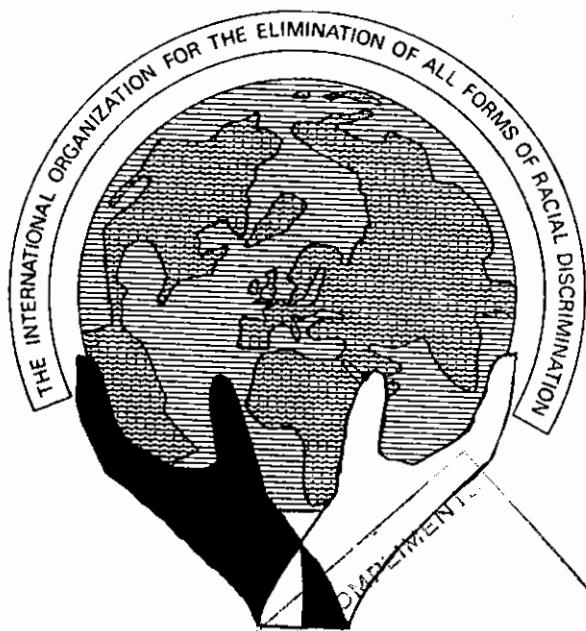


**THE INTERNATIONAL ORGANISATION
FOR THE ELIMINATION OF ALL FORMS OF
RACIAL DISCRIMINATION
(EAFORD)**



**RACIST REGIMES AND THE LAND
OF THE INDIGINOUS PEOPLES**

by
Dr. Anis Al-Qasem

Paper No.22

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Universal Declaration of Human Rights

RACIST REGIMES AND THE LAND OF THE INDIGINOUS PEOPLES

by

Dr. Anis Al-Qasem*

Introduction

The question of the control or ownership of land is fundamental for the realisation of the dreams and implementation of the policies of racist regimes. Without control of the land they cannot stake a claim to sovereignty nor can they settle their followers and establish roots. If the regime is established through military conquest, like that of South Africa or old Rhodesia, conquest opens the door for the acquisition of land through all the power that such a regime can wield. In other cases, attempts at colonisation may precede the establishment of the regime. But in every case and regardless of the beginnings of the regime, control of the land is the first strategic objective.

In this paper we intend to deal with the problem of land in its connection with present day racist regimes. Racism, by definition, is an expression of preference and exclusion: preference for a particular race or ethnic group, and the exclusion, in one form or another, of other races or ethnic groups. This ideology of preference and exclusion can be applied locally, as we have witnessed in the racist policies of nazi Germany. However, the effects of such ideology may reach to other areas which may come under the authority of a racist regime. German occupation of other territories during the Second World War brought with it the implementation of nazi ideology to those areas. German settlements started appearing in occupied territories, much as we see now Israeli settlements in the occupied territories of Palestine. Before the Second World War Italy in Libya and France in Algeria adopted racist policies regarding the acquisition of land and the creation of Italian and French settlements. In all of these cases, colonialism was the instrument of racism, but in all of them the mother country (German, Italy or France, as the case may be) remained the legal sovereign. No new international personality was created as a result of the implementation of the policies of racism. Control or ownership of land in occupied Europe, Libya or Algeria in the three cases referred to earlier was not a prerequisite for the creation of the German, Italian or French state. Therefore, the struggle of liberation against those three countries was not, of necessity, a struggle for the liquidation of the state involved, but rather a struggle to terminate occupation or colonisation.

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However, that is not the case with settled colonialism which involves massive immigration to a foreign territory with the ultimate objective or with the result of the creation of a new and independent state when circumstances become ripe for such a situation. Of course, not in all cases the original settlers had the intention of establishing an independent state. In fact the British, French, Spanish and Portuguese settlers who immigrated to settle in the New World remained for a long time citizens of the mother country to which they owed their allegiance. However, the 'liberation' of the colonies did not lead to the return of sovereignty to the indigenous population but resulted in the creation of new states of the immigrants themselves. Occupation was accompanied by extensive dispossession of the land and the forcible eviction of the indigenous population therefrom. The right of the indigenous people to their land and property, their right to life, liberty and security and all their other human and national rights were not, in the eyes of the immigrant settlers, sacred inalienable rights. Such description applied only to the rights the settlers arrogated to themselves in a land which was not theirs but which they claimed as their sby force of arms. The violation of any of these rights would be criminal if committed by one settler or group of settlers against another settler or group of settlers. Committed against the indigenous people, the violations were not only proper but encouraged and practised by the authorities themselves.

