

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



INSENSITIVITY TO WRONG
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Published by
The International Organization for the Elimination
of All Forms of Racial Discrimination
(EAFORD)
January 1984

Printed by Ithaca Press, London SE1, UK. 1984

The views expressed in this Bulletin are those of the authors, 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

INSENSITIVITY TO WRONG*

by

Anis Al-Qasem LLM, PhD**

INTRODUCTION

One of the main problems facing the presentation of a Palestinian point of view has been the fact that the truth about the Palestinian problem has so often been submerged in a continuous barrage of mis-representation, deception and inhibitions. Until very recently, it was axiomatic that everything said by the Israelis or the Zionists was the truth and everything said by the Palestinians or Arabs was mere political propaganda.

Back in 1975 the two British authors, Michael Adams and Christopher Mayhew published a book entitled *Publish it not – the Middle East Cover-up* in which they documented from their own personal experience the difficulties faced by any person who wanted to say or publish the truth about the Middle East conflict. The policy of 'publish it not' had, according to the authors,

“the purpose . . . to perpetuate the imbalance of power in the Middle East in the interest, not of peace or international harmony, and certainly not of justice, but for the one country that stood to gain from the *status quo*; Israel”.¹

Arnold Toynbee, writing in 1971 said

“Right and wrong are the same in Palestine as anywhere else. What is peculiar about the Palestine conflict is that the world has listened to the party that has committed the offence and has turned a deaf ear to the victims”.²

Even the former Prime Minister of Israel, the late Moshe Sharett in his personal diary noted and complained of the misrepresentation of facts even to the Israeli public that was practised by the Israeli military. Commenting on the incident which took place on 12th December 1954, of hijacking a Syrian civilian plane by Israeli war planes and on holding the passengers for interrogation for two days, (it is forgotten that the Israeli military were the pioneers in hijacking) Sharett wrote on December 22 1954:

“It must be clear to you (Lavon) that we had no justification whatsoever to seize the plane, and that once forced down we should have immediately

*This paper was presented at a graduate seminar at School of Peace Studies, Bradford University, U.K. on 15 December 1983, dealing with the Middle East Conflict.

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released it and not held the passengers under interrogation for 48 hours.”³

and then Sharett concludes with this very telling statement:

“What shocks and worries me is the narrow mindedness and short-sightedness of our military leaders. They seem to presume that the state of Israel may – or even must – behave in the realm of international relations according to the laws of the jungle”.⁴

Again, on the 11th January 1961 at a meeting of Mapai’s Secretariat, Sharett returned to this theme, he wrote:

“The phenomenon that has prevailed among us for years and years is that of insensitivity to acts of wrong . . . to moral corruption . . . for us, an act of wrong is in itself nothing serious, we wake up to it only if the threat of a crisis or a grave result – the loss of a position, the loss of power or influence is involved. We don’t have a moral approach to moral problems but a pragmatic approach to moral problems . . . once, Israeli soldiers murdered a number of Arabs for reasons of blind revenge . . . and no conclusion was drawn from that, no one was demoted, no one was removed from office. Then there was Kafr Kassem . . . those responsible have not drawn any conclusions. This, however does not mean that public opinion, the army, the police, have drawn no conclusions, *their conclusion was that Arab blood can be freely shed*. And then came the amnesty for those of Kafr Kassem and some conclusions could be drawn again and I could go on like this . . . All this must bring out revulsion in the sense of justice and honesty in public opinion; it must make the state appear in the eyes of the world as a savage state that does not recognise the principles of justice as they have been established and accepted by contemporary society.”⁵ (emphasis added)

I wonder what Sharett would have written in his diary had he lived to see the massacres of Sabra and Chatilla and to witness that, despite condemnation by a judicial enquiry and despite the overwhelming evidence against people like Sharon and Eitan, nothing was done to establish in a proper judicial manner the extent or otherwise of their responsibility for the massacres. Sharett’s comment that ‘Arab blood can be freely shed’ seems to prevail until now. The Kahan Report noted that Sharon was not concerned in the least about the fate of the civilian refugees when he authorised entry of the murderers into the camps.

One still hears accusations of anti-semitism levelled against any person who dares to criticise Israel or tell the truth about its behaviour toward the Palestinian people. A sort of intellectual blackmail is continuously being levelled against those who have the courage to speak out. And yet, no one who spoke about the morality of Israeli behaviour or about Israel’s attitude

to normal international behaviour would have said stronger and truer words than those used by Sharett, and Sharett was the first Israeli Foreign Minister and its Prime Minister 1954-1955. And he was, of course, a Zionist. Therefore, in dealing with the question, it is vital that we reject the inhibition created by fear, and insist on dealing with Israel, its ideology and its behaviour in the same manner as we deal with the policies, ideologies and behaviour of other States. Israel has no claim to immunity.

