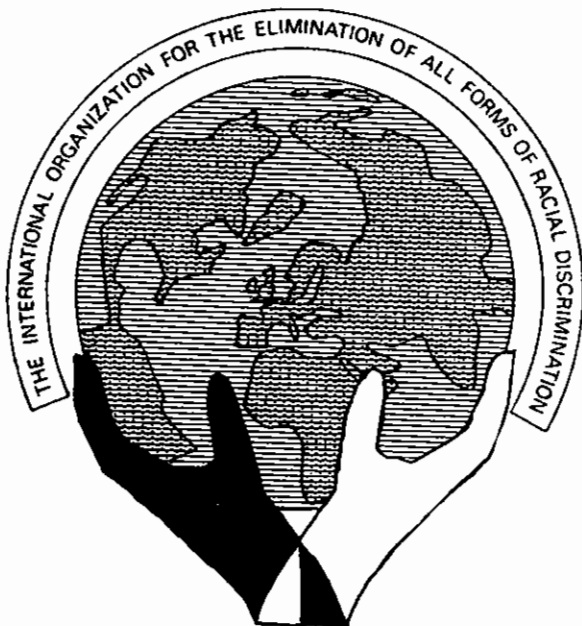


**THE INTERNATIONAL ORGANISATION  
FOR THE ELIMINATION OF ALL FORMS OF  
RACIAL DISCRIMINATION  
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**THE JEWISH NATIONAL FUND:  
AN INSTRUMENT OF DISCRIMINATION**

by  
**Walter Lehn**

The views expressed in this Paper are those of the author, and do not necessarily represent those of EAFORD.

**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

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# The Jewish National Fund: An Instrument of Discrimination\*

Walter Lehn

As clear an example as can be found of a Zionist institution which practices, by design and by intent, discrimination against non-Jews, which was founded 16 years before the Balfour Declaration and which is still active today, is the Jewish National Fund (JNF).<sup>1</sup> This paper is a brief review of the establishment and development of the JNF and of its land policies, both leasing and acquisition.

## Development of the JNF

Although proposed initially by Moses Lilienblum in 1881, and by Hermann Schapira as early as 1884 and again at the First Zionist Congress (Basle, August 1897)<sup>2</sup> and discussed at following Congresses, the JNF was established by action of the Fifth Zionist Congress (Basle, December 1901) as "a trust for the Jewish people, which . . . can be used exclusively for the purchase of land in Palestine and Syria."<sup>3</sup> In accordance with Schapira's original specification, the World Zionist Organization was given, and retains to this day, absolute control over all phases and activities of the JNF. The JNF became active immediately with headquarters in Vienna. These were moved to Jerusalem in 1922, where they remain to this day.

At the Sixth Zionist Congress (Basle, August 1903),<sup>4</sup> the objectives and *modus operandi* of the JNF were discussed at length. Although, in part, elaborating on items on which agreement had been reached at the First and Fifth Congresses, these can be summarized as follows: (1) The JNF was to collect funds "from all the Jews of the world" to purchase "Jewish territory," title to the lands being held by "the Jewish people." (2) The territory was to be acquired only in "Palestine and the neighboring countries." (3) Purchases were to be made of "agricultural and garden lands, as well as forests and tracts of land of every type." (4) The territory was to be "inalienable" and "could not be sold even to individual Jews." (5) The territory could be developed by the JNF or be leased, "but only to Jews" for periods "not exceeding 49 years;" subleasing was to be prohibited. Although the model for these restrictions on ownership and leasing was biblical (cf. Leviticus 25:8-10, 23-4), the objectives were

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clearly national and political.

The JNF made its first purchases in 1905, acquiring a total of 5,600 dunums (4.05 dunums = 1 acre) in three parcels in Palestine. In 1907 the JNF was incorporated in England, its "primary object" being defined in the *Memorandum of Association* as the acquisition of land, by purchase, lease or exchange, "for the purpose of settling Jews on such lands."<sup>5</sup> In 1909 the first kibbutz was established in JNF land at Deganya, near Tiberias.

