological' reasons, thus misleadingly fashioning itself as an environmental organization in which people from around the world can donate money to plant trees, or have forests named after them, without necessarily knowing that they are now too partners in crimes of the JNF, as is now the case with the deceased Coretta Scott King.

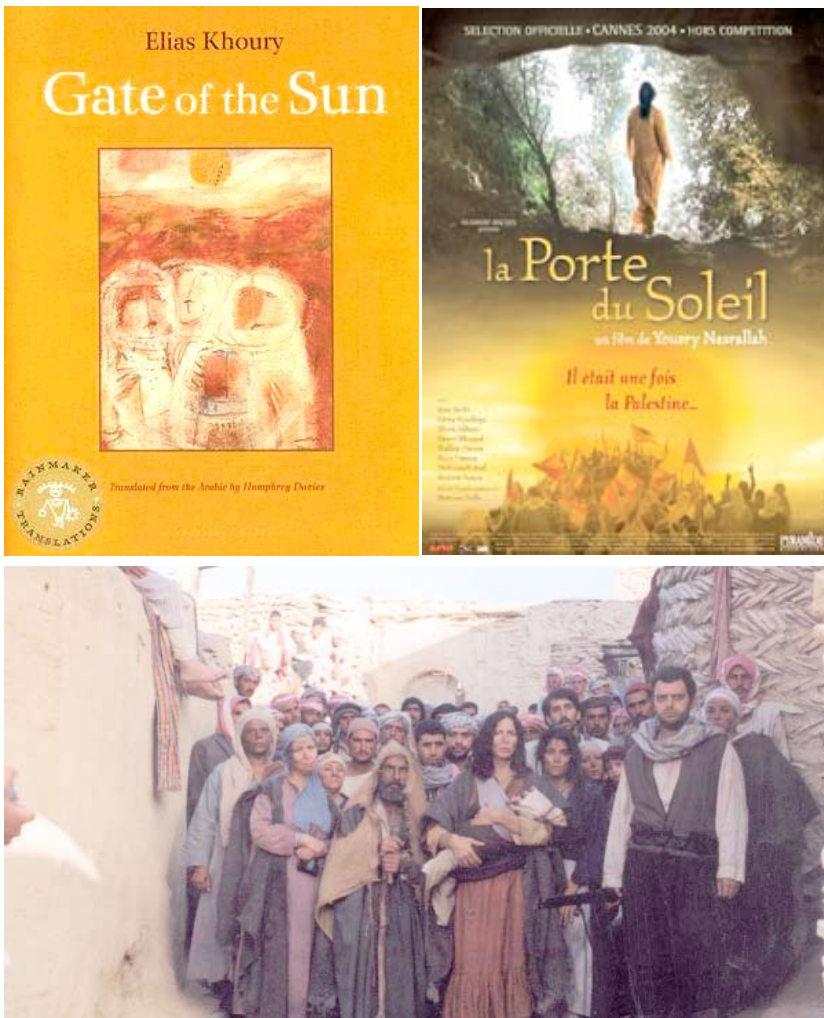
The Birya forest, now the Coretta Scott King forest, is no exception, and is indeed not exempt from this ugly process. Birya forest, one of Israel's largest man-made forests, is built over the ruins of six destroyed Palestinian villages located in the Safad region. The Palestinian villages of Dayshym, Alma, Qaddita, Birrya, Amqa and Ain al-Zaitoun are all covered by this forest. All of these villages were obliterated in the Nakba, and their inhabitants killed or expelled. Ain Al-Zaitoun was the site of a horrible massacre that claimed the lives of 70 people. Some might recognize the village of Ain al- Zaitoun, as it was the village massacre vividly recreated in the famous novel 'Bab el Shams' (Gate to the Sun) by Elias Khoury that was turned into a film by the same name.

There is something to be said for the violence in the JNF's forestation activity. Homes and villages are the confines in which some of the most sincere forms of humanity are expressed, the sites where people love, laugh, cry, eat dinner, mourn the death of loved ones, and celebrate holidays and new births. The JNF functions as a direct attack on the humanity of these lived experiences. A destroyed village is not just a destroyed village, but is the destruction of what remains of a life, a society, a community now in exile barred from returning. The act is part of an ethnic cleansing project that does not just seek to physically remove the indigenous people from the land, but also aims to completely rid and 'de-Arabize' the landscape of any trace of its indigenous people.

Now imagine the brutality of this violence from the perspective of an internally displaced Palestinian living in Israel, one of the quarter-million Palestinians who were forcibly displaced in 1948, but who managed to remain within the borders of what became Israel. This internally displaced person, who often only lives a few kilometers away from his or her village, is forced to face this land theft and colonial desecration on a daily basis. This is a form of violence that renders and excludes the native from the boundaries of familiarity, making the landscape unrecognizable so that they then become the foreigners, immigrants in their own land, trespassers sneaking

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## The Jewish National Fund



through the bushes just to get a glimpse at their old villages, or thieves picking oranges from the fruit trees planted by their parents and grandparents.

This violence is so potent that it is embedded within everyday life whereby seemingly innocent daily acts that are part of a normalized routine are criminal, implicated in the broader process of dispossession. For instance, a man jogging in a destroyed village that a refugee has no access to, or a mother playing with her child in a park built over a destroyed home are actions that remind and reinforce the dispossession of the Palestinian's self, family and community; the destruction of our life, memories and all that was normal, for the resettling of others. Your rights are compromised at the expense of others who are deemed more important than you, and are thus granted rights and privileges that you are not. As such the oppression of Palestinians becomes necessary so that the state can continue to provide its citizens the privilege of jogging without any moral disruption.

Coretta Scott King spent her life fighting against these practices of racism and apartheid. There is no doubt whatsoever that the renaming of the Birya forest in her honor is one of

*The massacre at Ain al-Zaytoun is thoroughly depicted in Elias Khoury's two-part novel /Bab el-Shams/ (Gate of the Sun), which was turned into a film directed by Yousry Nasrallah in 2004.*

the greatest dishonors and insults that can be inflicted upon her memory. While the JNF would have replanted the trees of this forest regardless of its name, it is one more disgrace added to those of the Zionist movement to associate this Black freedom fighters name with the ethnic cleansing of Dayshym, Alma, Qaddita, Birryya, Amqa and Ain al-Zaitoun, the massacred martyrs of Ain al-Zaytoun, and Israel's apartheid regime.

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*\* A native of Nazareth, Vivian Tabar is an author and activist living in Montreal. This article was originally published in Al-Wattan (Toronto), Issue24, October 2007*

*Endnotes: See online version at <http://www.badil.org/al-majdal>*

## Situating the JNF in Israel's Land Laws

by Alaa Mahajneh

*Internally displaced from Safurriya, Abu 'Arab holds up a pre-1948 photo of his town with the JNF forest that has replaced it in the background - photo Badil 2003*



### Historical Overview

One of the most prominent results of the Nakba, which befell the Palestinian people in 1948, is the drastic change that occurred in respect to the control of land in Palestine. The military occupation of territory on one hand, and the expulsion and forced displacement of hundreds of thousands of Palestinians from their land on the other, led to effective Israeli control over the majority of the land in the newly established state. While the amount of land under Jewish ownership during the period of the British Mandate was no more than 3.5 million dunums, Israel had taken control of about 20 million dunums by the end of the 1948 war. As soon as the land was taken by force, Israel began working on bridging the gap between effective control and legal title to these lands, title which still held by the displaced Palestinians.

To a large extent, Israeli land laws and policies have served the aim of achieving consistency between control and ownership of the occupied Palestinian land. In other words, Israel has undertaken measures which amount to the acquisition of territory by force which is strictly prohibited under international law, and both its legislative and judicial system have played a central role in this context. Although legislation of land laws peaked in the early years of the state, especially the 50s and 60s, it still continues to this day. This is evidenced in the drafting of new laws and reform of existing land laws, including recent changes effected by the 2009 *Israel Lands Authority Law* and the 2010 amendment of the *Land Acquisition Law* which are discussed below.



The Keren Kayemet L'Yisrael (KKL), or Jewish Nation Fund (JNF), has been the state's natural partner in transforming the land of displaced Palestinians into lands "legally owned" by the state and Zionist para-state organizations. Ever since its incorporation as a company in Britain in 1907, the JNF has worked to acquire land in Palestine for Jewish settlement in accordance with its founding principles (article 3a of its Memorandum of Association). The result of this partnership is the Israeli land regime as it exists today.

### **The JNF in Light of Israeli Law – Special Status**

The 1952 *World Zionist Organization - Jewish Agency (Status) Law* and the 1953 *Jewish National Fund Law* were passed by the Knesset for the purpose of establishing a special legal status and role for the JNF in development of Israel's land regime and policy. These laws incorporated the JNF as an Israeli institution and set out its privileges in design and administration of public land in Israel. Soon after the passage of these laws, the state transferred large tracts of displaced Palestinians' land to the JNF. These lands had been confiscated under the 1950 *Absentee Properties Law* and the 1953 *Acquisition of Land (Validation of Acts and Compensation) Law*. These two laws authorized transfer of expropriated land to the "ownership" of Jewish "national institutions," such as the JNF, via the Development Authority established for this purpose.

Up until 1948, the JNF owned approximately 600,000 dunums of land. After the establishment of the state, and as a result of the transfer of huge amounts of particularly agricultural land, JNF land holdings rose to approximately 2.5 million dunums (13%) of land within Israel's pre-1967 borders. This means that at least seventy percent of the land held by the JNF is land confiscated from Palestinian refugees and citizens (IDPs and/or so-called present absentees).

In addition to the special status of a private institution with public powers under the 1952 and 1953 laws, the JNF's most important achievements came in 1960-1961, when Israel's land regime was formalized through legislation of the *Basic Law: Israel Lands*, the *Israel Land Law* and the *Israel Lands Administration Law*. The Israel Land Administration (later on renamed Israel Land Authority) was established on the basis of these laws and controls the vast majority of the land in Israel today.

Based on the above, the ILA administered JNF "owned" lands (13% of the land within the green line) and committed to managing them in accordance with the JNF's statutory objective, namely the settlement of Jews on these lands. Although most of these lands were confiscated from, and still rightfully belong to, displaced Palestinians, the terms of the law exclude anyone who is not Jewish from benefiting from such land.

Under Israeli law, the ILA is a public institution. It controls approximately 93% of the land in Israel (approximately 19.5 million dunums, including land owned by the state, the Development Authority (13%) and the JNF (13%). The *Basic Law: Israel Lands* defines this land as "Israel Lands" held in perpetuity for the benefit of the Jewish people.

Along these lines, Israeli law prohibits the transfer of "Israel Lands" through sale or any other way. This prohibition is in line with the JNF statute, which also defines its lands as public, i.e. Jewish "national," and not private property. Accordingly, the ILA leases land on long term contracts. Up until its 2009 amendment, the *Israel Lands Authority Law* gave the JNF 50% representation in the ILA administration. This allowed the JNF to become a key player in the process of decision-making and policy setting pertaining to all land administered by the ILA, and not only the portion it "owned" directly.



*JNF planted trees in the "South Africa Park" surround the remains of Palestinian houses in the depopulated village of Luby, 2004 (photo: Mahmoud Issa)*

**JNF in the new Israeli land law-  
Maintaining its special status**

Recent legislation of the 2009 *Israel Lands Authority Law* and the amendment of the 2010 *Land Acquisition Law* introduced changes of the land tenure system in Israel which were met with domestic political opposition. These changes, however, have not weakened the status and role of the JNF, but quite the contrary. In many ways, Israel's land policy has not changed despite the passage of many years since the establishment of the state, and irrespective of the reality already created by this policy since the 1950s. The impact of recent legislation on the JNF can be summarized as follows:

First: under the new laws, the JNF will continue to hold large representation in the Israel Lands Authority with 6 of 13 members. This means that the JNF will continue to play a key role in the development of policies and programs pertaining to 93% of the land of Israel.

Second: in order to facilitate "development" through the privatization of lands owned by the JNF in urban areas, the state and the JNF will exchange lands. The state will receive JNF land in urban areas which it can then privatize, while the JNF will receive 50-60,000 dunums of land in the Galilee and the Naqab (Negev), both areas with a substantial Palestinian population.

As in the past, the JNF agrees that the new Israel Land Authority will manage its lands, whereas the latter is committed to doing so in line with "the principles of the JNF in regards to its lands" (article 2). In addition, the JNF has committed to contribute 100 million NIS to further development of the Naqab from its own sources.

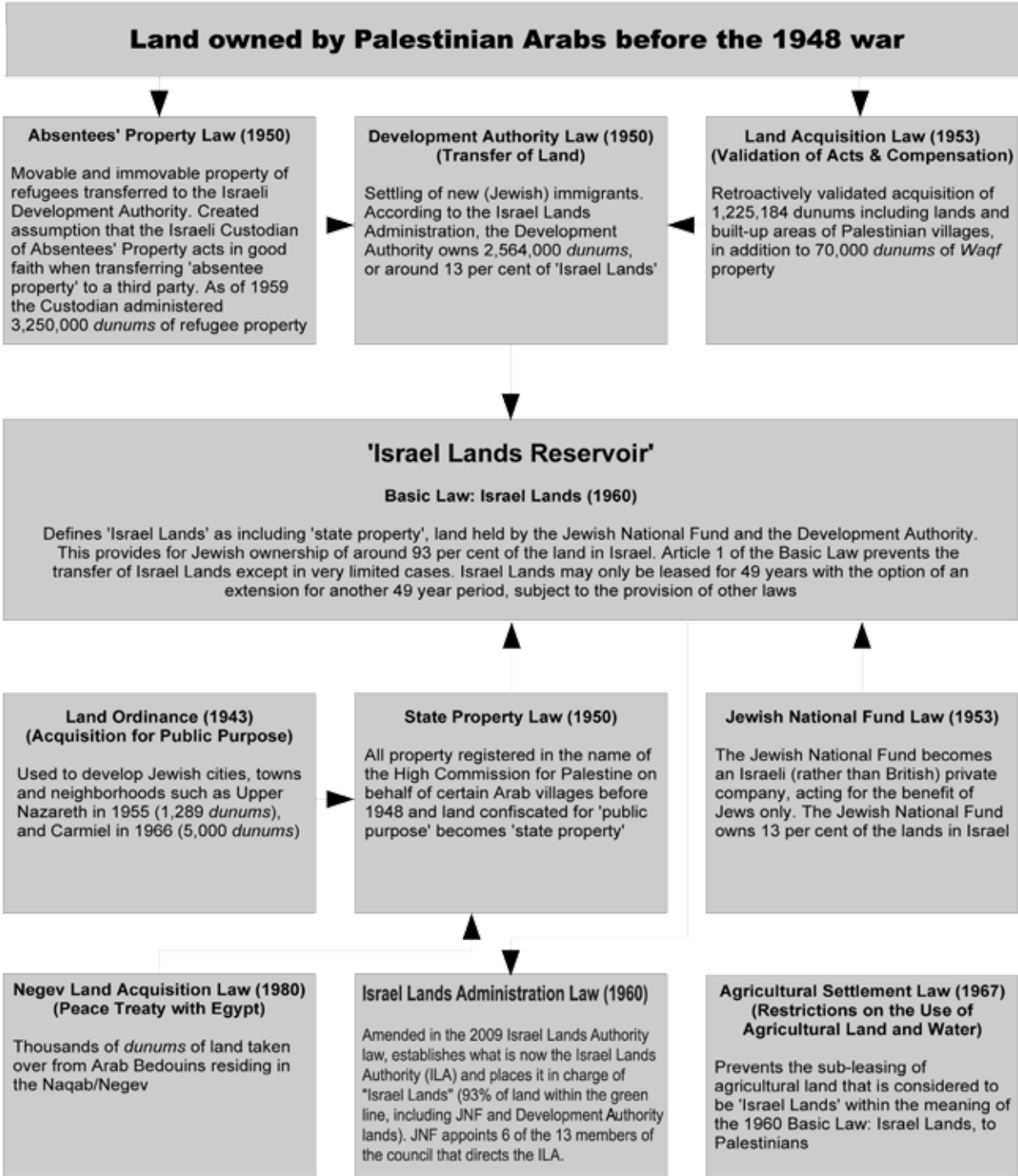
The new laws are yet another attempt to bypass legal oversight and to legislate against the right to equality in regards to land. The JNF's statute excludes non-Jews from benefiting from its land. Thus any transfer of public land to the JNF as provided under the law will prevent equal access to land. In other words, the state will be able to "Judaize" more land and discriminate against its non-Jewish citizens in the Naqab and the Galilee by transferring these lands to the JNF.

