

# **Financing Racism and Apartheid**

Jewish National Fund's  
Violation of International and Domestic Law

PALESTINE LAND SOCIETY  
August 2005

## **Synopsis**

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

The fact is that JNF, in its operations in Israel, had expropriated illegally most of the land of 372 Palestinian villages which had been ethnically cleansed by Zionist forces in 1948. The owners of this land are over half the UN-registered Palestinian refugees. JNF had actively participated in the physical destruction of many villages, in evacuating these villages of their inhabitants and in military operations to conquer these villages. Today JNF controls over 2500 sq.km of Palestinian land which it leases to Jews only. It also planted 100 parks on Palestinian land.

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

This report compiles the facts about JNF activities, supported by new maps and tables detailing JNF violations of international and domestic law.

## List of Contents

1. What is JNF?-----	3
2. Its Objectives-----	3
3. The Land Acquired by JNF in Palestine-----	4
3.1. During the British Mandate (1920 - 1948)-----	4
3.2. After Creating the State of Israel (1948 - )-----	5
3.3. Early Conflict Between the State and JNF and its Resolution-----	12
3.4. The Demise of the Kibbutz-----	15
3.5. Split between ILA and JNF-----	17
4. Illegal Practices of JNF-----	21
4.1. Ethnic Cleansing and Destruction of Property-----	21
4.2. Discrimination and Apartheid against the Palestinian Citizens of Israel-----	25
4.3. Violation of the Fourth Geneva Convention-----	27
4.4. Violation of Domestic Law where JNF operates outside Israel-----	29

## Appendices

1. JNF Offices World-wide-----	32
2. List of 372 Palestinian Villages whose land was expropriated by JNF, the registered refugees from these villages and the parks planted on it-----	34

## Tables

(1) List of Refugee Land ‘Sold’ to JNF in January 1949 (“The First Million”)-----	7
(2) JNF-Usage of the “Second Million” Donums of Refugee Land ‘Purchased’ in 1950-----	8
(3) Palestinian Refugee Land Acquired by JNF After 1948-----	11
(4) Land Usage According to ILA-----	13
(5) Palestinian Lands in the Possession of the JNF, 1992-2003-----	18
(6) Palestinian Lands in the Possession of the JNF in 2003 according to Region-----	18

## Maps

1. Approximate Location of Palestinian Land Expropriated by JNF in 1949 and 1950-----	9
2. Affected Village Boundaries by Transfer of its Land to JNF and Location of Parks Planted on it--	10
3. Land Acquired and Planted by JNF in the Occupied West Bank and in and around Jerusalem----	30

## 1. What is JNF?

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

With the enactment of the Israeli JNF Law (1953), which states in clause 6 that it is permitted to set up an incorporated body in Israel for the continuation of the activities of the existing company that was founded and incorporated in Europe, JNF was registered as an Israeli company and the English company’s assets were transferred to it. JNF is held by the state of Israel as a central tool of Judaization.<sup>3</sup>

Today, JNF has offices worldwide (*see Appendix 1*). It collects donations from wealthy Jews and others, mostly tax-exempt, in various countries of domicile. The collected funds are used in Israel for ‘development projects’, largely on lands illegally expropriated from the Palestinian owners, who are now refugees or Israeli citizens. The funds are used in pursuit of long-standing policies which practice discrimination and Apartheid and are in violation of international law as judged by the UN and human rights NGOs.

## 2. Its Objectives

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

---

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

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

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

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

anyone to whom the lease is transferred or mortgaged must be a Jew. Arabs and non-Jews generally, are prohibited from living or working on JNF land. The JNF holds such lands on behalf of “the Jewish People in perpetuity”.<sup>5</sup>

### **3. The Land Acquired by JNF in Palestine**

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

In its first decade of its existence, JNF's land acquisition was modest. But JNF played a central role in establishing the first modern Jewish city Tel Aviv, as a suburb of the well-established and ancient Arab city of Jaffa. It acquired land for the first collective community (known today as kibbutzim) and first workers' community, and constructed the Yemenite neighborhoods. JNF also set up and administered farms, continued its afforestation programs, and was instrumental in founding secondary schools and pioneering higher education, an important record of achievement in Palestine whose Jewish population at the time numbered only 85,000 (9% of the total predominantly Palestinian population). It was also in this period that JNF set up an experimental agricultural station at Ben Shemen under the direction of Yitzhak Wilkansky, whose work in mixed farming, or crop diversification, remains the basis of most Israeli agriculture to this day and which was derived largely from the experience of the (German) Templars.