Nevertheless, progress and land acquisitions during the early years were modest; the JNF held title to only 16,366 dunums in Palestine at the end of 1919. The year 1920, however, marked a major turning point and the beginning of more extensive land purchases. In July at the Zionist Conference in London, the basic notions of land-holding and leasing were elaborated (details in following section). In the same month, the British Military Administration (not always in sympathy with the Zionist cause) was replaced by a Civil Administration headed by Herbert Samuel,<sup>6</sup> who enjoyed the confidence of the World Zionist Organization and of the Zionist Commission in Palestine. In September the new government issued a Land Transfer Ordinance, the effect of which was to facilitate the purchase of land by Jews, and was a contributory cause of the May 1921 Palestinian Arab uprising. In October the Land Registry Offices in Palestine were reopened, thus facilitating legal transfer of land ownership. The government in addition certified the JNF "as having purposes of public utility"<sup>7</sup> and registered it as a company authorized to engage in the purchase and development of land in Palestine. As a consequence of these several developments, JNF holdings—according to the JNF—increased from 22,363 dunums at the end of 1920 to 278,627 in 1930, 515,950 in 1940, and 936,000 in May 1948. Thus, when the state of Israel was established in 1948, JNF holdings constituted 3.55 per cent of the land in Palestine (26,323,023 dunums) and 54 per cent of Jewish-owned land (1,734,000 dunums,<sup>8</sup> 6.59 per cent of the land in Palestine).

Since 1948 there have been a number of noteworthy developments. (1) As a consequence of the 1947-49 fighting in Palestine and the exodus of the majority of the Palestinian Arabs, large amounts of land which the JNF had thus far been unable to purchase because of the refusal of the owners to sell were now declared to be "abandoned."<sup>9</sup> Under agreements negotiated with the government of Israel in January 1949 and October 1950, the JNF purchased from the Development Authority 2,373,676 dunums of so-called abandoned land, thus more than trebling its 1948 holdings. These agreements gave the JNF "clear title" to the land and guaranteed that it would not be held liable in any way as a result of any eventual settlement with the Palestinians.<sup>10</sup>

(2) In May 1954 the *Keren Kayemeth Leisrael*. "Perpetual Fund for Israel," was incorporated in Israel; it should be noted that the Hebrew name (from which the abbreviation KKL, also denoting the JNF, derives) is not a translation of the English *Jewish National Fund*. This new company acquired all the assets, liabilities, etc. of the JNF incorporated in England in 1907; thus the JNF became an Israeli corporation. A comparison of the new *Memorandum and Articles of Association*<sup>11</sup> with those of 1907 reveals no substantial differences, with one exception. The primary object of the JNF remains the same, but the "prescribed region" within which the JNF is to operate is now defined as "the state of Israel in any area within the jurisdiction of the government of Israel." Whatever the intent, this appears to authorize the JNF to operate in the territories occupied in 1967, since they are indubitably under the control and hence effective jurisdiction of the government of Israel, whatever their status under international law. Is it too far-fetched to suggest that in 1954 the possibility of territorial expansion was foreseen and provision for this eventuality was made?

(3) In November 1961 the JNF and the Israeli government signed a *Covenant*,<sup>12</sup> based on legislation enacted in July 1960, clarifying the relationship of the JNF to the state, spelling out their respective powers and responsibilities, and setting up two bodies: an Israel Lands Administration (controlled by the government) and a Land Development Administration (controlled by the JNF). The latter is responsible for reclamation, development, and afforestation of all state and JNF lands, with costs borne by the respective owners. Although the JNF and the state each retained title to their lands, all of these are managed by the Lands Administration (or Authority) according to a uniform policy, the most significant effect of which is the application of JNF restrictive land policies to all state lands, which together with JNF lands constitute over 90 per cent of the land in pre-1967 Israel.<sup>13</sup> This intention was further reinforced by subsequent legislation, notably the *Agricultural Settlement (Restrictions on the Use of Agricultural Land and of Water) Law*,<sup>14</sup> enacted 1 August 1967, which effectively prevents any non-Jew from leasing or holding any rights in state or JNF lands.