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*\*Alaa Mahajneh is a Palestinian lawyer working with Adalah: The Legal Center for Arab Minority Rights in Israel.*

# 'Redeeming the National (Jewish) Fund'

by Usama Halabi



This land regime has resulted in a situation where Palestinians who comprise 18 per cent of the population of Israel own 3 per cent of the land; tens of 'unrecognized (Arab) villages'; and at least 220,000 internally displaced Palestinians. Since 1948 the government has not established a single new Palestinian town on land held in the 'Israel Lands Reservoir'. *Source:* Usama Halabi (LL.M).

## The Role of the Jewish National Fund in Impeding Land Rights for the Indigenous Bedouin Population in the Naqab

by Yeela Raanan

JNF protest at the Lehavim-Rahat junction in October 2009  
(photo courtesy of RCUV)



I grew up Jewish in the Naqab (Hebraized as Negev). As a child I enjoyed picnics in the Yattir forest, located in the northern Naqab. I asked how it could be that the man-made forest of Yattir is thriving, yet there were no natural forests in the surrounding area. I was told that it was because of the black goats of the Bedouin. They ate all the vegetation, making the land a desert. I was told that the government of Israel was extremely smart, and a way of preventing the Bedouin from destroying the land is by requesting that the Jewish National Fund (JNF) plant forests. The rest would be simple: the Green Patrol surveys the forests and makes sure there are no Bedouin and no black goats in the forests.

It was thus that I was introduced to the connection between the Naqab, forests, Jewish-Israelis, the JNF, Bedouin and black goats early on in my life: the Jewish-Israelis are the good-guys, and are lucky to have the JNF to plant forests and stop the bad-guy Bedouin from allowing their black goats turn the land into desert. The Green Patrol was there to make sure that the good-guys win.

This is a short essay describing in broad terms the relationships between the JNF and the Palestinian Bedouin of the Naqab. As the JNF's "Blueprint Negev" project develops, there will be an increasing need to for further investigation based on documentary research on the intricate relationships between the Government of Israel and the JNF regarding land in the Naqab.

### **The Bedouin of the Naqab**

Numbering over 90,000 in 1947, the Palestinians of the Naqab owned and controlled 99% of the Naqab lands and constituted 99% of the population. Much of the land that had belonged to the tribe in the far past had been divided up among the extended families for agriculture: fields and orchards (in the dry river beds), and for family compounds. Further, the land was inherited by the sons, as it is to this day. The Ottoman, and after them the British Mandate, authorities requested that the land owners register their land holdings. The Bedouin of the Naqab had no reason to comply: it could be used against them as a mechanism for levying tax. Further, they had their own legal system that regulated land ownership, and had no need for the interference of a colonial power. Also, as opposed to other people under colonial rule, they had the ability to evade land registry and taxation due to their ability to leave the compound or move camp. The land that remained under tribal ownership was shared by all for pasture.

By 1951, after the waves of mass forced displacement (the Nakba), only 11,000 of the Palestinians of the Naqab remained within the borders of the new state of Israel. The others fled or were driven away. The remaining community was concentrated into a reservation-style area named the “Mantiqat al-Siyag” (the fence area), in the north-east of the Naqab, an area that accounts for just over 10% of the former land used by the Bedouin. The best lands in the western Naqab were immediately settled by Jews. With the help of water pumped in from elsewhere, this area has become the major source of grain in Israel. The process of concentration of the Bedouin community and land confiscation continues today, and is intensified by the ease with which the government of Israel refused to recognize customary and communal ownership of land most common in the Naqab, and using this in order to forcefully transfer all the Naqab lands to state ownership, for eventual use by Jews.

It is important to note that the confiscation of land, coupled with a complete disregard to creating other forms of income, has brought the Palestinian Bedouin community to dire poverty. Today, at least fifty percent of Bedouin families live below the poverty line.

### **The JNF and Land**

The Jewish National Fund was created in the early years of the Zionist movement, more than a century ago, as a mechanism to collect money and use it in the acquisition of land on which to build the Jewish state. The JNF’s constitution stipulates that once the land was acquired, it may not be sold to any person or body that is not Jewish. The lands purchased by the JNF before 1948, on the path to the creation of a Jewish state, were not transferred to this state once it was created. Further, the state of Israel from the start had allowed the JNF a major role in the management and ownership of all lands of the state, and this is the case until today.

The JNF has members on the board of directors of the Israeli Land Authority (ILA), the body governing state owned land. The problem is obvious: the JNF is a body that theoretically belongs to the Jewish people in their entirety, and most of the Jewish people are not citizens of Israel. Furthermore, the state of Israel has made the JNF one of the most powerful institutions in the regime over land within the state, but twenty percent of the state’s citizens, the Palestinians, are not Jewish. These Palestinians face a situation where the lands that belong to their country are governed in the name of a people, many of whom are not Israelis, whose purported interests are in taking away the ability of the Palestinian minority to keep control of their land. This is in addition to the fact that most of the land controlled by the JNF and the state of Israel was unjustly taken away from the majority of Palestinians to begin with, those who were expelled in the 1948 Nakba.

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## **The Jewish National Fund**

The JNF has maintained a positive reputation within the Jewish community, both in Israel and abroad. With this reputation, and armed with charitable status that provides tax deductions to its patrons, the JNF continues to collect donations from the wealthy Jewish community in the U.S. and elsewhere. This, coupled with its privileged status within Israel's regime over land, has made the JNF one of the most powerful arms of the Zionist movement in legally hindering the Palestinians' access to rights associated with use and ownership of land.

### **The Ongoing Struggle over Land: the Bedouin, the State of Israel and the JNF**

The government of Israel is utilizing the JNF to inhibit use of the Naqab lands by the Bedouin in two major ways: first by transferring land to the ownership of the JNF, thus limiting the ability of the Palestinians in the Naqab from ever having access to this land, and second by planting JNF forests on Palestinian land in the Naqab.

In July 2009, the State of Israel signed a "Land Swap Agreement" which transfers 50-60,000 dunams of what it calls "available and unplanned" land in the Naqab and in the Galilee to the JNF in exchange for JNF-owned land, mainly in the cities.<sup>1</sup> Despite civil society requests to receive information regarding the location of the land that the JNF will receive in this deal, the JNF has not disclosed this information. In effect, the vast tracts of land that it will take control of will be transformed into lands that are inaccessible to the indigenous people of the area. Furthermore, while this process violates all sorts of human rights, it has been covered in a cloak of legality through legislation passed by the Knesset.

The government of Israel views much of the Palestinian Bedouin lands as its own. If any of these lands are transferred to the JNF, this would be one further step separating the rightful owners from their land. Further, there are several Palestinian villages on lands that may have been transferred to the JNF as part of the land swap. If the lands transferred to the JNF indeed do include such villages, then the JNF is obligated by its own laws to displace these villagers. In all cases, this amounts to an abominable use of power by the government of Israel to deny the rights of the indigenous people of the Naqab. Even assuming the lands being transferred to the JNF are not included in either of these categories, then the JNF will "develop" the land, establishing new exclusively Jewish settlements, and in effect denying any Palestinians the ability to purchase homes or lands within these new settlements, as it has done time and again in other parts of the country.

### **Forestation by the JNF**

After the establishment of the state, the main function of the JNF as the procurer of lands had largely been fulfilled. The JNF repackaged the way it represented its function as that of an environmental organization collecting money for the planting of trees and other "green" services. The JNF became associated with forestation. Jewish community organizations displayed their "blue box," into which children and other community members would put coins to plant forests in Israel. This became one of the basic acts of education to mobilize support for Zionism and the love for Israel.

The aforementioned Yattir forest is the largest forest planted by the JNF. One of the interests in planting it has been to create a mechanism through which Palestinians are prohibited from use of their lands. Therefore, while forestation can be seen as a positive act, the cynical use of forestation to eradicate any possibility of returning the land to its original Palestinian owners is an act of political violence, using brute force to squelch the Palestinians' rights. Over the past few years the practice of planting forests in the Naqab in order to create a *fait accompli* regarding land ownership claims has intensified. The three (unrecognized) Palestinian-Bedouin villages most affected by this are Twail Abu Jarwal, Al-Araqib, and Karkur.

These three villages are just outside the edge of the former Bedouin reservation, the Siyag, in the north eastern part of the Naqab. The residents of these villages were forcefully removed in the early 1950s to allow «army maneuvers» with the promise that they would be allowed to return six months later. They were not allowed to return, and the land has mostly remained vacant, with a continued small presence of the Bedouin families in their original villages.

The residents of the village of Twail Abu-Jarwal, the Talalqa tribe, were displaced from their land to one of the recognized *Rikazim* (concentration towns): Hura. They were re-located again in the 1970s to Laqia, another of the concentration towns. When Laqia, a governmentally planned town for the displaced Bedouin, was planned, people from the Talalqa tribe bought options for plots on which to build a house in the village. This was in the 1970s, and until today they are holding on to the deeds, but have not received any plots. Even the land they have lived on since the 1970s belongs<sup>2</sup> to another Bedouin family. Therefore they have had to build more rooms on the same tiny plot, and with an average of nine children per family, this has created horrific living conditions. As this is an “unrecognized” neighborhood of Laqia, there is no sewer system, no trash removal, no roads, and the homes are all built of corrugated iron. Their original village of Twail Abu Jarwal is only three miles away.

Ten years ago scores of families decided to join the few families that had been residing on the land of the original village. The government of Israel responded mercilessly: the rebuilt village has been razed to the ground in its entirety more than thirty times in the past few years. To make the resurrection of the village more difficult, the JNF is planting a forest on the village lands. The people of Twail Abu-Jarwal received threats from the police in early March 2010 that more severe force will be used to evacuate them for once and for good. The government is offering no other option for the location of the Talalqa tribe, except the (also unrecognized, and therefore “illegal”) slum location on the outskirts of Laqia.

The residents of the villages of Al-Araqib and Karukur were displaced from their land and relocated, many to the largest of the concentration towns, Rahat. To date, these townships are the only “legal” place for Palestinian Bedouin to live. The state of Israel thereby ensures that the largest number of Palestinians live on the smallest

pieces of land. The urbanization and concentration of Palestinian Bedouin has destroyed much of the social fabric and economy of the Bedouin community whose way of life was created in the vast spaces of the desert, traditional knowledge and resources cannot be utilized to make a living in the townships.

Thus the Bedouin concentration towns have become pockets of urban poverty – with all the associated social illnesses. Sheik Sayah’s land lies less than two miles from his home in Rahat. After a couple of decades in the miserable conditions of the township he returned to his land where he and his children could live together and work their lands. The government’s response has been harsh: his fields have been destroyed by the government time and again, at times through aerial spraying

*Nuri el-Uqbi, by an acacia tree planted by the JNF on his ancestral land in the village of El-Araqib. According to the JNF these prickly trees are for enjoyment and recreation (Photo courtesy of RCUV)*



## The Jewish National Fund

*Police and government officials placing home demolitions orders on homes and tents in the unrecognized village of Twail Abu-Jarwal. In the background young trees are already being planted by the JNF to replace the people (Photo courtesy of RCUV)*



of the toxic chemical “roundup” (until this practice was eventually prohibited by the Supreme Court after a fierce legal battle waged by Adalah and other civil society organizations).

Most of the El-Ukbi tribe were forced off their traditional lands in Al-Araqib and on to other Bedouin lands within the Siyag. They live today in the unrecognized village of Al-Qrein. The entire village has received home demolition orders, despite the fact that Israeli authorities allowed this village to be set up in order to resettle the displaced Palestinians of al-Araqib. They may not return to their original lands of Al-Araqib, on which the JNF plans to plant a forest, nor can they remain in their current location, al-Qrein, because that area is also slated to become a JNF forest.

These are different stories, but in all three villages the government has requested that the JNF plant forests in order to make sure that the villages will never be resurrected, and that the Bedouin land owners will not be able to have state-recognition of their ownership restored in court or through the political system.

On 3 March 2010, Dov Hanin, a Member of the Knesset for the Hadash party, asked the Minister of Agriculture why the JNF is planting trees in the area of Al-Araqib when the land is not designated as forest land, but rather for agriculture. Minister Shalom Simhon’s answer was that for now, even though it is not legally designated as such, the authorities have decided to plant a forest because wherever a forest has been planted, the national lands are protected. The protection of national lands is a code phrase for keeping Palestinians off the land. This answer exposes the essence of tree planting in the Naqab: the continued ethnic cleansing of Palestinians from their land. The JNF and the state of Israel work hand in glove to continue ensure that this process continues.

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*Endnotes: See online version at <http://www.badil.org/al-majdal>*



## Metropolitan Aspects of Zionist Organization

by Dan Freeman-Maloy



North American and European donors to the JNF's HaHamisha Park on the land of Qatanna and Abu Ghosh are prominently displayed at the park entrance

The Zionist project has, from its inception, been a cross-continental enterprise. Early Zionist settlement and proto-state formation, the seizure of Palestine in 1948 by the force of arms, and the consolidation of this conquest were all carried out with the crucial participation of important sectors in Europe and North America. This article reviews the historical development of two central Zionist para-state institutions – the Jewish Agency and, in accord with the focus of this volume, the Jewish National Fund (JNF) – within this broader context of metropolitan sponsorship of Zionist settler colonialism. It begins by outlining the emergence and initial development of these institutions during the periods of Ottoman and British Mandatory rule of Palestine. It then recalls their involvement in the violent transformation of Palestine during the late 1940s and the subsequent consolidation of Israeli statehood. Finally, it describes the evolving function of these para-state organizations into the era of Israeli statehood, particularly as regards the connection between Western constituencies and the Israeli state system.

### *From Ownership to Eviction*

Both the JNF and the Jewish Agency emerged within the framework of the World Zionist Organization (WZO), established in 1897. The JNF, an early initiative of the WZO, was established in 1901 by decision of the fifth Zionist Congress. It was designed to operate as a landholding instrument geared towards the permanent acquisition of territory for Jewish use and settlement. It was among a number of WZO initiatives during this period oriented in significant part towards land acquisition in Palestine, others including the Jewish Colonial Trust, its subsidiary Anglo-Palestine Company (later to become Bank Leumi), and the Palestine Land Development Corporation.<sup>1</sup>

## The Jewish National Fund

Palestine, under Ottoman jurisdiction until the First World War, had been marked since the mid-19<sup>th</sup> century by the gradual concentration of landholding (largely under the impact of the “modernizing” reforms implemented by cash-strapped Ottoman authorities). Under these circumstances, the landholding model pursued by the WZO, and by the JNF in particular, was immediately threatening. For the *fellahin* who comprised the bulk of the Palestinian population, the practical differences between status as peasant proprietors or as tenant farmers were often limited, and nominal changes in land ownership were in many cases accepted with relative indifference. But in contrast to most regional owners, the JNF sought not merely legal title of lands but the eviction of inhabitants to clear the way for Jewish settlement. This exclusionary approach exacted a significant toll well before 1948.<sup>2</sup>

Under Ottoman rule, neither the WZO nor the JNF had especially favored status. Their international fundraising efforts – carried out by Zionist federations in Europe and North America, through such JNF activities as “Blue Box” collections, by courting private investors, etc. – offered them some leverage, as did their relations with West European powers. But this leverage was relatively limited. As a result, it was not until after the first World War that the Zionist movement built appreciable strength in Palestine.