#### **3.1. During the British Mandate (1920 - 1948):**

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

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

---

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

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

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

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

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

### **3.2. After Creating the State of Israel (1948 - )<sup>9</sup>:**

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

In a similar vein, he asked Yosef Weitz (1890-197), Director of JNF Lands Department/Development Division, whether the JNF was ready to buy 'from him' land at P£25 a donum. To which Weitz replied that they will buy if the land is Arab owned and if they receive the deed of property and possession. Of course, he could not provide it.

On May 13, 1948, just before the state of Israel was declared, Ben Gurion offered to 'sell' a massive 2 million donums of land to the JNF for £0.5 per donum. He was trying to sell land his forces did not yet occupy to raise money for arms.

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

As Israeli conquest of Palestine proceeded and inhabitants expelled, more Palestinian land became available to JNF. Some of the first JNF acquisitions of refugee land were leases it obtained. On August 16, 1948, the JNF established

---

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

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

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

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

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

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

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

JNF said it dispatched two men who served on the Committee for Abandoned Arab Property to Paris to seek out refugees interested in selling their land in Israel. But Israeli cabinet ordered JNF to stop buying land directly from Palestinians.

---

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

Following the UN Resolution 194 of 11 December 1948, which endorsed the refugees’ right of return, Ben Gurion told Weitz and Danin on 18 December 1948 that “the JNF would buy land only from the State. There was no need to buy land from Arabs”.

One month after Ben Gurion told Weitz not to buy land directly from Palestinians, the two sides finally concluded a major deal by which the JNF would ‘purchase’ 1 million donums of refugee land for £I 11 million (£I = Israeli Lira = £P = Palestinian pound = Sterling £ pound = \$4.03) on 27 January 1949, although the actual price, payable in installments, would be determined by a joint state-JNF committee and would vary according to location and type of land. In addition, the JNF agreed to pay an additional £I 7,250,000 to the state and the Jewish Agency to assist in settling immigrants on the land. The JNF insisted that the land be legally transferred to it within one year of signing the contract in order to assure the JNF right of ownership.

Region	Dunams
Jerusalem corridor	2,000
Northern Negev desert	250,000
Coastal Plain	150,000
Sharon Plain	150,000
Sub TOTAL	552,000
Incl. Hula Baysin and near Baysan	<b>1,101,942</b>

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

**Table 1: List of Refugee Land ‘Sold’ to JNF in January 1949 (“The First Million”)**

However JNF’s report to the 23<sup>rd</sup> congress of the WZO in 1951 stated the amount at 1,109,7769 donums: 1,085,607 (rural) and 24,162 (urban).

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

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

Execution of the deal with the state and the JNF’s usage of the land took some time. Between signing the deal on January 27, 1949 until March 31, 1954, the state had legally transferred only 35.9 percent of the land, or 396,149



donums. For its part, the JNF had put only 770,271 donums of the land it ‘bought’ in completely depopulated villages to use by the end of 1952.

A second sale was finalized on October 4, 1950 involving the transfer of an additional 1,271,734 donums by the Custodian of Absentee Property on behalf of the Development Authority to the JNF, 99.8 percent of which (1,271,480 donums) was rural land. Granott later placed the amount at 1,278,200 donums. The amount of £I 66 million was said to have been paid over a ten year period. There are claims that the JNF never actually paid the amounts it owed under the two deals.

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

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




**Table 2: JNF-Usage of the “Second Million” Donums of Refugee Land ‘Purchased’ in 1950**

**Map 1** shows the approximate location of the Palestinian land transferred to JNF through a fictitious sale agreement conducted in 1949 and 1950 with the Israeli government which seized the refugee property. **Map 2** shows the transferred land and the location of 100 JNF parks planted over it. **Appendix 2** gives a list of 372 depopulated Palestinian villages whose land (5,687,342 donums) has been wholly or partially taken over by JNF. The Appendix also gives the number of the registered refugees from these villages which amounts to 2,191,556 refugees in exile or 54% of UN-registered refugees. Also, shown in the Appendix are the names of the parks planted on the village sites by JNF, National Parks Authority or both.