(4) As a consequence of these developments, the JNF has gradually expanded its activities—since 1967 also in the occupied territories—to include, in addition to land acquisition, land reclamation, large-scale afforestation, road building (not insignificant from a military point of view), and various forms of assistance to new Jewish settlements. It should be noted that some of these activities in the occupied territories are in clear violation of international law, in particular the Fourth Geneva Convention of 1949, making the JNF a party to these violations by Israel.<sup>15</sup>

## Land Policies

Although, as already noted, the JNF purchased its first land in 1905, progress prior to 1920 was very modest. In the first place, the JNF lacked sufficient funds for large purchases. In the second place, the JNF had to contend with prohibitions or restrictions on the purchase of land by foreigners during the Ottoman period, at the end of which came the disruptions caused by World War I. After the British military occupation of Palestine in 1917, the Military Administration closed the Land Registry Offices, which remained closed until the Civil Administration took over in 1920. In the third place, no clear land policy had been developed by the JNF.

A significant beginning at altering this situation was made at the 1920 Zionist Conference in London; where agreement was reached on the basis of which policies regarding leasing and acquisition of land were developed. The Conference declared that "the guiding principle of Zionist land policy is to transfer into common possession of the Jewish people those areas in which Jewish settlement is to take place," and that the JNF was to be "the instrument of Jewish land policy."<sup>16</sup> Thus while private ownership of land by Jews was not prohibited, it was also not to be encouraged and supported with the resources of the World Zionist Organization. The adopted resolutions further stated that the 49-year leases could (1) be renewed for an additional 49 years, for a total of 98 years, and (2) be inherited, but only by one heir to prevent fragmenting the holding. In addition, the lessee had to agree (3) to live on the land, (4)—in the case of agricultural land—to cultivate the land himself, and (5) to pay an annual rent amounting to 2 per cent of the value for agricultural and 4 per cent for urban land. The land was (6) to be reassessed every seven years and the rent adjusted accordingly. Further, (7) the size of the leasehold was to be determined by the amount the lessee and his family could cultivate without hiring help, and (8) no lessee could hold more than one lease. It should be kept in mind that at the Zionist Congress in 1903 it had already been decided that the lessee must be a Jew.

The system of long-term leasing as it eventually developed included all of these features plus the fact that the lease could, subject to the JNF's approval, be subleased, sold, mortgaged, bequeathed, or given as a gift. The JNF retained the further rights, exercised at its discretion, to inspect the holding, to decrease the amount of land held, and to take back the land if the lessee was held to have violated the terms of the lease. In the latter instance the lessee might, depending on the nature of his violation of the terms, receive compensation for improvements he had made. In all these matters, the judgment of the JNF was final and not subject to appeal.

All of these terms, including the lessee's rights, were subject to one overriding condition, made explicit in the lease, but almost never in JNF or Zionist literature: the lessee must be Jewish and must agree "to execute all works connected with the cultivation of the holding only with Jewish labor."<sup>17</sup> Accordingly, the land could not be leased to a non-Jew, nor could the lease be subleased, nor sold, nor mortgaged, nor given, nor bequeathed to a non-Jew. Non-Jews could not be employed on the land nor in any work connected with the cultivation of the land. Violation of this term of the lease rendered the lessee liable for damages to the JNF, and the third violation gave the JNF the right to abrogate the lease without paying any compensation to the lessee for improvements.<sup>18</sup>