### *Britain’s “appropriate Jewish agency” and its American sponsors*

Whatever the motivations of its planners, the British government’s decision to position itself as a key post-WWI sponsor of the Zionist movement owed little to the movement’s (quite meager) capacities. Yet it certainly had the effect of bolstering them. The Balfour declaration was issued in 1917 (British forces soon thereafter occupied Palestine), its terms were incorporated into the League of Nations Mandate (finalized in 1922), and a framework for British rule of Palestine was established that persisted until 1948. It was in this setting that the Jewish Agency emerged.

The WZO had been eager to leverage British imperial policy to strengthen its organizational system. In 1917, its leadership proposed that a British commitment to support “the establishment of a Jewish National Colonizing Corporation” be incorporated directly into foreign secretary Lord Balfour’s declaration on Palestine.<sup>3</sup> Although no such phrase was included, the final text of the League of Nations Palestine Mandate included not only Balfour’s statement advocating “establishment in

*The JNF contributes to efforts to bring Jewish youth from North America and elsewhere to mobilize these communities behind the Zionist project, Jaffa 2010 (photo: Badil)*



Palestine of a national home for the Jewish people,” but also recognition of a public instrument to carry out this task. Specifically, Article IV of the Mandate provided for the establishment of “[a]n appropriate Jewish agency,” and indicated that “[t]he Zionist organization, so long as its organization and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency.”<sup>4</sup> It was under this designation (as the Jewish Agency) that the WZO enjoyed formal juridical standing within the Mandatory regime. The JNF retained a distinct presence within the developing WZO/Jewish Agency structure.

As its new official status was setting in, the WZO restructured its fundraising institutions to capitalize on this induced momentum. A new organization was established, the Keren Hayesod (Foundation Fund), to function – in the words of one guiding resolution – “as the central fund of the Zionist Organization under the control of the Zionist Congress.”<sup>5</sup> In the United States, where fundraising would prove most significant, the Keren Hayesod operated as the anchor of a United Palestine Appeal (UPA) campaign. UPA funds were then channeled to the Jewish Agency, or to particular projects determined by its leadership, via the Keren Hayesod. In an effort to consolidate fundraising efforts, the UPA would also ultimately encompass such smaller Zionist funding-drives as those conducted by the women’s Zionist organization Hadassah, the religious Zionist movement “Mizrachi,” and the Histadrut. As for the JNF, a ceiling was placed on its traditional fundraising activities; these limits were imposed with the understanding that a portion (initially 20 per cent) of UPA revenue would be allocated for JNF use.<sup>6</sup>

Keren Hayesod loan agreements for settler enterprises included such specifications as “hire Jewish workmen only,” and the JNF – leasing land exclusively to Jews in accord with its Memorandum of Association – was likewise an automatic ally in the “conquest of labor” push which came to define Zionist politics in Palestine.<sup>7</sup>

From Marj Ibn ‘Amir (the Jezreel Valley) in the early 1920s to Wadi al-Hawarith (Emek Hefer) a decade later, the JNF acquired land from absentee owners and then evicted its Palestinian cultivators. The JNF worked to generate not only financial support, but also organized international political association with this “land redemption” process.

Yet, although consequential in their own right, policies of purchase, enclosure and settlement were insufficient means for expansive colonization. The following statement by Menachem Ussishkin, head of the JNF directorate for most of the interwar period, expresses JNF policy towards purchased land: “If there are other inhabitants there, they must be transferred to some other place. We must take over the land. We have a greater and nobler ideal than preserving several hundred thousands of *fellahin*.”<sup>8</sup> But it also spoke to broader Zionist strategy. By the end of the Mandate, less than 7 per cent of land in Palestine was under any form of Jewish ownership, less than 4 per cent by the JNF.<sup>9</sup> If Palestinians were to be “transferred” in the hundreds of thousands, a more sweeping form of coercive land acquisition would be required. As Zionist policy shifted in this direction, cross-continental Zionist organizations continued to play a central role.

*Discarding “peace concepts”: from eviction to conquest*

In early 1948, David Ben-Gurion, longtime chair of the Jewish Agency executive and founding leader of the Israeli state, bluntly summarized the aggressive model for land acquisition which the Zionist movement would pursue under his leadership: “The war will give us the land. The concepts of ‘ours’ and ‘not ours’ are peace concepts only, and in war they lose their whole meaning.”<sup>10</sup> This notion was the culmination of a decade of detailed Zionist discussions regarding the prospect of expelling Palestinians beyond the borders of the envisaged Jewish state (a process chronicled by Nur Masalha).

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## The Jewish National Fund

Masalha and Ilan Pappé have detailed the role of JNF officials (notably Yosef Weitz) in discussions and logistical preparations for the mass expropriation and ethnic cleansing of 1948, and JNF involvement in the ensuing erasure of Palestinian villages was also significant.<sup>11</sup> Suffice it here to recall that the Jewish Agency, the JNF and their close partners played a central role by helping coordinate Western participation in this campaign of conquest and ethnic cleansing.

For U.S. Zionism (the financial mainstay of the drive towards Israeli statehood), legally “charitable” fundraising continued to center on the United Palestine Appeal (UPA) through the 1930s and 40s. In its pursuit of funds, the UPA was rivaled by the Joint Distribution Committee (JDC), focused on aiding Jews in Europe. The federations – the main fundraising system in the organized US Jewish community, then represented by the Council of Jewish Federations and Welfare Funds (CJFWF) – had limited patience for competing campaigns. The UPA and JDC were thus partnered within a United Jewish Appeal (UJA) campaign, with UJA revenue divided between these two constituents.<sup>12</sup> The JNF and the Keren Hayesod remained the two principal UPA beneficiaries.

In the actual seizure of Palestine, the JNF provided not only planning support but also some resources for military use (e.g. in the Negev), while the Jewish Agency, through its paramilitary arm (the Hagana), carried out the systematic expulsion of Palestinians and expropriation of their lands.<sup>13</sup> The JNF continued to draw resources from independent fundraising as well as the UPA. The Jewish Agency, unable to meet its military needs by legal means alone, also initiated a quasi-clandestine system in the West to fundraise for the Hagana, smuggle equipment, and recruit skilled combatants.<sup>14</sup> This was managed by a variety of Jewish Agency, Hagana, UPA/UJA, and allied personnel.

In the aftermath of the devastating burst of coercive expropriations which they helped to organize, the JNF and Jewish Agency both joined emerging Israeli state agencies in consolidating the conquest. The JNF moved to “purchase” a range of expropriated Palestinian land from the state, thus ensuring the exclusion of former Palestinian residents (including those who were becoming internally displaced citizens of Israel). Even more importantly, the JNF effectively promoted its exclusivist landholding model – providing long-term leases to Jews only – as a policy for all “state lands.” The Jewish Agency, meanwhile, was restructured as an instrument of settlement and conduit of “charitable” Western funds. “When the full story of the Jewish Agency is told,” the leading Zionist thinker Daniel Elazar wrote in 1985, “the record of the Rural Settlement Department will reflect great achievement in settling the country. . . . when these settlements were established, they were part of an overall strategy to establish a Jewish presence throughout the territory of the state.” Elazar adds: “A fair amount of this kind of uneconomic but statistically [read: demographically] important settlement continues today.”<sup>15</sup> The WZO/Jewish Agency Law of Status (1952) and the JNF Law (1953) bestowed quasi-state standing upon these organizations without actually absorbing them into the Israeli state apparatus.<sup>16</sup>

In sum, the JNF and the Jewish Agency worked as active partners to impose the institutionalized guarantees for Jewish access to resources in Palestine (especially land) and coercive exclusion of Palestinians which together form the cornerstone of Zionist settler colonialism.<sup>17</sup>

### *Dimona and Caesaria*

Within much of the West – certainly in England and North America – the prospect of mass Jewish emigration to settle in Palestine, as advocated by conventional Zionist doctrine, has not been a realistic prospect. Though calls for such emigration have persisted, the Israeli leadership reconciled itself early on to approaching Jewish constituencies in the West not only as prospective settlers, but more plausibly as objects in its continued push

for strategic alignment with Western power (and especially with the United States). In his study on the North American case (1990), the Canada-Israel Committee's (CIC) David Goldberg argues that after 1948, Israel stably redefined its relationship with prominent Western Jewish organizations "to rest on two pillars": fundraising and political advocacy.<sup>18</sup> As this relationship developed, the JNF and Jewish Agency remained important instruments of Zionist activity.

Several years into Ben-Gurion's early campaign "to take control of American Jewry" (as he described his aim in 1938), the Jewish Agency executive described the strategic logic underlying its pursuit of organized Jewish support in the West: "The vehicles for Zionist public political education in the Anglo-Saxon countries are the Jewries of England, America, and the British Dominions."<sup>19</sup> Here fundraising and political action were understood to be intertwined. The JNF, for its part, operated according to the logic (identified early on by a sympathetic analyst) that "there should be no separation between 'practical' action and 'propaganda.' One depends upon the other."<sup>20</sup> Ben Gurion, writes Ariel Feldestein (2006), was similarly determined "to use UPA funds for Zionist propaganda."<sup>21</sup>

Granted, publicity for especially contentious fundraising projects was avoided. In the late 1950s, for instance, elements of the North American system responsible for supporting Hagana conquests in the 1940s

(notably the "Sonneborn Institute") were quietly revived to provide financial and logistical support for Israel's nuclear program.<sup>22</sup> But the JNF and Jewish Agency remained public political entities. The JNF openly cultivated Western association with the exclusion of Palestinians through "tree-planting" campaigns and the establishment of parks dedicated to various fundraisers, helping to effect – and dignify – the erasure of Palestinian villages. Through the UPA (duly renamed the United Israel Appeal, UIA), the Jewish Agency retained a significant public presence while facilitating the influx of much-needed foreign currency.<sup>23</sup> (Incidentally, soon after 1948, the JNF was downgraded within the restructured UIA/UJA, but continued to raise funds independently, under a set ceiling, through donations for trees, stamps, and flag days, as well as through Blue Box collections.)<sup>24</sup>

In 1950, a "partnership and coordination" committee was established comprising four Israeli government ministers, four representatives from the Jewish Agency, and one representative from the JNF to help navigate Israel's relationship with supporters in the West.<sup>25</sup> And, as mentioned above, legislation was soon after passed according special status to the Jewish Agency and the JNF, traditional pillars of international Zionist organization. At the same time, prime minister Ben-Gurion expended significant energy to shift the center of fundraising and advocacy away from the conventional

Plaques acknowledging contributors to the JNF are scattered throughout the JNF's parks and forests. al-Qabu (Menachem Begin Park), April 2010 (photo: Badli)



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Zionist leadership (affiliated, in the US, with the Israeli opposition) and towards larger and more influential Jewish organizations.

The success of this effort owed much to what Walid Khalidi has insightfully identified as “a triangular flow between the gentile great power sponsor, the Zionist metropolitan establishment and the metropolitan Jewish community.”<sup>26</sup> In any event, organizationally, the barriers between Zionist and mainstream Jewish communal groupings in much of the West gradually eroded.

This development has been symbolized in the evolution of the Jewish Agency. In 1965, Detroit industrialist Max Fisher informed the annual meeting of the North American Council of Jewish Federations (CJF, successor of the CJFWF) in Montreal of ongoing negotiations with the Jewish Agency.<sup>27</sup> In the next few years, a formula was established for the direct participation of the CJF (and their European Keren Hayesod counterparts) in the core governing bodies of the Jewish Agency. The upbeat 10-year review of this process, showcasing the broadened Western Zionist base, took place in the first area of Palestine subject to proactive ethnic cleansing in 1948: Caesarea.<sup>28</sup> The progress review then bore this region’s name.

### *Conclusion*

The JNF and the Jewish Agency were both central instruments of Zionist colonization and state formation in Palestine; in 1948, both were active participants in the mass expropriations and ethnic cleansing of Palestinians which characterized Israel’s establishment. Since, their role has declined in relation to the Israeli state. However, their quasi-state status persists, as do their activities linking Western constituencies to the colonization process (and its enforcement).

This function as interlocutor between the state and its supporters in the West is organizationally broadest in the case of the Jewish Agency. In 1998, the Council of Jewish Federations formally merged with the United Israel Appeal and United Jewish Appeal to form what is now known as the Jewish Federations of North America (JFNA; known from 1998-2009 as the United Jewish Communities, UJC). This federation system is at once a leading constituent of the Jewish Agency – a quasi-state body under Israeli law – and a core institution of North American Jewish communal affairs. Its orientation towards Israel is practically manifest in the interlinked realms of fundraising and advocacy. In 2006, for example, what is now the JFNA directed \$320 million to Israel via the Jewish Agency to defray the costs of the invasion of Lebanon.<sup>29</sup> During the more recent assault on Gaza, the body that coordinated Israeli wartime diplomacy, the National Information Directorate (NID), directly included the Jewish Agency, and thereby (at least in part) the JFNA.<sup>30</sup> The JNF, though organizationally less prominent in Western Israel advocacy systems, retains the key function of fostering proud international association with the exclusion of Palestinians and the erasure of their villages.

The official Western classification of such prominent participants in the colonization of Palestine as “charitable” is a matter of profound political consequence. The question of which of their fundraising and advocacy activities provide the strongest grounds to challenge this tax-deductible status demands our attention in the coming period.

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Endnotes: See online version at <http://www.badil.org/al-majdal>*

## Campaigns to Challenge the JNF

by Mick Napier, Sofiah MacLeod, Sara Kershner

[W]hen the JNF Committee sought legal advice from England in 1905 as to the possibility of registering as a charity, their legal advisors were unanimous that it would be impossible: “We therefore conclude that the purpose of the Fund will be a political rather than a charitable one and that limiting the Fund’s use to strictly charitable purposes would run counter to the main purpose of the Fund.”



Protesting a JNF fundraiser at Windsor Castle, UK 7 April 2010 (photo courtesy of SPSC)

The attack on Gaza at the start of 2009 changed the political terrain irreversibly for Israel and this is reflected in the impetus the events imparted to the Boycott, Divestment, and Sanctions (BDS) campaign. Israel’s defense of its behavior was tacitly or explicitly endorsed by Western Governments and this complicity strengthened the argument in many quarters that civil society action was going to be necessary to constrain Israel’s violence and to support the Palestinian struggle for freedom. The year 2009 saw trade unions, civil society organizations and activists mobilize significant support for the Palestinian call for BDS.

In general, there is strong support for Israel at the apex of society, in government, police and Parliament, and this includes a readiness to defend the Jewish National Fund (JNF). At lower levels, however, Israel enjoys very little support, as does the Zionist project in general. Over the years numerous credible opinion polls have confirmed this, including a BBC World Service poll of opinion in 27 countries which reported that Israel is viewed more negatively than any other country in the world and “most negatively in the...Middle East, although also in Europe.”<sup>1</sup>

Any BDS campaign operates, therefore, in a situation of Israeli vulnerability stemming from their unpopularity across a majority of the population and intense opposition from the anti-apartheid activists who are needed to sustain campaigning. The JNF, registered in Israel as Keren Kayemet LeYisrael, is possibly more vulnerable than other bases of Zionist support.