# PALESTINIAN VILLAGE LANDS EXPROPRIATED BY JNF




Salman Abu Sitta © 2005

	Armistice Line	
	Partition Line	
	Village boundaries which lost part of its land to JNF, Number :	336
	Not shown :	36
	<b>Total</b>	<u>372</u>

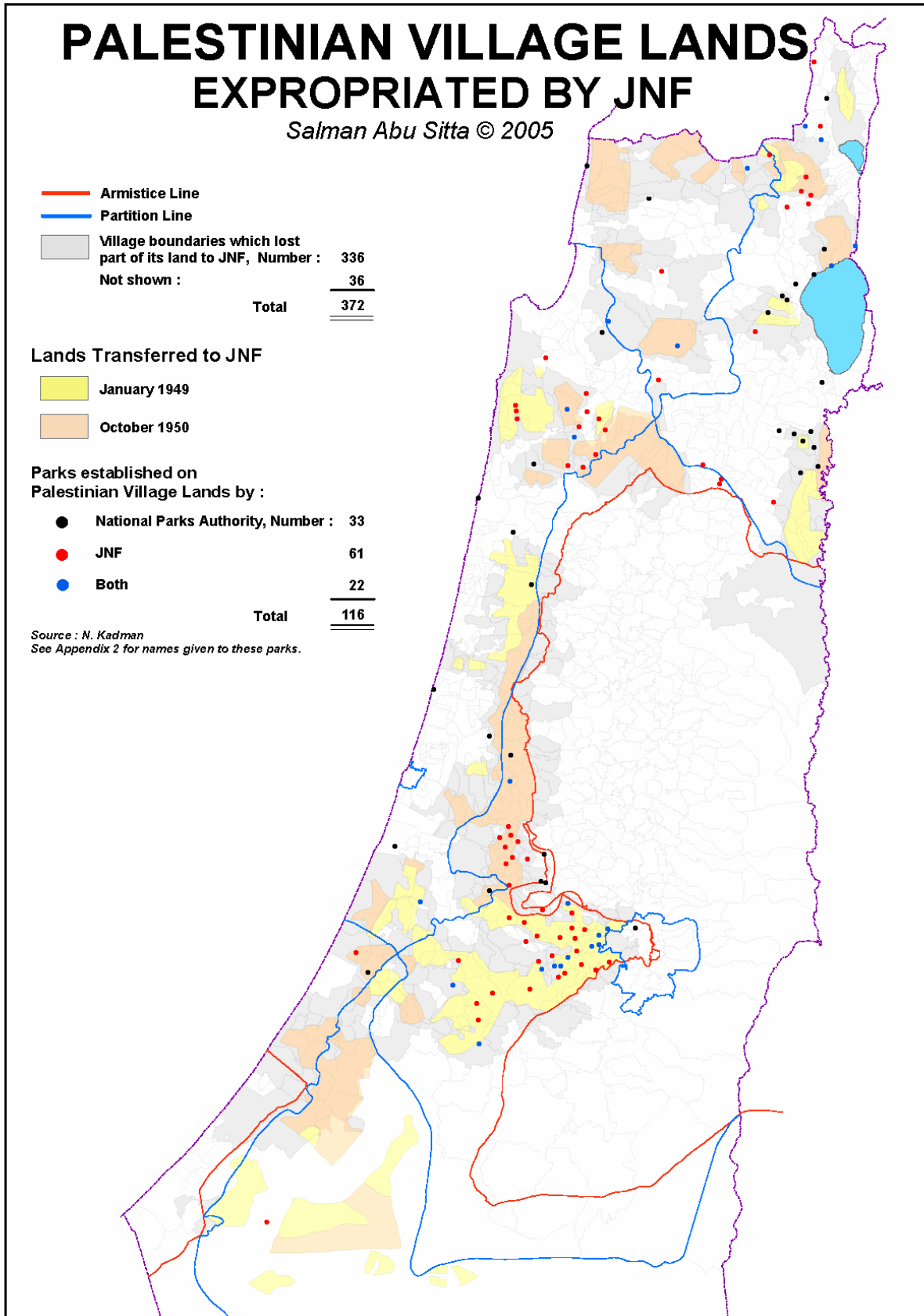
## Lands Transferred to JNF

	January 1949
	October 1950

## Parks established on Palestinian Village Lands by :

	National Parks Authority, Number :	33
	JNF	61
	Both	22
	<b>Total</b>	<u>116</u>

Source : N. Kadman  
See Appendix 2 for names given to these parks.