According to the JNF and reports in the Israeli press, these restrictive policies are enforced today, not just by the JNF, but by the state under law and apply to both JNF and state lands. Together these are known in Israel as *national land*, which, curiously enough, means not Israeli but *Jewish* land. And the employment of non-Jews on this land is regarded and dealt with as an infraction of the law. Because of a shortage of Jewish farm workers, and because Arab workers are paid less, some Jewish farmers and agricultural settlements have employed Arabs. This practice has been denounced by the Minister of Agriculture as "a cancer"<sup>19</sup> which he fears will spread unless dealt with severely. Some settlements have even gone farther; they have subleased some land or have entered into sharecropping arrangements with Arabs. To eliminate this "plague," a "vigorous campaign" has been launched by the Ministry of Agriculture and the Settlement Department of the Jewish Agency, warning settlements that such practices are in violation of the law, of the regulations of the Jewish Agency, and of the Covenant between the state and the JNF. Some settlements which broke the law by employing non-Jews were fined and required to make "a donation in money to a Special Fund."<sup>20</sup>

As for land-acquisition policy, during the early years the JNF seems to have had only a vague one: as much as and wherever possible. As a result the quality and agricultural potential of land acquired varied, the costs of acquisition and development tended to be high, and the tracts at times were small and widely separated. Beginning after the 1920 London Conference, the JNF developed a clearer and more rational acquisition policy. At first the main consideration which dictated policy was the acquisition of land suitable for agricultural settlement. This required large, or small but contiguous, tracts of land. By this time the JNF had also learned, apparently to its surprise, that small Palestinian Arab landowners were very seldom willing to sell their lands, and thus the JNF concentrated on the large, and frequently absentee, landowners, who were cultivated through Arab middlemen. These efforts met with much greater success, and the JNF which in 1920 had acquired only 5,997 dunums, in

1921 acquired 43,021 dunums.

During the 1920s, it became increasingly obvious that the building of a Jewish state through land purchase and agricultural colonization would require time far in excess of that foreseen in earlier Zionist predictions and, more important, in excess of that likely to be available, given the growing pressures for independence being brought to bear on the mandatory government by the Palestinian Arabs. Accordingly considerations other than the suitability of land for agricultural settlement came to the fore, and strategic and national political objectives became significant in making land purchases. The latter objectives, however, at times conflicted with the former. Agricultural settlement required large and/or contiguous acquisitions, whereas strategic and national considerations suggested acquisitions in prospective border areas, hence at times widely separated tracts of land. In time the latter objectives became the major ones, and, after the Peel Commission recommended partition of Palestine in 1937, "it became JNF policy to acquire land in areas excluded from the proposed Jewish state and to form settlements there."<sup>21</sup> The so-called "stockade and tower" settlements were an outgrowth of this new policy. Thus increasingly the JNF became a direct and effective instrument of Zionist political objectives—the establishment of a Jewish state, prerequisite to which was the deprivation of the Palestinian Arabs of their national patrimony.

In 1940 the JNF suffered an apparent setback. In accordance with the policy enunciated in the 1939 White Paper by the British government, new Land Transfer Regulations (effective as of May 1939) were published in February 1940. The Regulations divided Palestine into three zones. In Zones A and B, together comprising 95 per cent of the area of Palestine, Jewish purchases were virtually prohibited (Zone A) or severely restricted (Zone B). Thus in only a small Free Zone were there no restrictions on land purchases by Jews, and in this Zone already over half of the land was Jewish-owned. However restrictive these Regulations may appear, and whatever the intent of the government in issuing them, the Regulations had little discernible effect on continued land purchases by the JNF, which increased its holdings from 473,000 dunums in September 1939 to 835,000 in September 1946 (although less than one-third of this increase is reflected in government records of purchases by Jews during this period). Of the acquisitions during this period, 79 per cent were in Zones A and B.<sup>22</sup> While not all, many of these acquisitions were undoubtedly in violation of the Regulations, testimony to the effectiveness of the JNF in pursuing its objectives and to the laxity of enforcement of the Regulations by the government.