ESSENCE OF THE PROBLEM:

The essence of the problem is succinctly put as follows by a well-known French Jewish philosopher, Maxime Rodinson. He said:

“The conflict therefore appears essentially as the struggle of an indigenous population against the occupation of part of its national territory by foreigners.”⁶

Whatever claims the Zionists present to justify their occupation of Palestine, any part of Palestine, and the establishment of a state therein, the fact remains that, as Maxime Rodinson put it – the occupation is an occupation by foreigners; it is a form of settler colonialism which is being practised in its most extreme form. Just as a reminder, the first modern census of Palestine was conducted by the British on 31 December 1923. It showed the Arabs to constitute 88% of the population and the Jews 11%. In 1947 (when the Partition Plan was adopted) the Jews formed 31% of the population, despite massive Jewish immigration under the protection of British military rule. Again, in 1947, the Jews owned only 5.66% of the land of Palestine.

In order to succeed in the establishment of the new state, the Israelis had to evict the largest part of the population so that the state could become an exclusively Jewish state. It was not by accident, or choice, that the Palestinian population, when attacked in 1947 and 1948, had to leave the area occupied by Israel, to become a refugee population. This was done by design; a Zionist design. Because how else can the Zionists (to use Zionist terminology), ‘redeem the land’ and create an exclusive Jewish state? It should be remembered that, under the Partition Plan, it was unavoidable to have 47% of the population of the proposed Jewish state as Arabs.

Surveying the evidence on the question, including the monitored broadcasts from Arab countries, Erskine Childers wrote in 1961:

“There was not a single order or appeal, or suggestion about evacuation from any Arab radio station inside or outside Palestine, in 1948. There is repeated monitored record of Arab appeals, even flat orders, to the civilians of Palestine to stay put.”⁷

H. Levin, writing in 1948 in *Jerusalem Embattled* said:

“Nearby, a loud speaker burst out in Arabic. Haganah broadcasting to

civilian Arabs, urging them to leave the district before 5.15am. 'Take pity on your wives and children and get out of this bloodbath', it said. 'Surrender to us your arms. No harm will come to you. Or get out by the Jerico Road, that is still open to you. If you stay, you invite disaster.'⁸

This, of course, was coupled with the massacre of Palestinians in Deir Yassin which gave the broadcasts in Arabic by the Maganch the ring of certainty.

Thus, from the very beginning, it has never been the intention of the Zionist leadership that Jews should co-exist with the Palestinians. The intention was to exclude the Palestinians from their country and to realise the Zionist slogan "give the land without a people to the people without a land" and the way to make that possible was the eviction and expulsion of the indigenous people of that land.

Soon after the creation of Israel, that exclusion had to be made permanent. Property was confiscated and the process of confiscation still goes on not only in the newly occupied territories of the West Bank and Gaza, but also against the minority of Palestinians who dared to stay in what has become Israel. Land is being, until this very moment, expropriated in Galilee and the other parts of Israel where Arabs own land. There is the guarantee of the United Nations expressly embodied in the Partition Plan that none of this would happen, and Israel, before being granted membership of the United Nations, gave a solemn declaration to that effect. But, we know from Sharett what value one can attach to any international commitment by Israel.

One can understand expropriation of property for public purposes, for the benefit of the community as a whole, such as the construction of roads, hospitals and schools. But this is not the type of expropriation that is going on under Israeli rule. The expropriation is strictly made in favour of one section of the community against another section: in favour of Jews – against non-Jews. And the effect of the expropriation is to place the land under the permanent ownership of the Jewish community, to take it out of circulation, as far as non-Jews are concerned, to the extent that no Palestinian, even if he is an Israeli citizen may buy, lease or work on that land again. The logical conclusion of such a policy is that no Palestinian would be permitted to own any land in his own country, and total ownership must pass to the Jewish community. Already 60% of the land in the West Bank and 90% of the land in Israel have been expropriated.

I do not want to enter into the effect of this kind of policy on the lives of peoples. Such result should be clear without any further discussion. However, Israeli policy which is an expression of Zionist political ideology is clearly designed and prosecuted to undermine the very presence of the Palestinians in their country. Where the land is not directly expropriated, the water which can feed the land is now being expropriated. With the result

that Arab agriculture can no longer rely on availability of water while Arab water is being fully enjoyed by the new settlers. Numerous orange groves in the West Bank and the Gaza Strip are now left to dry because of the lack of water or because permission to buy pump spare parts is delayed or denied.