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Efforts to date have focused on challenging the charitable status of the JNF in the countries in which it operates. To be effective, an anti-JNF campaign needs to combine both legal and grass-roots components. As far as legal possibilities are concerned, the arrest warrants successfully issued in the UK against a few Israeli war criminals - Tzipi Livni, Doron Almog and possibly others - shows that some legal authorities are prepared to act against Israeli criminality despite the strongly pro-Israeli policies of the government. This particular lever of «universal jurisdiction» is not operative in all legal systems but the point that these examples make is that even inside the legal apparatus of a very pro-Israel state, there remain areas of that legal apparatus which will oppose domestic complicity in Israel violations of international law. Not every legal



Protesting against the Jewish National Fund Glasgow 9 March 2008  
(photo courtesy of SPSC)

official is prepared to allow charitable status to an organization dedicated to a program of ethnic cleansing. A relevant example of a high-level rebuff to the JNF came when the UN's Committee on Non-Governmental Organizations (NGOs) rejected the application of the JNF-USA for consultative status with the UN Economic and Social Council (ECOSOC). The claims of the US JNF that it is not involved with the Israeli JNF-USA were disbelieved by the majority.

On the ground, challenges to the JNF are growing and, in some areas, their previous ability to organize unopposed has gone. In Scotland, every public appearance of the JNF has been met with a counter-demonstration since 2001 when Bill Clinton spoke at a JNF fund-raiser in Glasgow. There are always hundreds at the Glasgow Hilton anti-JNF protests and even a few dozen when they organize a golf game at an isolated course. When Shaul Mofaz spoke for the JNF the following year at the same Hilton, hundreds of angry demonstrators blocked the main entrance for hours, the catering staff declined to serve the JNF event, and the diners already inside had the novel experience of having to serve themselves.

On October 2, 2003, San Francisco-based Jews for a Free Palestine organized a protest of 40 in front of the Jewish Community Federation which houses the Jewish National Fund. The protest was part of a larger campaign for Jews to renounce *aliyah*, literally the act of ascending, and is the word used to describe Jewish immigration to Israel under the Israeli Law of Return. Over a period of three years, the campaign focused on confronting the fundamental justification of the JNF-confiscation of Palestinian property and land held in trust for Jews living anywhere in the world under the JNF statute and Israeli law.

Thousands of signatures were collected for a statement renouncing Jewish immigration as a matter of right. One signatory reported that years later, when she moved to Israel after marrying an Israeli and becoming politically active there, she did not make *aliyah* because of the campaign. The campaign included protest, public education and civil disobedience. One action involved a small group of anti-Zionist Jewish activists entering a fundraiser and disrupting it as Zionists physically attacked protesters while public officials watched in shock. The police were brought in to protect protesters even as they were arresting them. Following the protest a San Francisco official publicly supported the demonstrators and condemned the violence against them.

Protest can undoubtedly be effective. British entertainer Ruby Wax canceled her appearance at Israel's Independence



Day celebrations in London shortly after facing hundreds of protesters on her way to speak at a JNF fundraiser in Glasgow in March 2004. Wax cited Israel's assassination of Sheikh Ahmed Yassin as her reason, but Zionist Federation President Eric Moonman added, "Miss Wax had a bad experience at a JNF function and after that she was thinking of pulling out."

In January 2006, US Secretary of State Colin Powell was also met by hundreds of anti-JNF protesters; American actor Michael Douglas canceled his appearance for the JNF in Glasgow in November 2008 and was replaced by Hollywood actress Goldie Hawn, who spoke to the well-to-do diners during the Gaza siege, again behind hundreds of police holding off demonstrators, on the topic of "Laughter is the best medicine."

The lack of confidence of the JNF is clearly seen in a correspondence that ensued between the JNF-UK and the Scottish Palestine Solidarity Campaign (SPSC) after the latter had distributed material observing that the JNF was an «extremist racist organization involved in ethnic cleansing in Palestine.» The JNF was foolish enough to have lawyers threaten legal action for this supposed «very serious libel» and demanded an apology in addition to damages and legal fees. The SPSC replied inviting the JNF to proceed. Although financially well endowed, the JNF, retreated from its threats against a relatively puny solidarity campaign that challenged them because they will never willingly allow their aims and activities to be scrutinized by adversaries in a court of law. Since they know that an appearance in court could be very damaging to them, one strand of any grass-roots campaigning must be to achieve precisely this goal: to force the JNF into court.

Elsewhere in the UK protests against the JNF were prominent outside Windsor Castle where a JNF fundraising dinner was hosted as part of Israel's celebration of 60 years of ethnic cleansing. The most high profile protest yet took place during the JNF 2009 conference in London. Two Palestine solidarity activists managed to get inside the event, hearing directly from JNF and Israeli government representatives of their plans to further ethnically cleanse in the Naqab. After disrupting a speech by Israel's ambassador to the UK, the two were ejected from the event but, tellingly, were not arrested. Meanwhile, Tzipi Livni, the star speaker at this event, did not step foot in the UK fearing arrest as a war criminal. She was right to be cautious since on this occasion Palestine human rights lawyers had a warrant waiting for her.

In Australia the Melbourne Palestine Solidarity Network organized a strong protest outside a JNF dinner in 2007 when Prime Minister John Howard received the «honor» of having a forest named after him in Israel's Negev region as protesters chanted "Stolen land, Israel, stolen land, Australia."

An important step forward for the campaign against the JNF is the news that the France BDS Committee has made the campaign one of its priorities. Already there have been vigorous demonstrations outside JNF fundraisers and also in 2009 at an environmental exhibition in Paris.

Activists in Canada have campaigned against the JNF for many years. Protests outside fundraisers and events have focused on the Canadian government's strong support for Israel and on the story of the destroyed Palestinian villages in the JNF's so-called "Canada Park." The campaign in Toronto, launched on Land Day 2005, is particularly focused on stripping the charitable status of the JNF.

There have been some legal challenges as well. In the U.S., as long ago as the 1960s, ten Palestinians, an Israeli and five U.S. citizens brought a suit to revoke the tax-exempt status of six Zionist organizations, including the JNF. In Canada, an application was submitted in 2009 to the Canadian tax authorities to strip the JNF of its charitable status. In both Canada and the UK, numerous complaints have been raised with the respective charity

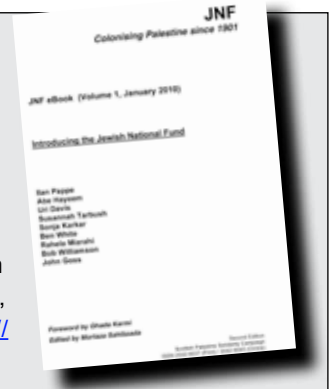
## The Jewish National Fund

regulators in relation to the JNF. In Scotland campaigners entered into a consultation process which re-drafted charity law, highlighting JNF's racist practices, its manifestly political nature, and its involvement in both ethnic cleansing and illegal occupation. The rejection of complaints against the JNF came as no surprise, given that British Premier Gordon Brown is a patron, and political interference is the norm.

### Recommended Reading

#### Electronic Book *JNF: Colonizing Palestine Since 1901*

With the growth of the BDS movement, there is greater interest in developing resources that can be of use in holding Israel accountable. As such, we see a growing body of research and writing on the JNF. The first volume of electronic book titled *JNF: Colonizing Palestine Since 1901*<sup>1</sup> published by the SPSC and IJAN and the is only the most recent example. Understanding the JNF is an essential step in challenging it, and in confronting the apartheid regime of which it is a central pillar. ( Morteza Sahibzada (ed.), *JNF: Colonizing Palestine Since 1901*, Scottish PSC, January 2001, is available at: <http://jnfcampaign.bdsmovement.net/node/4>



Most recently, the campaign to renounce *aliyah* and to break the Law of Return has been resumed as part of the global BDS movement. An important component of the campaign has been to challenge a fundamental premise of the Jewish National Fund – extraterritorial Jewish nationality that allows the JNF to maintain racist and colonial policies and practices of land and property confiscation.

### International Organizing Conference to Challenge the JNF, May 2010

The JNF is a core issue of BDS. It is a unique lever for BDS activists since the JNF is a permanent and long-term feature of the political environment and of Zionist presence in dozens of countries across the planet. JNF offices are known, sponsors of their events are known, and their elite political sponsorships make the organization particularly susceptible to challenges waged through the democratic structures of lobbying, and political campaigning at both government and local council level.

Most people do not know that the JNF is engaged in ethnic cleansing. As such, public education is a key component of the campaign and there are already some excellent resources available for the campaign on the JNF.

The goal of the international coordination of campaigns against the JNF initiated by the Palestinian BDS National Committee (BNC) in partnership with the Scottish Palestine Solidarity Campaign, the International Jewish Anti-Zionist Network and Habitat International Coalition is to build on the work done to challenge the JNF toward imposing legal, economic and popular sanctions on the organization.

In May 2010 an organizing conference is being held in Edinburgh aims to share knowledge, best practice and to build up the networks of experts, campaigners and activists working to finally strip the JNF of its legitimacy amongst civil society.

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<sup>1</sup>*Sofiah MacLeod and Mick Napier are leading members of the Scottish Palestine Solidarity Campaign (SPSC - [www.scottishpssc.org.uk](http://www.scottishpssc.org.uk)); Sara Kershner a leading member of the International Jewish anti-Zionist Network (IJAN - [www.ijsn.net](http://www.ijsn.net))*  
Endnotes: See online version at <http://www.badil.org/al-majdal>

## Book Review: Eyal Weizman, *Hollow Land: Israel's Architecture of Occupation*, London, Verso, 2007

by Nicola Perugini

One of the main challenges in trying to analyze the Palestinian-Israeli context is the ever-changing dynamics taking place on the territorial-political level. Time and space are complementary elements of the complex apparatus shaping and re-shaping the “reality on the ground.” In this sense, the challenge consists of the ability to produce a set of effective notions which could grasp the constitutive flexibility and changeability of Israeli practices of dominion over the occupied Palestinian territory (oPt), as well as associated interactions and responses of the plethora of actors which have progressively populated the scene in the recent decades. Among the basic and most theoretically stimulating questions constantly feeding *Hollow Land* is exactly how apparently situational –in space and time– measures have become the founding pillars of a coherent strategy of Israeli control, colonization and separation.

In the beginning of the book, Eyal Weizman situates his theorization within a very powerful framework of analysis, a framework resulting from the re-elaboration and application of the wide and analytically productive notion of architecture: “The architects in this book are therefore military men, militants, politicians, political and other activists” (6). Architecture is conceived both as a means of practical expropriation, occupation and re-shaping of the occupied spaces (chapter two on Jerusalem), and as a wider apparatus “constructing” the regime of colonization of the oPt – and its field of forces – through an often contrasting – set of multifaceted techniques, expertise, economies, ethics, notions and ideologies.

Through a rich military-political-historical reconstruction, the author sheds light on the “Copernican revolution” that took place within the Israeli architectural philosophy of occupation after the Suez defeat (1973). In fact, it’s in that period that the “agoraphobic” theory of fortification – the linear defensive theory, promoted in different forms by Bar Lev and Allon, according to which the external “borders” had to be reinforced for a better defense of the “State” – was supplanted by a more “transgressive”, anti-disciplinary, anti-geopolitical and anti-legal philosophy as the Ariel Sharon’s theory of the “defense in depth.” Weizman highlights the very nature of this “fortification in depth,” which consists of a network-centered dynamic practice of the space, rather than a line-centered geometric one. Spatially, the territorial geography of the oPt was filled up with a proliferation of new frontiers, as the territory itself has been progressively conceived as elastic, dynamic shifting, in opposition to the “ancient” notion of borders. Operationally, military bases, training camps and strongpoints were dispersed on the hilltops and in the strategic points of control, forming a matrix of military-territorial dominance. In substance, military authority became “dispersed” and military responses were given more and more “adaptively.”

This powerful reconstruction of the colonial frontier constitutes the backbone on which the post-1973 fragmented (institutional and anti-institutional) Israeli political/colonial organizations grafted their activities on that extraterritorial configuration that the West Bank and the Gaza Strip became after 1967. The “in depth” defensive plan has provided a basis for the planning of a “colonization in depth”: “Battlefield terms such as



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*Ajami neighborhood in Jaffa where gentrification and Judaization meet; one of the starkest visual manifestations of Israel's demographic and geographic engineering, January 2009 (photo: Badil)*

strong-point, advance, penetration, encirclement, envelopment, surveillance, control and supply lines migrated, from the military to the civilian sphere” (84). Military vocabulary and practices slid on the civilian arena. The organizational “controlled chaos” of the following decades – of which settlers and settlers’ organizations are only some of the protagonists – became the effective political ecology on which the government of the colonial frontier was exerted.

In Weizman’s analysis, the “tautologically ambiguous” regime of Israeli occupation transformed itself into a permanent mode of government through different processes: using the violence of the “security measures” – transformed into permanent measures – as response to the subaltern’s violence; exploiting the effects of the official political-diplomatic discourse, which always represented the situation as close to a final solution; reinforcing the colonization practices through legal tactics which would have progressively “legalized” the practices of territorial control and dominance over the Palestinian population.

If this mode of government had to face certain economic and administrative obligations vis-à-vis the occupied Palestinian population in the pre-Oslo period, the post-Oslo “spurious” regime allowed the colonial apparatus to dismiss its previous obligations and to fully focus on those “temporary security measures” which had constituted the legal basis of its mode of governing its extraterritorial frontier. Relieved of its responsibilities, after the

delegation of the humanitarian duties and the main services to the PA via the international community, the Israeli architecture of occupation re-modulated its “securitarian” politics, pushing colonial violence much deeper into Palestinians’ lives (perhaps, here Weizman extends the notion of necro-politics to both physical and political death). It’s within this context that Israel’s architecture re-articulated its territorial and repression practices, elaborating new techniques and devices of control of its frontiers, expanding its colonial activities – especially in Area C – under the guise of security measures, and increasing the use of direct violence against the Palestinian population under the guise of “proportional measures.” Mobile phones and high tech companies, military-academic institutes like OTRI (Operational Theory Research Institute), civilian consultants and organizations all enhanced this “un-systematic” architectural apparatus of “measured” colonization and devastation.

Perhaps, one of the most brilliant chapters of *Hollow Land*, the one in which the “chaotic” nature of the Israeli architecture reveals its clarity, is the one on the Separation Wall. The different architects of the Israeli-Palestinian scenario emerge in their practices of “elasticity inductors.” All these different actors, moved by different ideologies, approaches, concerns and tasks, participate to the re-modulation of the path of the Wall traced by architect Tirza, the settler-consultant who planned the constantly re-oriented line of separation for Sharon’s government. Petitioners, human rights associations, lawyers, security experts and soldiers fought and are still fighting on the common battlefield of the “proportionality,” a principle embodied by the Israeli Supreme Court, in this case. The result of these apparently disordered tactics, interweaved with the presumed menaces to security and the elasticity of the Wall, all contributed to construct “a coherent strategic reality” (173).

Among the effects of this “irresolvable geography” there is the creation of what Weizman calls a “mutual extra-territoriality”: on one hand the Palestinian villages caged between the Green Line and the western part of the Wall and, on the other hand, the settlements situated on the eastern side of the separation structure. In order to “remedy” this fragmentation, and to reconnect the different territorial layers and dimensions produced by the logic of separation, the Israeli political architects planned a complex system of tunnels, hollowing the Palestinian land: “A new way of imagining space has emerged. After fragmenting the surface of the West Bank by walls and other barriers, Israeli planners started attempting to weave it together as two separate but overlapping national geographies – two territorial networks overlapping across the same area in three dimensions, without having to cross or come together. [...] However [...] the system of tunnels and bridges clearly demonstrates the very limitation of the politics of separation. Out of the endless search for the forms and mechanisms of “perfect” separation emerges the realization that a viable solution may not necessarily lie within the realm of territorial design” (182).