The impact of JNF activity on the Palestinian Arabs seems sufficiently obvious to make any attempt at explication superfluous. Suffice it to say



that by design and with malice aforethought, the JNF, which, next to the government, was by May 1948 the largest landowner in Palestine, contributed significantly to depriving the Palestinian Arabs of their national patrimony by "redeeming" the land of Palestine in making it inalienably Jewish. The result, hence—as noted by John Hope Simson in 1930—was that the "land has been extraterritorialized. It ceases to be land from which the Arab can gain any advantage either now or at any time in the future."<sup>23</sup>

In conclusion, two observations: (1) The JNF purchased its first land in 1905 and by May 1948 held title to 936,000 dunums, the result of 43 years of land acquisition, representing 3.55 per cent of the land of Palestine. From October 1920 (reopening of the Land Registry Offices) to May 1939 (effective date of the restrictive Land Transfer Regulations), a total of 19 years, the JNF had no legal impediments to its activities to contend with. In addition, the impediments after May 1939 were obviously not serious, since it acquired almost half of its May 1948 holdings during this period. Accordingly it seems fair to conclude that the extent of JNF land-acquisitions prior to the existence of the state of Israel is surprisingly small. Of total JNF holdings at the end of 1950 (3,396,333 dunums), 72.44 per cent were acquired *after* the establishment of Israel in May 1948. These acquisitions were of course not achieved through purchase from the previous owners—the Arabs of Palestine.

During the fighting in 1948, the provisional government of Israel promulgated a series of ordinances to effect the take-over of Arab properties. Any area "conquered by, or surrendered to, the armed forces of Israel or deserted by all or part of its inhabitants" was declared "abandoned."<sup>24</sup> A Custodian, with extensive discretionary powers,<sup>25</sup> was appointed to oversee these properties, owned by people declared to be "absentees," whether or not they had left Palestine or even areas in Palestine controlled by Israeli forces.<sup>26</sup> Under legislation adopted by the Knesset in 1950,<sup>27</sup> the Custodian was empowered to sell and thus to transfer ownership of these properties to a newly-created Development Authority, which, in turn, could sell them, but only to (1) the state, (2) the JNF, (3) local authorities (but only on condition that they had first been offered to the JNF), and (4) a proposed organization to settle landless Palestinians in Israel (this organization was in fact never established).

It was through this means that the JNF acquired almost three-fourths of the land it now owns. It could only be acquired by such means, since the earlier attempts—i.e. purchase—had failed to bring under its ownership more than a very small fraction of the lands of Palestine. Above all else, this is testimony to the fact that the overwhelming majority of the small Palestinian Arab landowners, the *fellahin*, had refused to sell their lands at any price. Yet it was precisely these Palestinians who eventually bore

the brunt of JNF efforts to "redeem" the land of Palestine.

(2) Lest anyone think that the JNF is today concerned mainly with land reclamation and afforestation in Israel, an announcement quoting the Director General of the Israeli Land Fund (as the JNF is also known in Israel) over Radio Israel on 23 March 1976 is of more than passing interest.<sup>28</sup> The announcement was that in 1975 the JNF and the Israel Lands Administration, through a jointly-owned subsidiary, spent "50 million Israeli pounds (\$6.6 million)" to purchase land in the occupied West Bank, including "buildings, public institutions, and church property." According to the Director General, the purchases are all secret and "many of the Arab inhabitants, living on the acquired lands, do not yet know that these lands are in the possession of the Israeli Land Fund." Since the transactions are secret, no figures on the amount of land involved are available. Nevertheless, Terence Smith of *The New York Times* attempted to compile a record, incomplete though it is. The figures he gives, less than the actual totals according to him, including both purchases and expropriations add up to more than 1,200,000 dunums.