And if this is not enough, to make people leave their lands and homes, there is the continuous harassment of the Palestinian population by so-called Zionist 'extremists' who kill and abuse under the very eyes and with the clear connivance of the authorities. The message that the Zionist set-up in Israel is daily conveying to the Palestinians whether they are the minority in Israel or the inhabitants of the occupied territories, is that their presence in their own country is a matter of courtesy and of a transitory nature. They have no right to be there. Their presence in their country is a nuisance which is being eliminated through a persistent policy of denial of rights. And, of course, those outside are denied the right of return while they watch Jewish immigrants flow into Palestine to take over Palestinian homes, lands and country. These are some of the features of racist colonialist ideologies and policies.

One would have thought that, with Israel being the bastion of democracy in the Middle East as is normally claimed, such measures could be challenged before the courts of law and that in any case, such measures would not happen in a country where it is pretended that the rule of law applies. The reality is that, where question challenges the effects of Zionist ideology or morality, the rule of law in Israel applies only to protect the members of the Jewish community – to the exclusion of others. The West Bank and the Gaza strip are governed by military orders which are not easily available, even to lawyers. The independence of the judiciary which was guaranteed under Jordanian law, was removed by the Israeli military authorities. Military committees composed mostly of unqualified persons, have usurped the jurisdiction of the normal courts in many matters. The acceptance by the Israeli Supreme Court of the defence of security has made it impossible to challenge any action taken by Israeli authorities against the Arabs, except in the very rare cases where, somehow, the defence of security was denied by other official Israelis. In fact, the Palestinians, whether inside Israel or in the occupied territories, are left entirely at the mercy of the occupier.

THE SOLUTION:

One can go on describing the situation of the Palestinians under Israeli Law. However, we are here to talk also about the possibility of a solution to the problem. But without knowing the background it is not possible to arrive at a proper solution. I think no solution is possible so long as this process of Judeisation of Palestine continues and so long as the Palestinians are not recognised as a people with national, political and civil rights in their own homeland. The original sin was committed when the pertinent rules of

international law were not applied to the conflict, and that same sin continues until the present day. Back in 1947, when the problem of Palestine was being debated by the United Nations General Assembly, the Palestinians, the Arab States and the small number of neutral countries wanted to have an advisory opinion from the International Court of Justice as to the competence of the UN General Assembly to partition any country against the wishes of its people and as to whether such a step, if taken, was not in contravention of the United Nations Charter. All those attempts were defeated by the United States and the western powers who could, at that time, muster the majority they wanted. The inception was wrong. Wrong morally and legally.

It may be too late to reverse such a decision. However, it is not too late to rectify some of its consequences. To achieve that, it will be necessary to apply the pertinent rules of international law and not to leave the solution to be governed or dictated by the whims of one of the parties against the rights of the other. So far, Israel has never offered the hand of peace to the Palestinians. Israel speaks about peace with the Arab states, but not with the Palestinians – to the Palestinians, it offers domination, expropriation, expulsion, discrimination and even extermination and ethnocide. Israel has never accepted in its active policy, as distinguished from the words of its leaders, co-existence between Palestinians and Israelis except on the basis of domination by and superiority of the Jewish community over the Palestinian community. Israel still refuses to recognise the Palestinians as a people with national, political and civil rights like every other people. And while relying heavily on the partition resolution of the United Nations as giving it international legality, Israel still refuses to accept the totality of that resolution which calls for the creation of an Arab state in Palestine and assiduously persists in violating the basic guarantees set out in the resolution for the equal protection of the rights of all, whether they be Jew or Palestinian. This policy has persisted since 1948 under all Israeli governments, Labour and Liberal alike. On 6 July, 1948, Count Bernadotte, the UN mediator who was assassinated by Zionist terrorists, wrote to the provisional government of Israel. He said:

“Whatever may be the precise legal significance of the 29 November (1947) resolution, it would seem quite clear to me that the situation is not of such a nature as to entitle either party to act on the assumption that such parts of the resolution as may be favourable to it may be regarded as effective, while those parts which may, by reason of changes or circumstances, be regarded as unfavourable are to be considered as ineffective.”

The Palestinians are being constantly asked to recognise the right of Israel to exist before any negotiations with them. To the Palestinian, this request raises many fundamental issues: which Israel is he to recognise? The Israel according to the Partition Plan? The Israel within the boundaries prior to

1967? The Israel which claims sovereignty over the West Bank and Gaza? The Israel without a constitution defining its boundaries? The Israel whose boundaries, as often declared by its leaders, extend to where its army can reach? And what kind of Israel? The Israel which denies the Palestinians under its rule the rights guaranteed to them under the Partition Plan which created Israel? The Israel which adopts and applies racial discrimination as a basic doctrine of its ideology?