It is natural for people to try to protect and defend their land and country. Consequently, the seizure of land by the colonial settlers was forcibly resisted and the inequality of power and the determination to make the seizure permanent resulted in massacres, mass deportations and atrocities of all kinds. In some instances the indigenous population was almost wiped out; those who escaped extinction were driven out to the jungle or to designated areas called the "reserves" or "homelands" and subjected to conditions of retardation and forced seclusion and inferiority in rights and dignity. Although numerically they may no longer constitute a serious threat to the majority, nevertheless, they still presented a constant reminder of the horrible cruelty and injustices committed against them. They must be kept out of view under control and in a permanent state of backwardness. In the realm of propaganda, backwardness is the proof of inferiority and both are the justification and the excuse of colonisation and racism.

The conquering tide of de-colonisation and the rising sun of human rights and anti-racism for individuals and peoples are forcing the old settlers into some limited re-thinking. Nevertheless, it will need considerable hope, bordering on naivety, to expect the return of the land in the New World to the indigenous peoples. Some palliatives, perhaps, but nothing substantial without great determination and new sacrifices.

That old story is now being reacted in two corners of the world with the

initiation and support of the main protagonists of the earlier settler colonialism. Authorities in USA still finance Israeli colonial settlements in Palestine – settlements which have been consistently declared illegal by UN as well as US Presidents. American authorities still veto resolutions against South Africa. It is not ignorance of the injustices, the confiscation of property, the deportations, the tortures, the indiscriminate bombing of civilian targets, collective punishment, complete destruction of villages etc – all this and much more is known to the American administration and is fully documented, and yet American official policies continue to support the racist regimes of South Africa and Israel despite protestations of support of human rights and a legacy based on the right of self-determination.

In this paper, in order to illustrate the integral connection between racist regimes and the seizure of land, we shall draw our examples mainly from South Africa and Israel – the two regimes which explicitly apply ideologies, apartheid and zionism, respectively; which have been repeatedly declared by UN as forms of racism and racial discrimination.

Land a Prerequisite

It has already been mentioned that the control or seizure of land is a prerequisite for the establishment and maintenance of racist regimes of the settler colonial type. Sovereignty has to be declared with reference to a defined territory and the immigrants have to be settled in that territory. At the beginning, followers of the nascent regime hardly own anything in the territory chosen by the ideologues as the target of occupation. While the theory was in the making, European whites and Jews hardly owned any property in South Africa and Palestine, respectively. Ways and means have to be found to seize a foothold.

The above analysis is not based on speculation or abstract theory. When the first Zionist Congress was held in Basel, Switzerland, in 1897 in order 'to secure for the Jewish people a publicly recognized, legally secured homeland in Palestine', it approved a programme through the implementation of which the Congress hoped to achieve its objective. The first item in that programme was:

'The programmatic encouragement of the settlement of Palestine with Jewish agricultural workers, labourers and artisans.'

The settlement of the land is given priority in the programme to the 'strengthening of Jewish self-awareness and national consciousness' which appears as the third item in the programme. Without the settlement of the land, nothing could be achieved.

In the case of South Africa, in 1615 the English tried vainly to form a settlement at the Cape with ten felons reprieved from the hangman's noose. Ultimately, it was military conquest which secured the land and made settlement possible.

In many instances, it was possible to buy limited areas from the indigenous people in the normal ways of purchase. However, in all cases when the true intentions of the prospective settlers were discovered, the indigenous people resisted attempts at settlement and refused to sell their land. The wars between the indigenous peoples and the invading colonists lasted tens of years – brutal and unequal wars. Colonisation, which involves a direct violation and denial of the basic rights and fundamental freedoms of the colonised, was acceptable in European political circles and was a matter of competition between the various European powers. Colonial wars, as far as the indigenous peoples were concerned, were wars of aggression against them. The Zulus of southern Africa did not attack Holland or Britain.