Providing a very articulated categorization of the reality, Weizman shows the necessity to re-think many of the categories used by several official discourses on Israel/Palestine: such notions as occupation, national sovereignty, borders, territory, law and strategy lose their – let’s say – “traditional” pertinence and relevance in the Israel-Palestine laboratory, as they are constantly re-shaped by their exceptional and elastic political constitutivity.

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## Writing *Hollow Land*

by Eyal Weizman

*The Wall caging in Bethlehem and separating it from the Jewish only settlement Gilo and the city of Jerusalem behind it*  
(photo: Constanza Araya)



In the two years since the book was first published in English and the three years since it was written much has taken place. If you have taken this book into your hands you must surely know the order of events: Hamas winning the Palestinian elections at the beginning of 2006, the War in Lebanon half a year later in the summer of 2006, Hamas taking power in Gaza in the summer of 2007, the War on Gaza in 2008/2009. On the other hand a less spectacular but not less significant process has continued: the Jewish settlements sprawled on, growing in both number and population count, the construction site of the Wall snaked on, almost complete, strangling Palestinian communities like a closing trap. New military checkpoints and outposts have been built, separating cities and villages, the people of Palestine from access to and even vision of their landscape. Almost nothing recognizable is left of the Palestine into which a 42-year-old Palestinian was born. Here the landscape and the built environment are not a panoramic allegory for power relations. This landscape does not only signify or aestheticize power relations, but is the medium of a constituted power. This landscape is not just the site of war, but its very tools.

It is the relation between these two types of transformation – the mediatized punctuating event of spectacular violence – bombing, assassinations, rocket fire, bulldozers (that for most people seem to have appeared from nowhere) – and the more processual and slower events – building, paving, tunneling – not less violent and destructive, that the book seeks to uncover. The crimes of landscape are less obvious and harder to measure. They require a different order of forensic investigation. But the two types of violence are related and they surely interact.

The spatial conflict over Palestine has re-articulated a certain principle: to be governed the territory must be constantly redesigned. This goes beyond a search for a stable and permanent «governable» colonial form, but rather points to the fact that it is through the constant transformation of space that this process of colonization has played out. Unpredictability and the appearance of anarchy are part of this violent logic of disorder. Violence is a kind of performance that does not take place within the fixed grids of space but actually reshapes it.

The nature of the transformation of the built environment includes the complementary acts of strategic form making: construction and destruction. For example, the recent, massive destruction of homes in Gaza could be understood as the reshaping of the built environment. It was indicative that Israeli politicians were speaking about the how of «reconstruction» in Gaza while ordering the murderous bombing to continue on the people least protected in this world. The furious violence of Israel's attack left 1,400 people dead and 20,000 buildings, about 15% of all buildings in the Gaza Strip, either fully or partially destroyed.

Destruction, so the Israeli government imagined, is to be followed by development attempts that combine welfare and architecture to replace the refugee camp with «housing projects.» One of the aims is to break the historical, spatial and social continuity of the refugee camp and with it the collective political identity of the refugee, which is seen as the biggest threat to the current political order.

If, as the last example demonstrates, politics is registered in the contours of spaces, than formal and topological analysis, such as the one undertaken in this book, are important components to help comprehend political and military processes otherwise hidden because of their slower temporalities. I think of this book as a forensic investigation, but not in the sense that fatalistic terms such as «urbicide» imply - it's not an autopsy of a dead body – its subject is still very much alive and twisting under enormous pain.

It would be too easy to say that the events that have taken place since the book was written have validated its analysis, but I would like to think that the history of the occupation – told from the point of view of space – holds the key to understanding the complexities of our present but also the possible contours, as blurred as they may be, of a future. In the description of the crimes performed on the environment – the very milieu of physical and cultural life – there is also a disguised love – a love not directed at a state but at a country and its peoples, and even a shameless modicum of unextinguished hope, a hope that the power and beauty of the land would be strong enough to resist the ongoing attempts at its partition and that politics would gradually grow to accept the fundamentals of sharing and equality between two people on a single land.

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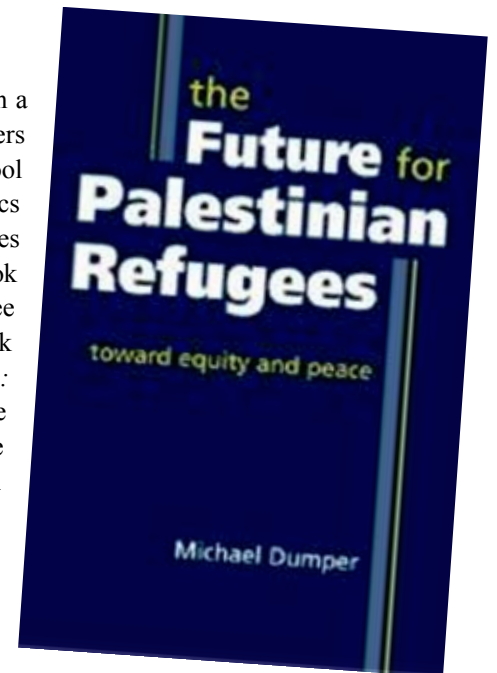
\* Eyal Weizman is an architect and director of the Center for Research Architecture at Goldsmiths, University of London. Since 2007 he is a member of the architectural collective “decolonizing architecture” in Beit Sahour/Palestine. [www.decolonizing.ps](http://www.decolonizing.ps) <<http://www.decolonizing.ps>> His books include *The Lesser Evil* [Nottetempo, 2009], *Hollow Land* [Verso Books, 2007], and *A Civilian Occupation* [Verso Books, 2003].

## A Primer for Policymakers

Book Review of Michael Dumper's *The Future for Palestinian Refugees: Toward Equity and Peace* (Boulder and London: Lynn Rienner, 2007)

Reviewed by Gail Boling\*

This book offers an introduction to the Palestinian refugee question in a format geared primarily towards policymakers and academics. It covers a broad range of ground and for that reason the book can be a useful tool for activists as well. The author is an associate professor in Middle East Politics at the University of Exeter and served as lead researcher for consultant studies prepared for the European Union Refugee Task Force in 1999 and 2001. The book takes a comparative approach to the topic, taking examples from other refugee case studies – which are expanded upon at greater length in a previous book from 2006 edited by the same author, called *Palestinian Refugee Repatriation: Global Perspectives* (London: Routledge 2006) – and asks whether any of the lessons learned or best practices from those experiences can be applied to the Palestinian refugee context. The exercise is a useful one because of the wealth of practice and useful precedents that have built up in the field of refugee protection generally.



The author's main premise is that "exceptionalism" has by and large framed the dominant discourse on the Palestinian refugee question, meaning the notion that the Israeli-Palestinian conflict is largely "different" from other cases of refugeehood mainly because of the overriding balance of power in Israel's favor. In contrast, the book "seeks to contextualize the issue through comparative study and is a deliberate attempt to draw on the experience of the international community in dealing with other refugee situations to see how the insights and lessons learned might be applied to the Palestinian case" (p. 2). The author describes three main aims of the book: (1) to explore "the range of options available to policymakers, the donor community, non-governmental organizations (NGOs) and activists"; (2) to "evaluate the various proposals put forward in both the formal and unofficial, or Track II, arenas of negotiations"; and (3) to "bridge the gap between those often termed 'realists' and those rooted in the discourse of human rights and international humanitarian law" (p. 2).

The author does succeed in offering useful introductions to the topics identified in his first and second goals. However, when it comes to the third goal the picture is less clear. The author does deliberately select middle-of-the-ground language throughout the book which attempts to avoid the "twin traps of naiveté and *realpolitik*" (p. 3, quoting South African politician and international law scholar Qader Asmal). However, given the strong signposts of international law, it is doubtful whether any writer can ultimately avoid taking a position on key issues such as the existence of the right of return and the goals of refugee protection as developed in international law and practice. It turns out the author is somewhat less successful in his effort at "fence-sitting" than he might care to admit.

The beginning chapters of the book are devoted to background on the Israeli-Palestinian conflict, with special attention given to the demographics and living conditions of the Palestinian refugee population. Attention is also



paid to the United Nations High Commissioner for Refugees and the official mandate that has been laid out for that entity. Early on, in chapter 3, the author notes the international law grounding of the right of return: “[T]he right of refugees to return to their country or home is based upon customary international law, the four Geneva Conventions, and the Universal Declaration of Human Rights” (p. 58, citing Takkenberg, 1998). Similarly, in chapter 4 the author notes “the very clear terms of UN Resolution 194 calling in 1948 for the refugees to be permitted to return to their homes” (p. 86).

The author’s first and second goals tend to get intermingled throughout the book. In exploring policy options, the author examines case studies from various regions of the world – including Guatemala, East Timor, Cambodia, Bosnia, Cyprus, South Africa, Northern Ireland, Chile and Rwanda. The goal is to identify best practices – options that led to a durable peace. He then draws back and examines the various negotiations towards peace agreements in the Middle East, namely: (1) Camp David 2000 (also known as Camp David II); (2) the Taba Talks in 2001 as summarized in the Moratinos Papers; (3) the Beirut Declaration of 2002; (4) the Ayalon-Nusseibeh Plan of 2003; and (5) the Geneva Accord of 2003. The idea is to compare the international standards and practice with the standards and practice that have emerged in Middle East peace talks thus far. Not surprisingly, the author concludes that “the proposals put forward in both the official and Track II arenas in the Middle East peace process sadly fail to meet the guidelines developed by UNHCR. A number of key areas are sidestepped, such as international law in reference to refugees and the participation of refugee communities in crafting solutions, while in other areas the proposals are weak and undeveloped” (p. 74).

Chapter 4 discusses the three main durable solutions to refugee flows – repatriation, local integration and third-country resettlement. The author discusses repatriation to Israel and what he calls “repatriation” to the new state of Palestine. In discussing repatriation to Israel, the author cites Salman Abu Sitta as the only source for “detailed work carried out on the possibility of actual repatriation” (pp. 98-99). “Abu Sitta’s work does throw into sharp relief the fact that repatriation is prevented not because it is impossible but because of political reasons alone” (p. 99). The author also discusses “repatriation” to Palestine, noting “[t]his is technically not a repatriation, nor a return to their homes, but a move to a new state” (p. 100). The author concludes the chapter by noting that the international trend favoring repatriation as the preferred durable solution “places additional pressure on Israel and its allies to consider repatriation as a possible option” (p. 103). Chapter 6 expands on these themes by introducing two main components of reparations to refugees – restitution and compensation. Restitution is traditionally linked in international law to the right of return. The most well-known articulation of this principle is the “Pinheiro Principles” on Housing and Property Restitution for Refugees and Displaced Persons, adopted in 2005 by the UN Subcommission on the Promotion and Protection of Human Rights. Despite this clear formulation of the right of restitution as a corollary to the right of return, Dumper makes the somewhat controversial suggestion in his book that “[w]hat has not been discussed in these debates is that restitution need not imply habitation, that is, refugees can be restituted for their property without a return” (p. 138). This does strike the reader as an attempt at fence-sitting, and a rather gratuitous one at that, since such a position is a minority trend in international law and practice.

Chapter 5 contains a discussion of UNRWA and its possible role as a “lead agency” in implementing possible solutions for the Palestinian refugees. The author concludes that UNRWA, due in large part to its credibility with the Palestinian refugees themselves, could play a useful role in a final settlement. Regardless of which agency is chosen as lead agency, that entity would have to have “a clear mandate that has international backing and that incorporates both protection responsibilities and a service function” (p. 132).

Chapter 7 examines “Truth, Justice and Reconciliation.” The author examines the notion of “transitional justice”

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– when societies are moving from conflict to peace and how they get there. The author contrasts “retributive justice” (stricter, usually tribunal-based) with “restorative justice” (more focused on reconciliation), examining these concepts in the contexts of South Africa, Northern Ireland, Chile, Rwanda and Guatemala. The author then analyzes the scant attention that this topic has received in the Taba Talks and the Geneva Accords. Interestingly, the author’s conclusion to this chapter has a discussion of what transitional justice might entail in either a “one-state solution” or a “two-state solution.”

Chapter 8 contains the author’s conclusions, including of the centrality of the refugee question to the overall Israeli-Palestinian conflict. He also concludes that a final peace agreement will include a range of options for the refugees: “As the study of other refugee situations has shown, the solution to refugee crises is usually a mix of options, not simply one alternative [e.g. repatriation to Israel] or another [e.g. reabsorption into a new state of Palestine]. A broad range of alternatives for the refugees is more often than not a central part of any peace agreement, and this will, similarly, be part of the final agreement between Israelis and Palestinians” (p. 191).

Some general comments about the book might be in order. This book is intended to target policymakers, and it fills a useful void in that regard. There are not many comparable titles available to satisfy that niche. One such competitor for the policymaking crowd would be *Palestinian Refugees: Challenges of Repatriation and Development*, edited by Rex Brynen and Roula El-Rifai (New York: I.B. Taurus and International Development Research Center 2007). The Brynen and El-Rifai volume contains chapters by various experts on different aspects of reabsorbing Palestinian refugees into a new state of Palestine. Dumper’s book offers a comparative approach that is wholly missing from the Brynen and El-Rifai book. This might account for the stronger rights-based approach of the Dumper book. In contrast, the Dumper book appears to have missed out from the benefit of Scott Leckie’s two recent books, namely: (1) *Returning Home: Housing and Property Restitution Rights of Refugees and Internally Displaced Persons* (Ardsley, NY: Transnational Publishers 2003); and (2) *Housing, Land, and Property Restitution Rights of Refugees and Displaced Persons* (Cambridge and New York: Cambridge University Press 2007). The first volume is a comparative survey of property restitution programs in various countries, and the second is a compendium of 240 restitution instruments (human rights treaties, UN resolutions, national legislation, regional instruments, etc.) from around the world. Restitution without return does not feature prominently in either of these two volumes, and it leaves the reader wondering where Dumper gets support for his suggestion that it should be considered.

While Dumper’s book does contain an appendix called “Sources for Data for Policy Formulation,” a useful bibliography and an index, it would have been helpful to have the actual texts of the Middle East negotiations reproduced in an appendix at the end of the book.

In summary, Dumper’s book is a useful introduction to the topic of Palestinian refugees, but it leaves the reader wanting something more. Policymakers are an important target audience but there are other actors whose voices are equally, if not more, important to securing the rights of the Palestinian refugees -- those of the refugees themselves. It is the absence of those voices that one feels most keenly upon reading Dumper’s book.

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\* The reviewer is a U.S.-licensed attorney living in Salt Lake City, Utah.