This land is being "prepared" by the JNF for the establishment of new Jewish settlements, an action which is in clear and even defiant violation of the Fourth Geneva Convention of 1949.<sup>29</sup> Although Israel is a signatory to this Convention, she has thus far honored it in the breach; for this she has been repeatedly, but thus far futilely, censured by the UN.<sup>30</sup>

Accordingly we must conclude that the "Blue Box"<sup>31</sup> of the JNF is still intact, and that the process of "redeeming" the land of Palestine continues.

To change this is what Palestinian resistance is all about.

## FOOTNOTES.

<sup>28</sup>This paper is based in part on research summarized in my article, "The Jewish National Fund," *Journal of Palestine Studies* III (Summer 1974), pp. 74-96, which contains further references and details, including annual land acquisitions by the JNF during 1905-50.

<sup>29</sup>Israel M. Biderman, *Hermann Schapira: Father of the JNF*, vol. 2, JNF Zionist Personalities Series (New York, 1962); *Stenographisches Protokoll der Verhandlungen des I. Zionisten-Congresses, Basel, 29. bis 31. August 1897* (Vienna, 1897), pp. 165-8.

<sup>30</sup>Translated from the proceedings, *Stenographisches Protokoll der Verhandlungen des V. Zionisten-Congresses in Basel, 26. bis 30. December 1901* (Vienna, 1901), p. 266; discussion of the JNF proposal, pp. 265-303. The original reads: "Der Jüdische Nationalfonds soll ein unantastbares Vermögen des jüdischen Volkes sein, das . . . ausschliesslich nur zum Landkaufe in Palästina und Syrien verwendet werden darf."

<sup>31</sup>Among objections to the JNF proposal raised by some delegates, a surprising one is that "the Jewish people" were not an entity recognized in law; therefore ownership of the fund and of lands purchased would be open to legal challenge. Since the phrase *the Jewish people* eventually became a key element in the jargon of Zionism, it is interesting to note the misgivings concerning it expressed by Zionists at this Congress.

<sup>1</sup>*Stenographisches Protokoll der Verhandlungen des VI. Zionisten-Kongresses in Basel. 23. bis 28. August 1903* (Vienna, 1903), pp. 259-64, 297.

<sup>2</sup>Jewish National Fund, *Report on the Legal Structure, Activities, Assets, Income and Liabilities of the Keren Kayemeth Leisrael, Jewish National Fund* (Jerusalem, 1973), p. 17; (hereafter *Report on the JNF*). The full text of the *Memorandum and Articles of Association*, the 1907 version and as subsequently amended, is given on pp. 15-45.

<sup>3</sup>Sir Herbert Samuel, a Jew and a Zionist, is identified by a member of his administration, Norman Bentwich, as one "of the British statesmen who were protagonists for [Chaim] Weizmann and the National Home," as "one of the principal architects of the policy of the Balfour Declaration," and as "one of the founding authors of the Mandate." Norman and Helen Bentwich, *Mandate Memories: 1918-1948* (London, 1965), pp. 11, 59, and 12, respectively.

<sup>4</sup>*Report on the JNF*, p. 5.

<sup>5</sup>Abraham Granott, *Agrarian Reform and the Record of Israel* (London, 1956), p. 28. Granott, 1945-56 Chairman of the JNF Board of Directors, gives this figure for total Jewish ownership as of the end of 1947. Although it is higher than the mandate government figure, the difference is not great and for our purposes Granott's figure can be accepted. Since all figures in this paper, unless otherwise noted, relating to land ownership are taken from JNF sources, they should be interpreted as maximum. Given the JNF's obvious motives for maximizing the extent of its holdings, the actual figures may be somewhat smaller.

<sup>6</sup>For the series of Israeli laws designed to give the appearance of legality to this taking over of the land, see Sabri Jiryis, "The Legal Structure for the Expropriation and Absorption of Arab Lands in Israel," *Journal of Palestine Studies* 11 (Summer 1973), pp. 82-104.