While aggression has never been recognized as legal, self-defence and the resistance to aggression have always been so considered. The continuation of occupation, as the consequent of aggression, is a continuation of an illegal state of affairs, and the people suffering from the illegality, by being subjected to occupation and colonisation, are fully within their legal and natural rights to remove the illegality. That is why the United Nations has repeatedly declared that liberation struggles are legitimate. It should be mentioned, in this connection, that recognition of an entity created by the occupiers does not, of itself, legitimise the occupation. In granting recognition, states are not motivated by considerations of justice, legality or morality. In general, recognition is granted to a political entity which exercises sufficient authority over a definite area. The basis of the authority is, in most cases, irrelevant and each state exercises its discretion in the manner it deems fit. While most states, for example, have recognised China, the United States withheld its recognition for a number of years. Thus recognition by other states should not, it is submitted, be interpreted to signify legality and should not be relied upon to deny the legitimate rights of the indigenous people or to give aid and support to a regime which is illegal from the start to perpetuate its illegality.

It is important to bear this in mind while considering the cases of South Africa and Israel. The recognition accorded to them by other states does not legitimise their existence. Such legitimacy can be obtained only if the indigenous peoples, the blacks of South Africa and the Palestinians of Palestine, accord such recognition. This explains the insistence of the supporters of Israel on the Palestine Liberation Organisation to recognize Israel's 'right' to exist. Without such recognition and despite recognition by a large number of states, neither Israel nor South Africa will acquire legitimacy.

Recognition by the indigenous people carries with it extremely important consequences, and that is why such recognition is not willingly granted. Of

course, it is no recognition if obtained by coercion. One of the first consequences is an irrevocable agreement for all generations to come that the land and the country are no longer those of the indigenous people and their descendants except to the extent that the occupying power grants them rights. In the case of regimes based on racism and discrimination, the indigenous people know exactly what to expect: every right which may be granted to them will be subject to the superior will and intentions of the governing race. Already their rights are eroded, not least of all with reference to land. Already they are destined to a state of backwardness through policies aiming at keeping them mainly manual workers to do menial work with a very low ceiling for advancement.

If those who keep asking the Palestinians or southern Africans to recognise the racist regimes of Israel and South Africa stop to put themselves in the same position regarding their land and country and test their minds and feelings – if they do that they can appreciate why no indigenous people anywhere in the world have ever agreed to what is being asked of the southern Africans or the Palestinians, why resistance movements appear and why liberation struggles are waged and why they have been successful despite all odds.

And at the centre of it all is the control of the land.

Land Seizure

In order to seize the land, the colonists adopted every possible means, and the direct or indirect use of force has always been the main instrument; and that should not be surprising. Which people would willingly give up their homes, country, national rights and their very existence as a people? Peoples' countries are not for sale.

In the case of South Africa, because the colonists were the governments of Britain and the Netherlands, direct military operations were possible and military conquest was exercised. It was an aggressive series of wars against the indigenous people and constituted a part and parcel of the general fever of colonialism which caught up European states. Zionism, as a political movement, came into being in the second half of the nineteenth century as an expression of the same European colonial mentality, and was presented as a colonial ideology. It was motivated by events in Europe and grew and flourished mainly on European soil, by European intellectuals, European adventurers, European politicians and European colonialists. It is interesting to note that the nineteenth century was the century of liberalism in western Europe, but, nevertheless, it was also the century of intensive colonialism. Such has been the hypocrisy, a hypocrisy which we can still witness in the advocacy of human rights on the one hand and the support of the racist regimes in South Africa and Israel on the other.

Because zionism was not the official policy of any then existing European

power, it was not possible for it to embark on direct military conquest. Palestine, at that time, was a part of the Ottoman Empire which embraced most Muslim countries, and its inhabitants were full citizens of the Empire. With direct military occupation not being a viable option at the time, the Zionists resorted to other means:

1 – *Attempts at seizure through purchase*: according to official sources, Zionist and British, by the end of the First World War in 1918, the Jews, Zionists and otherwise, owned only 2% of the total land area of Palestine. Most of the land so acquired was purchased from absentee landlords and not from the Palestinians themselves who, when they discovered the political intentions of Zionism, not only refused to sell but also asked the Ottoman government to prohibit the sale of land to the Zionists.

The two per cent represented a meagre 162,500 acres out of a total land area of 6,580,755 acres.¹ Attempts at bribing the Ottoman Caliph to obtain his sanction for the Zionist colonisation of Palestine met with dismal failure.