## Advocating Palestine in the United Nations

### Badil's International Advocacy in January-March 2010

#### Staff Report

**Follow-up on the Goldstone Report, UN, New York** - in November 2009, the UN General Assembly had endorsed the report of the Fact Finding Mission on the Gaza Conflict ("Goldstone Report") and called upon the Israeli and the Palestinian sides to conduct investigations into the serious violations of international human rights and humanitarian law in line with the Goldstone recommendations. Since then, Israel has not implemented investigations in conformity with international standards, and the Palestinian authorities have equally failed to comply with the requirements of the UN. In February 2010, three of the six months allotted to the domestic investigations had lapsed and an initial assessment was due by the UN Secretary-General. The latter, however, failed to assess the measures carried out by the parties of the conflict, and the General Assembly decided to extend the period for the investigations at the domestic level for another five (instead of the initial three) months.<sup>1</sup>

**Follow-up on the Goldstone Report, HRC, Geneva** - on 22 March 2010, the UN Human Rights Council (HRC), which originally dispatched the Goldstone Mission, also convened a follow-up session on the implementation of the Goldstone Mission's recommendations. Badil, together with 14 NGOs,<sup>2</sup> lobbied the Council *inter alia* to: (1) Use all means at its disposal to hasten the process of accountability and achieve justice for the victims as indicated in the Mission's Report; (2) Call upon the GA to establish an independent committee of experts to monitor and assess the effectiveness and genuineness of domestic investigations carried out by the parties to the conflict; (3) Call upon the GA to establish an escrow fund for Palestinian victims as called for in the Goldstone Report; and (4) Continue to review the implementation of the Mission's Report.<sup>3</sup> The Human Rights Council eventually passed a resolution calling upon the High Commissioner to explore and determine the appropriate modalities for the establishment of an escrow fund for the provision of reparation to the Palestinian victims. Moreover, the Council decided to establish a committee of independent experts in international humanitarian and human rights law to monitor and assess any domestic, legal or other proceedings undertaken by both parties to the conflict.<sup>4</sup>

**HRC resolution on Israel's violations in the OPT** - Badil, together with PCHR and WACLAC, intervened with another oral statement on ongoing forced internal displacement and dispossession of the Palestinian population, while emphasizing that the land confiscation, settlement expansion, house demolition, forced evictions and the construction of the Wall are measures used by the Israeli occupying power to illegally change the demographic composition in the OPT. The Human Rights Council condemned Israel's continued construction of settlements in the OPT, including East Jerusalem, and reaffirmed that settlements, the separation Wall, as well as demolition of homes and evictions are illegal under international law and constitute an obstacle to the peace and threaten to make a two state solution impossible. Moreover, it demanded Israel to "immediately stop its illegal decision to demolish a large number of Palestinian houses in East Jerusalem, including in the neighborhood area of Al-Bustan in Silwan, and the evacuation of Palestinian families in the Sheikh Jarrah area of East Jerusalem, which is resulting in the displacement of more than two thousand resident Palestinians of East Jerusalem."<sup>5</sup>

**Lobbying against PLO/PA deferral of the Falk Report** - another item scheduled for discussion by the Human Rights Council was the periodical report of Prof. Richard Falk, UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories occupied since 1967.<sup>6</sup> Shockingly, this report was removed from the agenda of the Council following the request of the Permanent Observer of Palestine to the UN in Geneva. In his report, Professor Falk supported the full implementation of the recommendations of the Goldstone Mission's report, yet he addressed some of the shortfalls in the findings of that report. For instance, he criticized the Mission for failing to make a finding of aggression in Israel's act of launching the attack on the Gaza Strip, and that it took for granted the dubious proposition that Israel was entitled to act against the Gaza Strip in self-defense. Falk also questioned whether the rather restrictive legal framing of the fact-finding mission's inquiry was suitable for this one-sided or asymmetric encounter, in which the Palestinian side lacked any substantial weaponry to defend itself against one of the world's most powerful armies, while Israel defined its military targets as extending to the civilian infrastructure of the Gaza Strip. Falk also urged the members of the Human Rights Council to convey to their governments a call for the implementation of the Goldstone report in relation to the exercise of universal jurisdiction. In addition, he addressed Israeli settlement activities in the OPT and its impact on the enjoyment of human rights and the continuing blockade of Gaza.

Professor Falk's courage in upholding human rights is exceptionally prominent in the two final sections of the report. The first of these is one in which he called upon those engaged in the peace process to muster the will to address the Palestinian refugee question and uphold the rights of Palestinian refugees. The second is one in which he called on the members of the Human

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## Documents

Rights Council to consider the Campaign for Boycott, Divestment and Sanctions (BDS) as a means of implementing human rights, including the right of self-determination, and to provide guidelines for such campaign.

Instead of supporting the Special Rapporteur's report and lobby state members to endorse its recommendations, the PLO representative to the UN lobbied for the deferral of the report to the June 2010 session for reasons that can at best be described as incoherent. A letter signed by almost twenty NGOs was sent to President Mahmoud Abbas expressing concern about the PLO's stance regarding the Falk report. It also called upon the PLO to withdraw its request for deferral.<sup>7</sup> Similar letters were sent to the members of the PLO Executive Committee and the Secretary-General of the Palestinian Legislative Council.

In addition, Badil, together with twelve Palestinian and international NGOs, sent letters to each member state of the Human Rights Council, the Council's President, and the High Commissioner expressing concern over the removal of the Special Rapporteur's Report, and stressing the urgent need to defend the independence of UN Special Procedures. The letter asked the member states to act immediately to ensure that the report be kept on the Council's agenda. Without the support of the PLO representative, however, the civil society request and concerns were ignored, and the Council did not discuss the report.

**Mamilla petition and BADIL side-event at the HRC** - on 18 March 2010, Badil organized a side-event to the Human Rights Council's session in Geneva's Palais des Nations titled *Palestinian cultural rights and religious freedoms in light of Israel's persistent violations of international law*. The main purpose of the side-event was to raise awareness and lobby the seventy governmental and NGO delegates who attended the side-event, including the Palestinian Deputy Ambassador, the Israeli Ministry of Foreign Affairs special envoy to the session of the Human Rights Council, the Ambassador of the League of Arab States, as well as the ambassadors of Greece and Egyptian and Saudi Arabian diplomats.

Professor Georges Abi-Saab, Honorary Professor of International Law at the University of Geneva, was one of the panelists, and spoke about the status of Jerusalem in international law and ways to make the HRC more effective in addressing Israeli violations of cultural and religious right. Ms. Huda Al-Imam, Director of the Center for Jerusalem Studies at Al-Quds University shared her personal experience in Jerusalem and addressed the denial of cultural and religious freedoms under Israeli occupation, presenting the cases of Al-Haram Al-Ibrahimi, Al-Haram Al-Sharif and the Mamilla Cemetery. The third panelist was Ms. Rania Madi, Badil's representative in Geneva, who used her detailed knowledge of the Human Rights Council and related legal instruments and processes to place religious and cultural issues in the broader human rights context, linking them to the question of displaced persons, evictions, protection of refugees and the Judaization of Jerusalem. During the presentations, Badil presented a slide-show of 100 new and captioned photographs of settlers roaming through Haram al Sharif under military escort (immodestly dressed in some cases), flags over the city walls, tunneling, the new Hurva Synagogue and other settler outposts in the old city, preventing worshipers from reaching holy sites.

In the same vein, Badil endorsed the petition led by the US Center for Constitutional Rights that called for urgent action on human rights violations in Ma'man Allah (Mamilla) Cemetery in Jerusalem by Israel. This petition is a response to the ruling of the Israeli Supreme Court that the construction of the "museum of tolerance" on Mamilla Cemetery was lawful, thereby allowing the excavation of ancient tombs and removal of hundreds of human remains from part of the historic cemetery.<sup>8</sup> The UN Human Rights Council expressed its grave concern regarding the above and called upon Israel to immediately desist from such illegal activities therein.<sup>9</sup>

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**Endnotes:** See online version at <http://www.badil.org/al-majdal>

## UN HUMAN RIGHTS COUNCIL

### Thirteenth Session (1 – 26 March 2010)

Joint written statement by Adalah - The Legal Centre for Arab Minority Rights in Israel; Addameer Prisoner Support and Human Rights Association; Al Mezan; AL-Dameer Association for Human Rights-Gaza; Al-Haq; Arab Association for Human Rights (HRA); Badil Resource Center for Palestinian Residency and Refugee Rights; International Committee of the National Lawyers Guild; Palestinian Center for Human Rights; Physicians for Human Rights-Israel; The Gaza Community Mental Health Program; The Israeli Committee Against House Demolitions; The National Center for Community Rehabilitation; Women's Center for Legal Aid and Counselling (WCLAC).

#### More than One year after "Operation Cast Lead": Distressing Lack of Accountability and Justice for the Victims of the Conflict

1. The UN Fact Finding Mission on the Gaza Conflict (the Mission), determined that Israel and Palestinian armed groups committed serious violations of international human rights and humanitarian law and possible war crimes and crimes against humanity. The UN called on both parties to take all steps to launch appropriate independent investigations in conformity with international standards. In resolution S-12/1, the HRC also stressed the urgent need to ensure accountability for all violations of international law to prevent further violations.
2. Under international law, proper investigations into suspected violations of international law must be independent, impartial, effective, transparent and prompt. However, the information and material available suggest that the domestic investigations carried out by the parties to the conflict have not met these standards.

#### I. The State of Israel

##### a. Lack of legal protection for Palestinians under the Israeli legal system

3. Since 2003, the Military Advocate General (MAG) has pursued a policy of not opening criminal investigations into the killing and injury of Palestinians civilians in the OPT. The same year this policy was challenged at the Israeli Supreme Court, yet the petition remains pending.<sup>1</sup> Available evidence indicates that the Israeli army maintains that violations of international humanitarian law and international crimes are restricted to cases of intentional attacks as opposed to reckless or negligent acts against civilians. This contradicts Israeli and international criminal law.<sup>2</sup>
4. Israel's Supreme Court upheld a 2005 law, which provides that no compensation is payable to "a citizen of an Enemy State and an activist or member of a Terrorist Organization" for damages caused during military operations since September 2000. This means that Palestinian civilians in the Gaza Strip remain barred from legal redress for the wrongdoings of Israeli soldiers during "Operation Cast Lead," and clearly violates international law.

##### b. Israel's Investigation

5. Israel's investigations are an internal military process, which suffer from lack of independence, impartiality, effectiveness and transparency. According to the State of Israel, 150 incidents have been examined, the majority of which are examined through so-called "operational debriefings." 36 have been referred for criminal investigation by the MAG, and many cases were closed allegedly on the basis of "lack of evidence."<sup>3</sup>
6. Operational debriefings are a tool to review incidents and operations that are conducted by soldiers together with a superior officer, without testimony from victims or witnesses being sought. Such debriefings are confidential and not designed to identify criminal liability, but only serve operational purposes.<sup>4</sup> No criminal investigations have been opened in the vast majority of cases despite existing *prima facie* evidence that international crimes were committed.
7. While the majority of the serious violations of international law committed during "Cast Lead" were a result of questionable broader policies and orders, Israel's investigations merely address misconduct of individual soldiers, and treat all complaints as isolated incidents. To date, Israel has refused to investigate these broader policies, strategies, procedures, regulations and objectives, or the continuation of the blockade of the Gaza Strip, contrary to the Mission's explicit recommendations.
8. MAG and the Attorney General (AG) are responsible for making decisions regarding examinations and criminal investigations. MAG provided legal advice to the army during the planning stages of the operation in Gaza and throughout its execution.<sup>5</sup> The AG also advised on "punitive collective sanctions." These facts call for carrying out an investigation

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of MAG and the AG, and should disqualify both from impartially investigating suspected violations of international law by the military.

9. Israel's investigations raise serious doubts about their credibility. For example, the Israeli claim that the only operating flour mill in the Gaza Strip was hit by Israeli ground shells is inconsistent with documented evidence that supports the Mission's findings that aerial bombardment caused its destruction.<sup>6</sup>
10. Only one criminal investigation has thus far led to prosecution and conviction of a soldier – and this dealing with a case for theft of a credit card. The only other disciplinary cases involved two officers who fired explosive shells into populated areas, in violation of orders from superiors. However, the Israeli Army has denied this.

### c. The Blockade

11. The longstanding Israeli blockade of the Gaza Strip is designed to achieve political objectives, including compelling the Gaza population to not support Hamas. The blockade deprives the Gazan population (66% of whom are refugees) from sustenance, employment, health care, housing and water, and denies them freedom of movement and the right to leave and enter one's country, as well as limits access to courts of law and effective remedy.<sup>7</sup> The Mission has noted that the above could amount to persecution, a crime against humanity.<sup>8</sup>
12. HRC has acknowledged that the siege imposed on the Gaza Strip, including its closure of border crossings and cutting means of subsistence, constitutes *collective punishment*,<sup>9</sup> and urged Israel to lift the blockade.<sup>10</sup> Nevertheless, Israel continues to tighten the siege and disregard its legal obligations under international law, and HRC's resolutions.

## II. The Palestinian Authorities

13. Information available on the investigations carried out by the Palestinian authorities provides no evidence of compliance with required international standards. The *de facto* government in Gaza issued a statement asserting that rocket attacks against Israel were directed only at military targets, a claim disproved by all available evidence. In the West Bank, the responsible Palestinian authority has equally failed to comply with the requirements of the recommendations of the Report, its action to date being limited to the appointment of an investigatory committee.

## III. The Role of the UN and International Community

14. Mechanisms listed in the Mission's recommendations call attention to the responsibilities of the parties to the conflict as well as to those of other actors, such as UN bodies and States. In resolution S-12/1, HRC called upon all concerned parties, including UN bodies, to ensure implementation of the Mission's report in accordance with their respective mandates.
15. Nevertheless, the UN and international community have failed in exerting effective pressure on the parties to achieve accountability and justice for the victims. This is demonstrated by the failure of the domestic investigations; the reluctance of the Security-Council to address the Report and establish an independent committee of experts to monitor investigations; the disinclination of the Secretary-General to assess the implementation of the Mission's report by the parties to the conflict;<sup>11</sup> and the non-establishment of an escrow fund by the UNGA for Palestinian victims.<sup>12</sup>

In light of the above, we urge the HRC to:

1. **Call on Israel to immediately lift the blockade on the occupied Gaza Strip;**
2. **Use all means at the HRC's disposal to hasten the process of accountability and achieve justice for the victims as indicated in the Mission's Report;**
3. **Call upon the GA to establish an independent committee of experts on international law and criminal investigations to monitor and assess the effectiveness and genuineness of domestic investigations carried out by the parties to the conflict;**
4. **Call upon the GA to establish an escrow fund for Palestinian victims;**
5. **Continue to review the implementation of the Mission's Report;**
6. **Recommend the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (GCIV), to promptly undertake necessary steps to reconvene the Conference for the High Contracting Parties on measures to enforce the GCIV in the OPT.**

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**Endnotes:** See online version at <http://www.badil.org/al-majdal>

## A Vote for Israel's Accession to the OECD is a Vote in Support of Israel's War Crimes and Other Grave Violations of International Law and Human Rights

*Palestinian civil society urges the peoples and governments of OECD member states to defer Israel's OECD accession until it respects international law and the human rights of the Palestinian people and shows commitment to the fundamental values shared by OECD members.*

Palestinian BDS National Committee (BNC), 15 March 2010 – The Organization for Economic Co-operation and Development (OECD) is scheduled to convene in May 2010 in order to take a formal decision on Israel's application for membership in the Organization. A vote for Israel's accession to the OECD will be regarded by an overwhelming majority of Palestinians, Arabs, and people of conscience around the world as a decisive and far-reaching act of complicity in rewarding and perpetuating Israel's occupation, colonization and apartheid against the Palestinian people. Furthermore, it will irreparably undermine the rule of law and further entrench the culture of impunity that has enabled Israel to escalate its commission of war crimes and what is described by some leading international law experts as a prelude to genocide against Palestinians in the illegally besieged and occupied Gaza Strip.

The Palestinian Boycott, Divestment and Sanctions National Committee (BNC) calls upon civil society organizations around the world to apply maximum pressure on their respective governments to ensure that Israel will not be admitted into the OECD, including by casting a vote against Israel's accession in the final review of its application in May. Membership in the OECD will intensely fuel Israel's militarism, belligerence and aggression, further destabilizing the entire region, undermining security as well as social, political and economic development and making the quest for a just peace an unattainable goal.

The BNC deplores the OECD's persistent disregard of evidence submitted by human rights and civil society organizations in process of examination of Israel's membership application<sup>[1]</sup>. The BNC further deplores the decision by the OECD to consider Israel's inability to provide economic statistics which distinguish between the state of Israel and the Palestinian and Syrian territories it occupies as not constituting an obstacle to Israel's OECD accession<sup>[2]</sup>.