<sup>7</sup>The JNF's explanation in 1949 was as follows: It recognizes that over 80 per cent of the land in Israel "belongs at law to Arab owners, many of whom have left the country. The fate of these Arabs will be settled when the terms of peace treaties . . . are finally drawn up. The JNF, however, cannot wait until then to obtain the land . . . It is, therefore, acquiring part of the land abandoned by the Arab owners through the government of Israel . . ." Jewish National Fund, *Jewish Villages in Israel* (Jerusalem, 1949), p. xxi. Three years later, the JNF described its activities as "part and parcel of the Jewish struggle to regain a foothold in the old homeland, and to free the ancient soil from alien ownership and from the grip of the desert." Jewish National Fund, *Nahlaot in Israel: A Guide to Nahlaot on JNF Land* (Jerusalem, 1952), p. ii.

<sup>8</sup>*Report on the JNF*, pp. 56-76.

<sup>9</sup>*Ibid.*, pp. 78-83. This agreement was based on three laws: *Basic Law: Israel Lands* (enacted 19 July 1960), *Israel Lands Law* (25 July 1960), and *Israel Lands Administration Law* (25 July 1960); Government of Israel, *Laws of the State of Israel*, vol. 14 (1960), pp. 48-52.

<sup>10</sup>In a JNF publication, Efraim Orni, *Agrarian Reform and Social Progress in Israel* (Jerusalem, 1972), puts it this way: "In 1960, the state of Israel adopted the JNF guidelines for all publicly-owned lands . . ." (p. 7), and makes explicit what he means by "adopted": JNF "principles have been incorporated in Israeli legislation and are binding for over 90 per cent of the total area of the state" (p. 82). Orni also states (p. 36): "The leasehold contracts issued by the Land Authority in general follow in their wording those used by the JNF in the decades preceding the Agreement" i.e. the 1961 Covenant.

<sup>11</sup>*Laws of the State of Israel*, vol. 21 (1966-67), pp. 105-10. See also Sabri Jiryis, "Recent Knesset Legislation and the Arabs in Israel," *Journal of Palestine Studies* 1 (Autumn 1971), pp. 53-67.

<sup>12</sup>Israeli activities in the territories occupied since 1967 have been the subject of a large number of UN resolutions, beginning with Security Council 237, 14 June 1967, and General Assembly 2252 (ES-V), 4 July 1967. The General Assembly even established a Special

Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories in resolution 2443 (XXIII), 19 December 1968. At the 31st session (1976) of the Assembly 8 resolutions were adopted which dealt with the occupied Arab territories.

It is curious that these breaches of international law seem to have raised few questions, at least in government circles, in the many countries in which the JNF is actively engaged in raising funds under the guise of "charity." See the Special Report by *Middle East International*. "The Jewish National Fund—Charity or Politics?" (London, 1975).

<sup>10</sup>Orni, pp. 21-2; see also Granott, pp. 49-53, and *Encyclopedia of Zionism and Israel* (New York, 1971), s.v. *Land Policy in Israel* and *London Zionist Conference of 1920*.

<sup>11</sup>JNF lease, article 23; for the full text see John Hope Simpson, *Palestine: Report on Immigration, Land Settlement and Development* (Cmd. 3686; London, 1930), p. 53. Efforts to obtain the text of the currently-used lease proved unsuccessful; the JNF refused to provide a copy or specific information about it. There appears, however, to be no question that such policies are still adhered to in Israel, and that the scope of their application has been extended to state lands as well. See fn. 13, Israel Shahak (ed.), *The Non-Jew in the Jewish State: A Collection of Documents* (Jerusalem, 1975), chap. 1 and pp. 126-7; and the Foreword by Noam Chomsky to Sabri Jiryis, *The Arabs in Israel* (New York, 1976).