2 – *Abuse of the legal process*: Racist regimes which derive their ideology from Western thinking and practices are particularly fond of dressing up their activities with the cloak of legality. In their minds, colonialism was legal and gave the colonial power the right to dispose of the lives, the land and the rights of the colonised as the colonial power deemed appropriate. Of course, the application of the rule of law domestically and internationally is of great importance. However, the rule of law is not formalistic legalism: significance should be given to the underlying principles, the contents and objective. An innocent looking law, judging by its title, may embody or cover the worst possible expression of racist thinking.

While writing this paper, newspapers were full of reports about the black “squatters” camping at Nyanga near Cape Town in South Africa. The “squatters” were attacked by the police, their homes destroyed and they were evicted. The London Times of 22nd August 1981 reported that ‘after their eviction, about 1,000 of the squatters were put in lorries and buses and deported to the Transkei, one of the 10 homelands in which the Pretoria Government is trying to resettle or confine the majority of South Africa’s black population.’ The South African police was setting up road blocks at border crossing points between the Transkei and “white” South Africa in an attempt to prevent the return of the ‘squatters’ who were evicted and deported.

The use of the term ‘squatters’ is an abuse of legal terminology because of the explicit illegality it connotes. The ‘squatters’ were not considered so because they were in illegal occupation of any person’s private property; but because they were staying in a part of their country to which all of their rights have been confiscated by the racist white authority. Neither the land nor the country is any longer that of its indigenous people. The authority of

the 'law' deprived them of all rights.

The case of the 'squatters' of 1981 was not, of course, the first of its kind. The indigenous people of South Africa have been evicted from all the land presently under white control, and, by law, they were declared not to have any rights.

This abuse of the legal process is a basic characteristic of racist regimes and all of them adopt the same measures. The eviction of the blacks from Nyanga had their precedents in the other racist regime, Israel. Before and after the creation of Israel in 1948, the first important occupation of the authorities was the seizure of land. We shall deal later on in this paper with terrorism as an instrument to force evacuation. At the moment we are concerned with the abuse of authority. Sabri Jiryis, who wrote the most authoritative book about the Arabs in Israel, says:

The Israeli government did not confine itself to taking the land of the Palestinian refugees but extended its operations to dispossess the Arabs who had remained in the country, and whose luck was often not much better. The usual method was for the army, immediately after occupying an area, to seize the residents' land. After independence, kibbutzim and agricultural colonies near Arab villages would take over their neighbours' land, very often with the encouragement and approval of the government, simply by building barbed wire fences around it and annexing it.² The expulsion of the Arab Palestinians from their homes and villages, even within the area of Palestine forcibly occupied by the Israelis in 1948 and declared as the state of Israel, became an established policy of the state. It should be recalled that in 1948 when the Jewish State was declared the Jews owned only 5.67% of the total land area of Palestine.³ With such a meagre percentage, it is inconceivable that the claim to a Jewish State could be justified. With the Palestinians refusing to sell their lands and country and with the Zionists, supported by the great imperialist powers, determined to change the whole character of Palestine from an Arab to an exclusively Jewish land, the Israelis adopted the same old colonial method of expulsion of the indigenous population.

Israel is often described as the bastion of democracy and civilisation in the Middle East. There is no doubt that this statement is correct if we take democracy to mean the type of colonial democracy which prevailed in European ruling circles of the nineteenth century. Democracy is much more than a parliament and political parties. With the record of Israel and the policies implemented by both the right and the left, one cannot understand the support Israel receives from European socialist circles unless such circles have not as yet outgrown their own colonial past. Is socialism, apart from the type of national socialism applied by Nazi Germany, consistent with the expulsion, on racist basis, of hundreds of thousands of people from

their homes and villages, the destruction of such villages, the deprivation of the peasantry of their only source of livelihood, the denial of their right to live in their own country? Is socialism consistent with colonialism? Is it consistent with discrimination, racial or otherwise?