We affirm that the OECD becomes complicit in Israel's unlawful acts, if the Organization fails to address – despite ample evidence - Israel's reality as an oppressive occupying and colonizing power in the West Bank, including East Jerusalem, and the Gaza Strip and continues to ignore Israel's system of institutionalized racial discrimination which is the root cause of the extreme poverty among its Palestinian citizens highlighted in OECD reports.

In light of the persistent refusal of many OECD member states to consider Israel's violations of international humanitarian and human rights law, we call in particular on OECD members that have voted in support of the recommendations of the UN Fact Finding Mission on the Gaza Conflict (Goldstone Report) in the United Nations - Ireland, Mexico, Portugal, Switzerland and Turkey - to reaffirm their principled stand also in the context of Israel's bid for OECD membership. We urge you to maintain and reaffirm your position that Israel, like all other states, is to be held accountable to the standards of international law and universal human rights and must respect them before it can be welcomed as a member in the OECD.

Respect and compliance with international humanitarian and human rights law is a requirement for members under OECD instruments. The 1960 OECD Convention, for example, affirms that "economic strength and prosperity are essential for the attainment of the purposes of the United Nations, the preservation of individual liberty and the increase of general well-being." In the "Road Map for the accession of Israel to the OECD Convention" adopted by the Council in November 2007, the Council noted that in order for Israel to accede to the OECD it must demonstrate its commitment to "fundamental values" shared by all OECD members and meet related benchmarks. The stated OECD values include "a commitment to pluralist democracy based on the rule of law and the respect of human rights, adherence to open and transparent market economy principles and a shared goal of sustainable development."

Condemned as a state that is practicing occupation, colonization and apartheid by a recent authoritative legal study in South Africa supervised by international law expert and former UN human rights rapporteur, Prof. John Dugard, Israel is not in compliance with international law and OECD standards and benchmarks<sup>[3]</sup>. Israel has yet to comply with the recommendations

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of the UN Fact Finding Mission on the Gaza Conflict and investigate and prosecute where needed those responsible for war crimes and crimes against humanity that resulted in the death of more than 1,400 Palestinians, most of them civilians, in the winter of 2008/9. Israel has yet to lift its illegal blockade of the occupied Gaza Strip which has brought to the brink of starvation almost 1.5 million Palestinians, most of whom are refugees Israel had displaced and dispossessed back in 1948. It has yet to dismantle its illegal Wall in the occupied Palestinian West Bank in accordance with the 2004 International Court of Justice Advisory Opinion. Israel has yet to end its almost 43-year-old occupation of the West Bank, including East Jerusalem, and the Gaza Strip, reverse its colonial enterprise and release Palestinians detained and imprisoned. It has yet to transform its political and legal system in order to provide reparation for millions of Palestinian victims, including return for the refugees, and allow full and equal participation of its Palestinian citizens. Only then will Israel meet the standards of pluralist democracies valued by the OECD.

The BNC reiterates the concerns expressed on numerous occasions to the OECD by human rights and civil society organizations and calls upon the governments and peoples of OECD member states to say no to Israel's bid for membership in the OECD.

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*Endnotes: See online version at <http://www.badil.org/al-majdal>*



## **BDS Campaign Update** (October 2009 – April 2010)

### **European BDS Organizations Campaigning to « Give Israel the Red Card »**

7 October 2009 – 18 European organizations involved in the BDS campaign launched an effort calling on FIFA to live up to the letter and the spirit of its statutes and to seize this opportunity to prove to the world that it stands for a more just world by sending Israel an unmistakable threat of exclusion. This would be an important victory for human rights -- not only for the Palestinian people, but also for the international football community.

### **United in Struggle against Israeli Colonialism, Occupation and Racism Conference, Bethlehem**

24-25 October 2009 – the Occupied Palestine and Golan Heights Advocacy Initiative (OPGAI), together with the Alternative Information Center (AIC), organized an international seminar which gathered Palestinian, international and anti-colonial Israeli activists, researchers, and others interested in promoting justice for the Palestinian people. The seminar placed a special emphasis on the economic interests behind the occupation and the potential impact that the international campaigns for Boycott, Divestment and Sanctions (BDS) can make in promoting justices for the Palestinian people. Among other demands, the conference participants called for: firm opposition of the politics and projects of normalization with Israel in the Arab world by activating the Boycott, Divestment and Sanctions for Palestine campaign (BDS); emphasising the 2005 invitation extended by Palestinian civil society to conscientious Israelis to support the call for BDS for the sake of justice and genuine peace; and reinforcing a stronger and more efficient position in the Arab states and societies to defend Jerusalem, in addition to boycotting all political, economic and cultural activities complicit with Israeli efforts to Judaize and isolate Jerusalem.

### **Bahraini Parliamentarians Pass Law to Ban Ties to Israel**

27 October 2009 – Bahraini Parliamentarians proposed new law bills entrenching the boycott of Israel. The bills include a penalty of up to five years in jail for any Bahraini who deals directly with Israel; banning any form of relations with Israel or its people at all levels - government, business or private. Penalties would include fines of up to BD10,000 and businessmen dealing with Israel, selling or promoting its products would lose their licenses for up to 10 years. The proposed law would also revive the Israeli Boycott Office, closed to make way for the Free Trade Agreement with the US, and would also ban the government by law from setting up any diplomatic mission in Israel.

### **Sussex University Students Vote to Boycott Israeli Goods**

30 October 2009 – Following a landmark referendum, students at Sussex University have voted to boycott Israeli goods. The decision follows the Palestinian call for Boycott, Divestment and Sanctions against Israel, which calls upon the Israeli state to respect international law and end the occupation of Palestine. The referendum result mandates the Students' Union to remove all Israeli produce from its stores, and review its sources for food outlets. This makes Sussex Students' Union the first in the UK to implement a full boycott of Israeli goods through referendum. The vote was one of the largest and closest contested in the Union's history, with 562 votes for and 450 against the boycott.

### **New Booklet on Palestinian BDS Campaign**

31 October 2009 – The Ma'an Development Center produced an information booklet on the BDS campaign entitled "Boycotts, Divestment and Sanctions: Lessons Learned in Effective Solidarity." The booklet can be downloaded from: <http://www.bdsmovement.net/?q=node/574>

### **French Workers' Union CNT Joins BDS Campaign**

1 November 2009 – Through the intermediary of its international Secretary, the National Work Confederation (Confédération Nationale du Travail or CNT), a French anti-capitalist internationalist union involved in social class struggles, has joined the BDS campaign. The union committed itself to take an active part in the initiatives organized in France. The CNT's international secretary has also invited every union and federation within its confederation to sign on to the BDS campaign individually and to take concrete actions in their own field of activities (education, social work, health, culture, trade, media...) and in their various regions.

### **Boycott of Ahava cosmetics launched in Montreal**

2 November 2009 – Members of Middle East solidarity groups Tadamon! , Solidarity for Palestinian Human Rights (SPHR) and the Québec BDS (Boycott, Divestment and Sanctions) Committee launched a campaign demanding that the Canadian department store "The Bay" take products of Ahava Dead Sea cosmetics off its shelves. Ahava Dead Sea Laboratories is a privately held Israeli cosmetics company that manufactures products using minerals and mud from the Dead Sea. Ahava's

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products – such as Grape & Avocado Body Wash, Dead Sea Mineral Mud, and Mineral Foot Cream – are widely available in high-end department stores and pharmacies throughout the United States, Europe and Canada.

### **British Activists Carry Out Week of Action to Boycott of Israeli Settlement Products**

9-15 November 2009 – As part of the international Boycott, Divestment and Sanctions (BDS) movement, the Palestine Solidarity Campaign in the UK implemented a week-long boycott against several large supermarket chains in the UK that carry Israeli products. The week-long boycott targeted the Waitrose and Morrisons supermarket chains, in an attempt to pressure the stores to discontinue the sale of fruits and vegetables grown and processed on Israeli settlements in the West Bank. The week of action came after activists tried other tactics, such as petitioning the stores to stop selling what they call ‘apartheid products’, but the stores’ managers were unresponsive.

### **New Orleans Middle East Film Festival becomes the first in the US to Join the Cultural Boycott**

12 November 2009 – «The first two years we had a very strong presence from Israel. This year, all of the films that deal with Israel are from the point of view of the Palestinians, I was reluctant [to do that] in the first few years of the film festival, because I wasn’t doing a Palestinian film festival, I was doing a Middle East film festival -- I was trying to get a very balanced point of view... But after the invasion [of Gaza] and Israel’s refusal to let rebuilding materials in, I decided to join the international call for a cultural boycott of Israel... I know I’m going to get heat from it, but ...» –Rene Broussard, Organizer of the New Orleans Middle East Film Festival

### **Dutch Government to Opens Inquiry that Could Lead to Boycott of Ahava**

13 November 2009 – For months, a group called the Badjassen Brigade (Bathrobe Brigades) has worked to protest against the Israeli occupation of Palestinian territory by holding demonstrations outside the shops where AHAVA products are sold, under the campaign title ‘Gestolen Schoonheid’ (Stolen Beauty). The action group is also trying to prevent AHAVA from developing a network of sales points in the Netherlands. The campaign has begun to bear fruit as the Dutch Foreign Minister Maxime Verhagen has agreed to begin an enquiry into the import of cosmetic products from AHAVA. The company manufactures cosmetics in the Mitzpe Shalem settlement on the West Bank, using minerals and mud from the River Jordan. The products are misleadingly exported under the label ‘Made in Israel’.

### **BNC Calls on Arab States to Cancel Deals with Veolia and Alstom**

16 November 2009 – The Palestinian BDS National Committee (BNC) held a press conference releasing information on the illegality of the Jerusalem Light Rail project, and the role that the French companies Veolia and Alstom have been contracted to fulfil in the construction and management of the rail project. At the press conference, the BNC called on Arab states to cut any relations with these two companies until they divest from the rail project. In particular, the BNC called on Saudi Arabia to disqualify the companies from the bidding on the multi-million dollar Mecca-Medina railway contract.

### **Palestinian Trade Union Movement Unanimously Confirms Support for BDS**

25 November 2009 – In reaction to reports alleging that a Palestinian trade union official has stated his reservations about the Palestinian civil society campaign of Boycott, Divestment and Sanctions (BDS), the full spectrum of the Palestinian trade union movement issued public statements expressing solid and unequivocal support for the BDS National Committee (BNC) and for the global BDS campaign against Israel as an effective form of resisting its military occupation, war crimes and apartheid policies.

### **US Trade Unionists Call on AFL-CIO President to Boycott Israel**

4 December 2009 – Thirty-three prominent US trade unionists issued an open letter to Richard Trumka, President of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), which represents 11 million workers. The letter came as a response to a speech by Trumka in which he denounced the BDS campaign, and stated that US trade unions must “divest from State of Israel Bonds; support workers’ refusal to handle Israeli cargo; break ties with the racist Histadrut; and oppose U.S. military and economic aid for Israel.”

### **French Appeals Court Confirms Jurisdiction over Alstom Case**

17 December 2009 - The Court of Appeal of Versailles confirmed the jurisdiction of the Tribunal of Nanterre regarding the legal claim brought by the Association of French-Palestinian Solidarity (AFPS) against Véolia transport, Alstom and Alstom transport regarding the construction and operation of the illegal Jerusalem Light Rail project.

### **European Owned Israeli Bank Stops Cuts Funding to Settlements**

1 December 2009 – The parent bank of Dexia Bank, owned by French and Belgian interests, notified regional councils in the West Bank that has cut off their lines of credit. The Israeli bank, which is the official supplier of credit to the regional councils,

asked them to close their accounts. The Dexia Group bought the Israeli Municipality Treasure Bank and established Dexia Israel in 2001. Dexia has continued to reject anti-apartheid groups' demands to stop lending money to settlements in Jerusalem.

#### **«Pakistanis for Palestine» Launch BDS Campaign in Pakistan**

24 January 2010 – A campaign to express solidarity with the Palestinian people was launched in Lahore under the name of "Pakistanis for Palestine." Campaign organizers have focused initially on endorsing the boycott of Israeli academic and cultural institutions, as called for by the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI). They have also called upon Pakistani academics, artists, poets, writers, singers and filmmakers to join the growing boycott, divestment and sanctions movement against Israel.

#### **Demonstration in Malaysia Calls for Boycott of Israel**

24 January 2010 - More than 100 members of Viva Palestina Malaysia (VPM), a coalition of NGOs participated in a five-kilometre demonstration in Kuala Lumpur in support of the Palestinian struggle for self-determination. Demonstration participants wore white T-shirts bearing the words «Boikot Israel» (Boycott Israel) as part of a campaign to boycott the products of four multinational companies alleged to be strong supporters of the Zionist regime.

#### **Danske Bank Divests from Elbit and Africa-Israel**

25 January 2010 – Africa Israel Investments and Elbit Systems were added to Danske Bank's list of companies that fail to adhere to its Socially Responsible Investment policy. The bank's Socially Responsible Investment policy obliges it to examine the willingness of potential investments to follow international conventions in human rights and employment standards among others. The two companies have been added to the list, which contains 24 companies, based on their activities in the settlement areas of the Palestinian territories. Elbit Systems provides surveillance systems to the apartheid wall, while Africa Israel Investments has been involved in construction of Jewish-only settlements in the West Bank. Danske Bank's move follows a similar decision from Norway's Government Pension Fund Global to exclude Elbit last September for its involvement in the separation barrier. Danske Bank is the largest financial enterprise in Denmark.

#### **Canadian Students at Carleton University Launch Divestment Campaign**

27 January 2010 – Through months of research, the group "Students Against Israeli Apartheid" (SAIA) at Carleton University in Ottawa, Canada discovered that the university's Pension Fund currently invests \$2,762,535 in five companies that are complicit in the oppression of the Palestinian people. In light of these findings, SAIA has launched a campaign calling on Carleton to immediately divest from the offending corporations: Motorola, BAE Systems, Northrop Grumman, L-3 Communications, and Tesco supermarkets, as well as to adopt a socially responsible investment policy for all of its investments. In 1987, Carleton divested from all companies complicit in the apartheid regime in South Africa. The South African victory serves as an inspiring model for SAIA's divestment campaign, which is the first Palestine-centred divestment initiative in Canada. Watch the video at: <http://www.bdsmovement.net/?q=node/630>

#### **Dutch BDS activists organize first BDS "Flash-mob"**

28 January 2010 – At the sound of a whistle the whole group of activists took an Israeli product and froze, staring at the products in disbelief that Albert Heijn (a large supermarket in Utrecht, Holland) still sells Israeli products! Other people in the supermarket were quite confused and noticed the green t-shirts saying: "Don't buy Israeli apartheid." The sound of a second whistle started the group to take all Israeli products in their carts and while whistling a song they all moved to the exit where the products were piled up and left with a strong message: We do not want Israeli products in OUR supermarkets. We can't do business as usual with Israel as long as it commits war crimes and doesn't comply with international law. Watch the video at: <http://www.bdsmovement.net/?q=node/634>

#### **California Residents Call for Severing State Ties with Israeli Government**

1 February 2010 – A group calling itself the Israel Divestiture Forum filed an initiative with the attorney general that would require state pension funds to sever ties with Israeli companies or the Israeli government. The measure would need almost 434,000 valid signatures from registered California voters to qualify for the November ballot. Under the proposal, divestment guidelines would be reversed if Israel pulls out of the territories seized during the 1967 war, or the Israeli and Palestinian governments "conclude a peace treaty that leads to the establishment of a Palestinian state that is recognized by the United States Government.»