The prohibition of non-Jewish workers did not originate with the JNF. Theodor Herzl foresaw the need as early as 12 June 1895: "We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country." Raphael Patai (ed.), *The Complete Diaries of Theodor Herzl* (New York, 1960), p. 88.

<sup>12</sup>Granott, *The Land System in Palestine: History and Structure* (London, 1952), pp. 315-26, gives the most detailed account of the leasing system developed by the JNF. He does not, however, state explicitly that this was applicable only to Jews. This highlights a problem which anyone conducting research on Zionism constantly faces—the lack of explicitness, to say nothing of the code words and the circumlocutions which to the uninformed successfully mask the reality and the inherent racism. Thus extensive familiarity with Zionist literature is required, and one must look at practice in Israel, not just to the text of the laws, to discover that, unless otherwise qualified, *the people* means only the Jews, an *immigrant* or a *settler* is only a Jew, a *settlement* means a settlement for Jews only, *national land* means Jewish (not Israeli) land, etc.

<sup>13</sup>*Hu'aretz*, 13 December 1974.

<sup>14</sup>*Al Hamishmar*, 21 July 1975. In citing this, Shahak, p. 22, adds a fn: "The 'punishments' were made into a donation, so that it can be deducted from the income tax, making the whole into a disgusting mixture of racial discrimination and financial corruption." See also *Ma'ariv*, 3 July 1975, and *Hu'aretz*, 21 July 1975, and 27 February 1976.

<sup>15</sup>*Encyclopedia of Zionism and Israel*, pp. 628-9; similarly Granott, *Agrarian Reform*, pp. 34-5.

<sup>16</sup>Jewish National Fund, *Report for 5700-5706 (1939-1946)*, submitted to the Twenty-Second Zionist Congress, Basle, 9 December 1946 (Jerusalem, 1946), pp. 14-21.

<sup>17</sup>Simpson, p. 54.

<sup>18</sup>Don Peretz, *Israel and the Palestine Arabs* (Washington, 1958), p. 149.

<sup>19</sup>*Ibid.*, p. 151: "The Custodian could take over most Arab property in Israel on the strength of his own judgment by certifying in writing that any person or body of persons, and that any property, were 'absentee.' The burden of proof that any property was not absentee fell upon its owner, but the Custodian could not be questioned concerning the source of information on the grounds of which he had declared a person or property absentee. All rights in the property of absentees belonged to the Custodian and he could take over all property which might be obtained in the future by an individual whom he certified to be absentee."

<sup>26</sup>*Ibid.*, p. 152: "Every Arab in Palestine who had left his town or village after November 29, 1947, was liable to be classified as an absentee . . ." regardless of where, or when, or why, or for how long he had gone.

<sup>27</sup>For details see Peretz, chap. IX, and Jiryis, "The Legal Structure . . . ."

<sup>28</sup>The text of this announcement is incorporated in an article by Member of Knesset Shulamit Aloni, "Shall We Secretly Obtain Land?" *Yediot Aharonot*, 26 March 1976, translation in *SWASIA*, 23 April 1976; all quotations are from this source. This was followed by Terence Smith, "Covert Israeli Land Deals on West Bank Stir Furor," *The New York Times*, 12 April 1976. A brief but useful summary of land policies in Israel is provided by Amnon Kapeliouk, "Less Land for More People," *Manchester Guardian Weekly*, 20 June 1976 (translated from *Le Monde*, 1 June 1976).

<sup>29</sup>Article 49(6): "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

<sup>30</sup>Most recently by the General Assembly during its 31st session (1976) in resolutions 106-A (adopted 129 to 3) and 106-B (134 to 0).

<sup>31</sup>A collection box for daily use provided by the JNF for Jewish homes. This fund-raising device has been in use since 1902.

## PUBLICATIONS AVAILABLE

1 Basic Documents of the International Organisation for the Elimination of All Forms of Racial Discrimination (EAFORD)	free
2 Zionism and Racism (Proceedings of International Forum 1976)	£1.50
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