Palestinians do not understand the request. And why should a Palestinian who is under domination or who is dispersed in the four corners of the world be so requested without any indication as to the rights that he will have or even to his fate. The Palestinian is being asked to make the most fateful national decision in return for the privilege of being recognised. Surely, that is not much of an invitation.

If we want a comprehensive and durable solution, for no just solution can be available to compensate the Palestinians for the sufferings of the past, we must apply objective criteria which, because of their universal validity, are not subject to the veto of any of the parties. All the proposals submitted so far, apart from the proposal I shall deal with immediately, are subject to Israel's veto, and you simply cannot leave the realisation of the inalienable rights of one people dependent upon the whims of another people. Commenting on the negotiation process envisaged in the Camp David Accords, Menachem Begin declared:

“If there is an agreement between the parties negotiating, then everybody will rejoice that there is an agreement. And if there is no agreement the (present) arrangement will continue. So in either case nothing wrong can happen.” (Wrong to Israel, of course).

It is within this context that an international solution to the problem is necessary and has been proposed, based on international legality. That solution has been accepted by the vast majority of the international community but vetoed by the United States. And I refer to the solution recommended by the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People. This Recommendation was adopted by the General Assembly of the UN by a majority of 100 and 16 against. However, when it went before the Security Council for consideration and adoption of effective measures under the Charter, it met with the United States veto, as has every other solution proposed by the international community. The Palestinians as late as the Geneva International Conference on the Question of Palestine which was held in September 1983 had accepted a solution in accordance with international legality. The resolution of the General Assembly attempted to conform with that legality though not with justice to the Palestinians. However, because it recognises and tries to implement the inalienable rights of the Palestinian people to self-determination, to the establishment of their own independent state, to their right to return to

their homes from where they had been displaced, neither Israel nor the United States was ready to accept it.

The Committee recommended and the General Assembly approved the following:

Text of Committee's Recommendations endorsed by the General Assembly

I. Basic considerations and guidelines

“The question of Palestine is at the heart of the Middle East problem, and, consequently, the Committee stresses its belief that no solution in the Middle East can be envisaged which does not fully take into account the legitimate aspirations of the Palestinian people.

The legitimate and inalienable rights of the Palestinian people to return to their homes and property and to achieve self-determination, national independence and sovereignty are endorsed by the Committee in the conviction that the full implementation of these rights will contribute decisively to a comprehensive and final settlement of the Middle East crisis.

The participation of the Palestine Liberation Organization, the representative of the Palestinian people, on an equal footing with other parties, on the basis of General Assembly resolutions 3236 (XXIX) and 3375 (XXX), is indispensable in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations.

The Committee recalls the fundamental principle of the inadmissibility of the acquisition of territory by force and stresses the consequent obligation for complete and speedy evacuation of any territory so occupied.

The Committee considers that it is the duty and the responsibility of all concerned to enable the Palestinians to exercise their inalienable rights.

The Committee recommends an expanded and more influential role by the United Nations and its organs in promoting a just solution to the question of Palestine and in the implementation of such a solution. The Security Council, in particular, should take appropriate action to facilitate the exercise by the Palestinians of their right to return to their homes, lands and property. The Committee, furthermore, urges the Security Council to promote action towards a just solution, taking into account all the powers conferred on it by the Charter of the United Nations.

It is with this perspective in view and on the basis of the numerous resolutions of the United Nations, after due consideration of all the facts, proposals and suggestions advanced in the course of its deliberations, that the Committee submits its recommendations on the modalities for the implementation of the exercise of the inalienable rights of the Palestinian people.

II. The right of return

The natural and inalienable right of Palestinians to return to their homes is recognized by resolution 194 (III), which the General Assembly has reaffirmed almost every year since its adoption. This right was also unanimously recognized by the Security Council in its resolution 237 (1967); the time for the urgent implementation of these resolutions is long overdue.

Without prejudice to the right of all Palestinians to return to their homes, land and property, the Committee considers that the programme of implementation of the exercise of this right may be carried out in two phases:

Phase one

The first phase involves the return to their homes of the Palestinians displaced as a result of the war of June 1967. The Committee recommends that:

(i) The Security Council should request the immediate implementation of its resolution 237 (1967) and that such implementation should not be related to any other condition;

(ii) The resources of the International Committee of the Red Cross and/or the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, suitably financed and mandated, may be employed to assist in the solution of any logistical problems involved in the resettlement of those returning to their homes. These agencies could also assist, in co-operation with the host countries and the Palestine Liberation Organization, in the identification of the displaced Palestinians:

Phase two

The second phase deals with the return to their homes of the Palestinians displaced between 1948 and 1967. The Committee recommends that:

(i) While the first phase is being implemented, the United Nations, in co-operation with the States directly involved, and the Palestine Liberation Organization as the interim representative of the Palestinian entity, should proceed to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly resolution 194 (III).