#### **Students Outraged at Invitation of Israel's US Ambassador to Speak on their Campus**

8 February 2010 - When Israeli Ambassador Michael Oren came to talk about U.S.-Israel relations at the University of California at Irvine, dozens of outraged students attended his talk and made their objections clear. Oren was interrupted 10 times while trying to give his speech before 500 people at the UCI Student Center, where there was heavy security. Oren took a 20

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minute break after the fourth protest, asked for hospitality and resumed his speech, only to be interrupted again. After the 10<sup>th</sup> interruption, several dozens students who opposed Oren's talk got up and walked out and staged a protest outside. Watch the video at: <http://www.bdsmovement.net/?q=node/641>

### **Brussels BDS Activists Impersonate El Al Flight Attendants**

7 February 2010 - Eight peace activists entered the Brussels Holiday Fair and impersonated flight attendants of the Israeli airline company El Al. They handed out fake free plane tickets to Israel, which referred to the fact that El Al contributes to the transport of arms to the country (160 million bullet parts, 17 million rounds of ammunition and tens of thousands cartridges, smoke shells and fuses in 2005 and 2006 alone). Upon discovery of the action, Israeli security agents observing the Fair reacted by getting all the "air hostesses" arrested.

### **University of Arizona Students Launch Divestment Campaign Targeting Motorola**

15 February 2010 – Students at the University of Arizona in the USA have launched a campaign calling on their university to divest from Motorola corporation. The students of the "University of Arizona Community for Human Rights" have been engaged over the past few months in a campaign calling on their local police department to cancel a \$203,000 contract with the Motorola Corporation for radio and communication equipment. The contract was signed in 1999 and is still active today.

### **Israeli Apartheid Week 2010 – The Biggest one Yet**

1-14 March 2010 – Israeli Apartheid Week (IAW) this year was the biggest yet, having spread to well over 50 cities across the globe. Since it was first launched in 2005, IAW has grown to become one of the most important global events in the Palestine solidarity calendar. Last year, more than 40 cities around the world participated in the week's activities, which took place in the wake of Israel's brutal assault against Palestinians in the Gaza Strip. Lectures, films, and actions held during the week highlighted some of the successes of the BDS movement along with the many injustices that continue to make BDS so crucial in the battle to end Israeli Apartheid. More information at: <http://www.apartheidweek.org>

### **Dutch Pension Fund Follows Scandinavian Divestment from Elbit due to BDS pressure**

19 February 2010 -- ABP announced that it had sold its US \$2.7 million shares in Elbit Systems. Following a similar decision by the Norwegian State Pension Fund, Kommunal Landspensjonkasse (KLP), one of the largest life insurance companies in Norway, also divested from Elbit. The move by heavyweights Halvorsen and KLP to divest led Danwatch, the Danish financial watchdog, to add last month Elbit to its blacklist of 35 companies that are disqualified from investments due to ethical considerations. The largest bank in Denmark and a leading player in the Scandinavian financial markets, Danske Bank followed suit a week later. The bank also blacklisted Africa-Israel, a company led by diamond mogul Lev Leviev which has been involved in the illegal construction of Israeli settlements in the occupied West Bank. Kjaergaard noted that the bank is determining whether other companies with activities in the Israeli settlements qualify for exclusion. Danske Bank's decision was followed by PKA Ltd., one of the largest Danish pension funds, selling its shares in Elbit worth \$1 million. Other major institutional investors in Scandinavia have also excluded Elbit from their portfolios due to ethical concerns. Folksam, Sweden's largest asset manager, responded to an inquiry regarding its investments in either Elbit or Africa-Israel, that the fund did not have holdings in either company. The two largest Dutch pension funds, ABP and PFZW are the focus of a coalition of Palestine solidarity activists, organizations and concerned citizens who are currently pressuring the two pension funds to follow the Scandinavian example and divest from Elbit and other companies profiting from the Israeli occupation.

### **EU court: West Bank goods are not Israeli**

25 February 2010 - In a ruling touching on the status of the West Bank, the European Union high court ruled that the area is not part of Israel and Israeli goods made there are subject to EU import duties. The court stated that the EU-Israeli Association Agreement has a defined territorial scope, and that Israeli goods made in the West Bank cannot enjoy duty-free access to the vast EU market.

### **500 Artists Issue Statement Israeli Apartheid**

25 February 2010 - A broad spectrum of Montreal artists took a standing in solidarity with the Palestinian struggle for freedom and supporting the growing international campaign for Boycott, Divestment and Sanctions (BDS) against the Israeli state. Montreal artists are now joining this international campaign to concretely protest the Israeli state's ongoing denial of the inalienable rights of Palestinian refugees to return to their homes and properties, as stipulated in and protected by international law, as well as Israel's ongoing occupation and colonization of the West Bank (including Jerusalem) and Gaza, which also constitutes a violation of international law and multiple United Nations resolutions. Read the statement at: <http://www.tadamon.ca/post/5824>

**Historic Student Divestment Resolution Passed at University of Michigan, Dearborn**

26 February 2010 – The University of Michigan at Dearborn Student Government issued General Assembly Resolution # 2010-003 which states that “the University is known to have several million dollars of investment in corporations that sell weapons, goods, and services to Israel—including BAE, Raytheon, Boeing, General Electric, United Technologies, Lockheed Martin, General Dynamics, and Northrop Grumman, among others—whom in turn uses the weapons, goods, and services inhumanely ... be it Resolved, (1) that the University of Michigan-Dearborn Student Government will lead a movement to collect petition signatures calling on the Board of Regents to form such an advisory committee, and ... (2) that the University of Michigan-Dearborn Student Government calls on the Board of Regents to create an advisory committee to determine if any University investments are questionable and in need of appropriate corrective actions, and ... (3) that on behalf of the students at the University of Michigan-Dearborn, we will urge this committee to recommend immediate divestment from companies that are directly involved in the ongoing illegal occupation, because we deem these investments to be profoundly unethical and in direct conflict with the mission of this University.”

**Russell Tribunal pm Palestine calls for Sanctions on Israel**

3 March 2010 – The Russell Tribunal on Palestine convened in Barcelona, Spain and issued its ruling on six questions concerning the Israeli-Palestinian conflict. The Tribunal’s judgments are not judicially binding but are meant to examine the complicity of the European Union in perpetuating what the Tribunal called Israel’s «policy of war, occupation, and colonization for 60 years.» The jurists were assembled from around the globe, and among their conclusions, the jury stipulated that Israel practices a form of apartheid and that states are obliged to place sanctions on the apartheid state until it complies with international law.

**Berkeley student government approves divestment against Israel**

18 March 2010 - The ASUC Senate passed a bill urging the University of California to divest from companies who have supplied the state of Israel with materials used in alleged war crimes. BDS activists who pushed the bill forward described the bill as the first step in an expected long-term process to convince the UC Board of Regents to pull total investments of about \$135 million from five companies currently supplying Israel with electronics and weapons, including Hewlett-Packard and General Electric. On 24 March 2010, UC Berkeley ASUC President Will Smelko vetoed the bill, and the university’s senate is expected to decide on whether or not they will allow the veto later this month.

**Launch of South African BDS Coalition**

28 March 2010 - A coalition of Palestinian solidarity movements joined forces to push forward the BDS campaign in South Africa. Choosing the global BDS day of action as their official launch, the coalition a «Guerilla Shopping» campaign, in which they spread awareness of the Israeli goods boycott. The newq BDS coalition includes: Coalition for a Free Palestine (CFP). These include the Palestinian Solidarity Committee (PSC), Palestinian Solidarity Committee (PSM), African National Congress (ANC), South African Communist Party (SACP), South African Council of Churches (SACC) and Cosatu’s trade union affiliates such as the South African Municipal Workers Union (Samwu) and others.

**Land Day marked across the world with actions calling for BDS against Israel**

30 March 2010 - As Palestinians commemorated Land Day, solidarity activists around the world took to the streets to call for a comprehensive campaign of Boycott, Divestment and Sanctions (BDS) against Israel until it complies with international and humanitarian law. Creative and bold actions took place in London, Toronto, New York, Paris, Rome, Cairo, Melbourne and dozens of other cities around the world. For videos and report-backs from creative actions of Land Day BDS actions, see: [www.bdsdayofaction.wordpress.com](http://www.bdsdayofaction.wordpress.com)

**Swedish pension giant Divests from Elbit**

31 March 2010 - Foersta AP-Fonden, Sweden’s largest pension fund banned investment in Elbit because it operates surveillance system for West Bank security barrier. Following the lead of Norway’s state oil fund, Foersta AP-Fonden said it had banned investment in Elbit because it had built and was operating a surveillance system for Israel’s Wall.

**Jerusalem Quartet Protestors Cleared of Racism**

8 April 2010 – The five Scottish Palestine Solidarity Campaign (SPSC) activists who faced charges of racially motivated conduct following their protest at a Jerusalem Quartet concert were cleared of all charges. The activists interrupted a concert held by the Jerusalem Quartet – who have historical links with the IDF and are renowned cultural ambassadors for the State of Israel – with shouts of “boycott Israel” and “end the siege on Gaza”. Sheriff James Scott ruled that “the comments were clearly directed at the State of Israel, the Israeli Army, and Israeli Army musicians” and not “citizens of Israel” per se. “The procurator fiscal’s attempts to squeeze malice and ill will out of the agreed facts were rather strained,” he added.

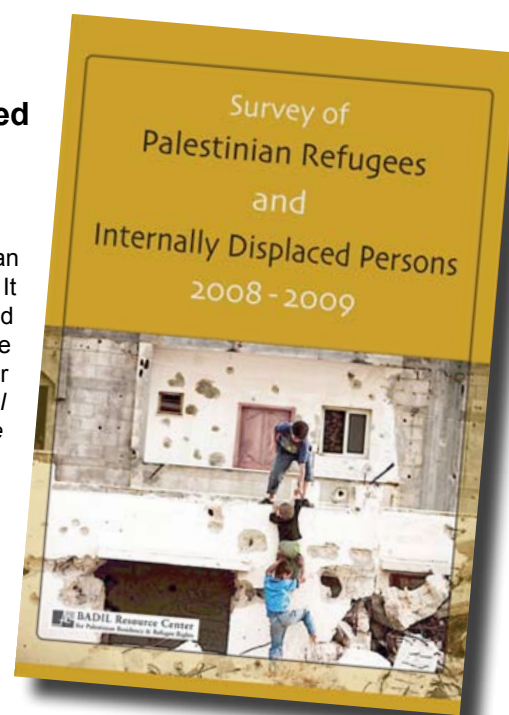
## New From Badil

### Survey of Palestinian Refugees and Internally Displaced Persons 2008-2009

*What people are saying about the Survey*

«The BADIL Research Center's overview of the situation facing Palestinian refugees and internally displaced persons is reliable and invaluable. It provides readers with facts, interpretation, legal and political analysis, and policy recommendations. Anyone who doubts the relevance of the refugee dimensions of the Israel/Palestine conflict needs to read and ponder this admirable presentation of this vital material. --Richard Falk, *Special Rapporteur to the UN Council on Human Rights on Human Rights in the Occupied Palestinian Territory*

«This is a unique and precious volume. With the Survey's publication, BADIL have provided an immeasurable service to scholars and the general public alike. The dispossessed, the hidden from view and the disenfranchised have been restored to their humanity and dignity. Numbers and statistics are transformed, through scrupulous and painstaking work, into the embodiment of the Palestinian spirit. Every refugee is here returned to their status as a bearer of inalienable and sovereign rights under international law.» --Karma Nabulsi, *Oxford University*



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#### Badil Working Paper #11

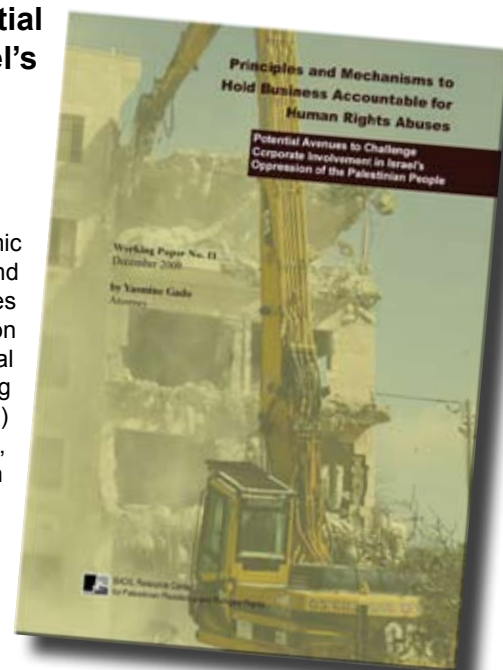
### Principles and Mechanisms to Hold Business Accountable for Human Rights Abuses: Potential Avenues to Challenge Corporate Involvement in Israel's Oppression of the Palestinian People

*by U.S. attorney Yasmine Gado.*

#### About the Working Paper

In examining mechanisms available within the existing legal and economic framework to advance corporate accountability for human rights abuses, and for their conduct in other areas of social concern, this Working Paper focuses on three primary categories: (1) *domestic US law* regulation and litigation under state domestic legal systems; (2) *international law*: binding international law governing corporate complicity in international crimes and non-binding international norms on the issue of business and human rights; and (3) *market forces*: socially responsible investment funds, shareholder activism, consumer boycotts, etc. The paper summarizes the latest developments in each of these areas and assesses the possibilities of building on these past experiences to hold corporations involved in the violation of Palestinians' rights accountable.

This paper was prepared by Badil as a resource for the Palestinian civil society-led Campaign for Boycotts, Divestment and Sanctions (BDS) against Israel until it abides by its obligations under international law and all those engaged in efforts to end impunity for egregious human rights abuses.

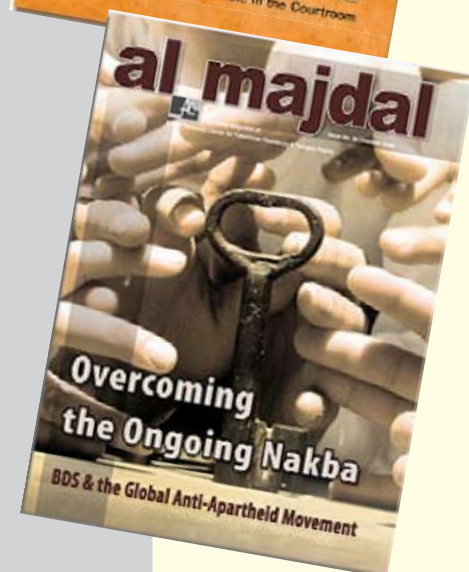
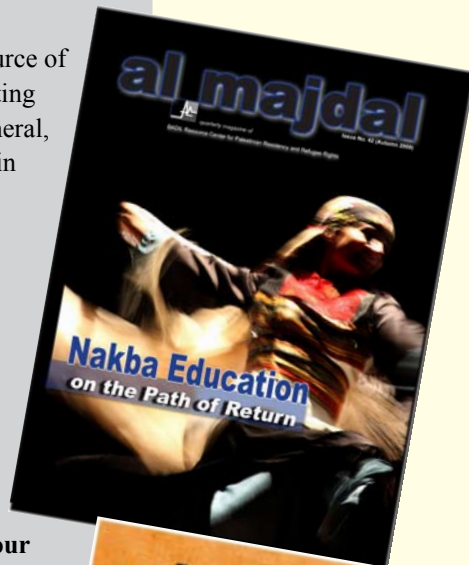


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## About the meaning of al-Majdal

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as “10 Plagues”) aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city’s residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as “Ashkelon.” Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. *al-Majdal*, BADIL’s quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

[www.badil.org/al-majdal](http://www.badil.org/al-majdal)



«Between ourselves it must be clear that there is no room for both peoples together in this country. We shall not achieve our goal if the Arabs are in this small country. There is no other way than to transfer the Arabs from here to neighboring countries - all of them. Not one village, not one tribe should be left.»

--Yosef Weitz Director of the Land and Afforestation Department of the Jewish National Fund (1932-1972)