We shall illustrate the policy of expulsion by reference to the case of the two villages Ikrit and Kfar Berem. The two villages were occupied by the Israeli army on 31st October 1948. Six days later, the villagers were ordered to leave their homes "for two weeks" until "military operations in the area were concluded." They were advised to take only what they needed for that period. The Israeli army provided locks for the houses and the villagers were handed the keys! Sabri Jiryis continues to tell the story of Ikrit: "much more than two weeks passed before the villagers were allowed to return. All appeals to the (Israeli) authorities were rejected. After more than two years of negotiations with no results, the villagers realised there was no intent to return them to their homes and they appealed to the (Israeli) Supreme Court. On July 31, the court announced that "There is no legal impediment to the plaintiffs' returning to their homes". The villagers then asked the military governor to implement the decision; he referred them to the minister of defence who referred them back to the governor. This went on for about a month, at the end of which the villagers received formal orders to leave their village, in accordance with the security zone regulations. They appealed at once to the appeals committee, which – after a session lasting until after midnight – ratified the expulsion order. The villagers appealed again to the Supreme Court, which agreed to consider the case on February 6, 1952. Six weeks before the appointed date, on Christmas Day, the Israeli army blew up all the houses in the village, all of whose inhabitants were Christian Arabs. After this the (Israeli) government announced the expropriation of the village's land, which totalled 15,650 dunums.²⁴ In the case of Kfar Berem, the villagers also appealed to the Supreme Court of Israel to be allowed to return to their village. The court ordered the authorities to state the reasons for preventing the villagers from returning to their homes. 'The reaction' writes Jiryis, 'was extremely violent. In a great display of force, the (Israeli) infantry and air force attacked the village on September 16, bombing and shelling until it was completely destroyed. Even before this took place, the (Israeli) government had announced the expropriation of Kfar Berem's land, which amounted to 11,700 dunums.'²⁵

In 1972, the villagers tried again to return – this time only to repair their churches. They were forcibly evicted and prevented.

So much for Israeli democracy, respect for the rule of law, the judiciary, human rights or the principles of socialism. In this connection, it should be remembered that all the discriminatory laws, policies and practices were committed, until Begin came to power, by successive Israeli socialist labour

governments.

The foregoing examples should be sufficient to show the extent to which racist regimes give any respect to the rule of law or to the judiciary – their own judiciary.

3 – *Terrorism*: It is indisputable that all racist regimes base their authority, in the ultimate resort, on violence and terrorism. The victims are, naturally, the indiginous peoples. Nazism was violent and terroristic and so are apartheid and zionism. They cannot escape this fate. The realisation of their policies and objectives will undoubtedly meet with resistance from their victims who cannot accept the occupation of their country or the degradation of their status. Moreover, the mere continued existence of the victims can form a permanent nightmare to the racists. They do not feel secure. They fear the aspirations of the oppressed and the deprived. Consequently, if the victims cannot be physically annihilated they must continue to live under conditions of severe and permanent subjugation.

Terrorism has been and still is a vital instrument used by racist regimes for the seizure of the land of the indiginous peoples. Both South Africa and Israel were born in violence against the indiginous peoples and both continue to live in violence and terrorism against the indiginous peoples and their neighbours. At the same time, both want the land without the people so that they can realise their objective of creating an exclusive society of their own people. To empty the land of its people on a massive scale, violence and terrorism are necessary. Long before the Soweto massacre and the forcible deportation of south African blacks to their newly-created 'homelands', Begin and his terrorist organisation, the Irgun, committed the massacre of Deir Yasin on 10 April 1948 with the specific intention of creating a state of terror among the civilian population which would make them evacuate the land and run for safety. The massacre and its consequences are documented by the report of Jacques de Reynier, the head of the delegation in Palestine of the International Red Cross throughout the hostilities, 1948. De Reynier says in his report, after visiting Deir Yasin and feeling the effect of the massacre of the whole village:

'The affair of Deir Yassin had immense repercussions. The press and radio spread the news everywhere among Arabs as well as the Jews. In this way a general terror was built up among the Arabs, a terror astutely fostered by the Jews. . . . Driven by fear, the Arabs left their homes to find shelter among their kindred; first isolated farms, then villages, and in the end whole towns were evacuated, even when the Jewish invader had done no more than make it appear that he intended to attack. Finally, about 700,000 Arabs became refugees, leaving everything behind in their haste, their one hope being to avoid the fate of the people of Deir Yassin.'⁶

Deir Yassin is just the most known example. However, through terror most

of the land of Palestine has been vacated by its people to be seized by the zionist state of Israel – and terrorism continues.