(ii) Palestinians not choosing to return to their homes should be paid just and equitable compensation as provided for in resolution 194 (III).

III. The right to self-determination, national independence and sovereignty

The Palestinian people has the inherent right to self-determination, national independence and sovereignty in Palestine. The Committee considers that the evacuation of the territories occupied by force and in violation of the Charter and relevant resolutions of the United Nations is a *conditio sine qua non* for the exercise by the Palestinian people of its

inalienable rights in Palestine. Upon the return of the Palestinians to their homes and property and with the establishment of an independent Palestinian entity, the Palestinian people will be able to exercise its rights to self-determination and to decide its form of governments without external interference.

The Committee also feels that the United Nations has a historical duty and responsibility to render all assistance necessary to promote the economic development and prosperity of the Palestinian entity.

To these ends, the Committee recommends that:

(a) A timetable should be established by the Security Council for the complete withdrawal by Israeli forces from these areas occupied in 1967; such withdrawal should be completed no later than 1 June 1977;

(b) The Security Council may need to provide temporary peace-keeping forces in order to facilitate the process of withdrawal;

(c) Israel should be requested by the Security Council to desist from settlements established since 1967 in the occupied territories. Arab property and all essential services in these areas should be maintained intact;

(d) Israel should also be requested to abide scrupulously by the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to declare, pending its speedy withdrawal from these territories, its recognition of the applicability of that Convention;

(e) The evacuated territories, with all property and services intact, should be taken over by the United Nations, which, with the co-operation of the League of Arab States, will subsequently hand over these evacuated areas to the Palestine Liberation Organization as the representative of the Palestinian people;

(f) The United Nations should, if necessary, assist in establishing communications between Gaza and the West Bank;

(g) As soon as the independent Palestinian entity has been established, the United Nations, in co-operation with the States directly involved and the Palestinian entity, should, taking into account General Assembly resolution 3375 (XXX), make further arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region, in accordance with all relevant United Nations resolutions;

(h) The United Nations should provide the economic and technical assistance necessary for the consolidation of the Palestinian entity."

Thus, the obstacle to peace in the Middle East is not the Palestinians but as always, the ambitions of Israel and its main supporter, the United States. As noted in a recent issue of the Israeli daily *Ha'aretz*,

“What can we expect from a Prime Minister who, when he used to be Chairman of the Knesset, or Foreign Minister, or even before that, never once met for talks with any Palestinians from the territories. Like his predecessor, Menachem Begin, he is only familiar with one map of the West Bank and Gaza strip: that which shows the Israeli settlements . . . in 1938 Zeev Jabotinsky wrote ‘the root of the problem in Eretz Israel lies in the awful fact that between the minimal demand of the moderate Arab and the minimum demand of the true Zionist there can be no meeting point at all’. It looks as if Jabotinsky’s disciples continue to think along the same lines today and will not do anything to change a fate they regard as inevitable”.⁹

Thus, unless Israel is prepared to abandon, in the sake of peace and security for all, its ideology of domination, exclusiveness, and discrimination, it is difficult to see how a peaceful solution can be realised. The only way, it seems is for the international community to apply mandatory sanctions against Israel in order to make it conform with the rule of law in international affairs and abandon the law of the jungle as has been its practice over the years.

“I have been meditating”, wrote Sharett in his Personal Diary, “on the long chain of false incidents and hostilities we have invented, and on the many clashes we have provoked which cost us so much blood, and on the violations of the law by our men – all of which brought grave disasters and determined the whole course of events and contributed to the security crisis.”¹⁰

1. *Publish it not – the Middle East Cover Up* by M. Adams & C. Mayhew (Longman 1975) p. ix.
2. *Transformation of Palestine* (1975) Foreword by Arnold Toynbee.
3. *Israel’s Sacred Terrorism* by Livia Rokach (AAAUG Inc. Belmont, Mass. 1980) pp.20-21.
4. op.cit. p.21.
5. op.cit. p.36.
6. *Israel and the Arabs* by Maxime Rodinson (Penguin Books 1969) p.219.
7. The Other Exodus, *The Spectator*, 12.5.61.
8. *Jerusalem Embattled* by H. Levin, p.160.
9. Ha’Aretz 15.11.83.
10. Rokach, op cit p.6.

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