Conclusion

The basic objective of all racist colonial settler regimes is to ensure for themselves the permanent exclusive possession of the land and its natural resources. The fate of the indiginous people is immaterial to them. Land seized in South Africa or in Palestine is put at the exclusive use of the whites or the Jews, as the case may be. The villagers whose villages are destroyed are never provided with alternative land or housing, and, of course, they rarely received any adequate compensation. Those of them who continue to occupy their land have no assurance of continued possession. A simple administrative or military order declaring their land as a part of "security zone" will be enough to deprive them forever of their land. The courts are thus made powerless to control the arbitrariness of the administration because questions of security cannot be investigated by courts of law. Racist regimes have long departed from the traditional view of expropriating for "public purposes". You cannot expropriate hundreds of villages and thousands of acres to build schools, hospitals or roads. However, "security" can extend far and wide, and it always involves the lands, towns and villages occupied by the indiginous people. No area occupied by the settlers is ever declared security zone, leading to the total eviction of its occupants.

Nor can the courts in South Africa or Israel, even should they be inclined to, challenge the legality or even the absurdity of a law. Under Israel's Absentee's Property Law, 5710-1950, 'every Arab in Palestine who had left his town or village after November 29, 1947, was liable to be classified as an absentee under the regulations. All Arabs who held property in the New City of Acre, regardless of the fact that they may never have travelled farther than a few metres to the Old City, were classified as absentee. The thirty thousand Arabs who fled from one place to another within Israel, but who never left the country, were also liable to have their property declared absentee. Any individual who may have gone to Beirut or Bethlehem for a one-day visit during the latter days of the Mandate, was automatically an absentee.'

Even in the darkest of ages, such legislation has never been enacted, but it is the 'law' in Israel by virtue of which Israel took over possession of all the land and property of the Palestinian refugees. To add insult to injury and to give the impression of legality, the property was placed in the custody of a custodian who was, nevertheless, empowered to dispose of the property in the way he felt fit. Of course, the 'absentees' were never permitted to repossess their property even if they were still in Israel. Thus the 'custody' is a permanent confiscation. Absentee land included the Arab orange groves of Jaffa which made Jaffa oranges a household word internationally

long before the establishment of Israel.

Confiscation of property, expulsion of villagers, continued terrorism and insecurity of title for those who, so far, have been left on the land, absence of any effective judicial remedy, seizure or strict control of the water resources used by the indigenous people for agricultural or domestic use are measures designed for one purpose: to force the indigenous people to leave the land. It should be remarked that those evicted or dispossessed are mostly barred from working on the land, leasing it or buying it again. Their connection with it is, in most cases, completely severed and what remains for them is a memory and, perhaps, an old title deed which they pass to their children.

Needless to say that all this is contrary to the United Nations Charter, international law, the general principles of law recognized by civilized nations and the numerous declarations and resolutions of the United Nations. Racist regimes are the outlaws of the international community, but, nevertheless, they are still recognized and admired for being 'democratic' and 'civilized'. Dissolution of the racist regime, as exemplified by the case of Zimbabwe, can restore the rights of the indigenous people without creating harsh consequences to the settlers. The case of Zimbabwe, shows that the indigenous people, once their basic rights are recognized, can be both generous and forgiving. In the case of Zimbabwe, there was no insistence on the recognition of the Smith regime or the right of Rhodesia to exist with all its racist policies and establishment. Thinking was directed towards the human beings, black and white, and to the creation of circumstances which would permit them to live together and enjoy their human rights. Racist policies widen the gaps of distrust and misunderstanding and can lead only to violence and the escalation of the conflict.

In conclusion, one cannot help asking some questions. How do the whites of South Africa feel about eviction of the blacks from their land and country? How do the Israelis feel about living in the thousands of houses confiscated for them by the Israeli authorities? Does it not disturb them to feel that they are cutting the oranges of groves they never owned or worked while the owners who truly made the sand dunes into orange groves are living as refugees and, in any case, deprived by them of the fruits of their labour? Legal questions apart, does not the situation raise any deep moral questions in the minds of those who equate zionism with Judaism? Is this Judaism? Thou shalt not steal – or is this not stealing?

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1. Sami Hadawi, *Palestine: Loss of a Heritage*, (1963), The Naylor Company, San Antonio, Texas, p.18.
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3. Sami Hadawi, *op.cit.*, p.18.
4. Sabri Jiryis, *op.cit.*, 91-92.
5. *Supra* p.92
6. The full report is published in *From Haven to Conquest*, ed. Walid Khalidi, Beirut, the Institute for Palestine Studies, 1971, pp.761-766.
7. Don Peretz, *Israel and the Palestine Arabs* (1958), The Middle East Institute, Washington, D.C., p.152.

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