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

**Map 2: Affected Village Boundaries by Transfer of its Land to JNF and Location of Parks Planted on it**

**Table 3** gives the regional location of refugee land similarly transferred to JNF. It is of interest to examine the location of these lands in order to shed light on the reasons for Ben Gurion’s choice of these particular locations.

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

**Notes:** Granott regions do not always match Palestine or Israel Sub-districts

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

**Source for the measurements in Map 1:** Arnon Golan, *The Acquisition of Arab Land by Jewish Settlement in the War of Independence*, Catedra (in Hebrew), Vol. 63, 1992, pp. 122-154.

**Table 3: Palestinian Refugee Land Acquired By JNF After 1948**

In December 1948 / January 1949, the Israelis achieved military victory in the south against the Egyptian front, defending that part of Palestine. No military progress was achieved in the centre of the country against the Jordanian front. Thus land was transferred liberally to JNF in the south. In the centre, the transferred land was an extension of the existing Mandate-period JNF land. In the north, newly acquired JNF land is small and was intended to fill gaps next to River Jordan and in Ijzim inside the triangle south of Haifa which refused to surrender for weeks. It is remarkable that Ben Gurion did not offer any land in the above three regions outside the Partition Line, as he expected Israel to be forced to withdraw till this line. At this time no Armistice Agreement was signed with any Arab country. Israel occupied 24% of Palestine in excess of UN resolution 181 to divide the country (78% to Armistice Line against 54% to Partition Line). The only exception of confiscated land outside the Partition Line is a large area west of Jerusalem in the so called Tel Aviv – Jerusalem corridor which Israel occupied in defiance of UN resolution 181. To defeat this resolution, Ben Gurion transferred the conquered Palestinian land in this corridor to JNF, a foreign Jewish entity.

By October 1950, Israel signed Armistice Agreements with all neighbouring Arab countries and managed to scuttle Lausanne negotiations in which Arabs offered peace treaty with Israel provided the refugees return to their homes. Ben Gurion had no reason for restraint. The second batch transferred to JNF was adjacent to JNF holding in all areas up to the Armistice Line in the central sector, including Lydda and Ramle (which were to be Arab in the Partition Plan). In the north, he transferred to JNF a large area near the Lebanon border, east of Acre and all Saffuriya land but left central Galilee. (Galilee was to be Arab in the Partition Plan). In the south, JNF acquired liberally further land but remained mostly within the Partition Plan, probably because Ben Gurion felt the small Gaza Strip, crowded with expelled refugees, had to be expanded in a new round of negotiations.

The two sales trebled the amount of land the JNF owned – by 1956, 68 percent of all JNF land consisted of the land bought in the two sales. By the mid-1950s, 577 of 698 Jewish agricultural settlements in Israel (82.7 percent) had been built on JNF new land, while 80 percent of all agricultural produce was grown on its land.

By 1958, almost all of the land had been transferred by the State to the JNF. The government's official yearbook stated the effect of the two sales on the office of the Custodian of Absentee Property:

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

Thus, the JNF 'owned' 17 percent of the surface area of the state, an increase of 13% after the creation of Israel. This included 39 percent of cultivable land and 23.1 percent of Jewish-owned land in the cities.

### **3.3. Early Conflict between the State and JNF and its Resolution**

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

The dispute was settled by formulating, on 25 July 1960, the laws: Basic Law: Israel-Lands, Israel-Lands Law and Israel-Lands Administration Law, that is, on behalf of Israel government, not the Jewish people. The JNF rules, of

---

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

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

restricting transactions to Jews only, have been adopted by the state of Israel, whether for the Palestinian land that was transferred to JNF or that seized by the state. This land would now be administered by a single authority, Israel Land Administration (ILA), (Heb: Minhale Mekarke'ei Yisra'el), for the benefit of both parties under the old JNF rules. Two policymaking councils were created that were made up of representatives of both the state and the JNF. The first was the Israel Lands Council, in which the state held the majority of the thirteen seats. The second was the Land Reclamation and Development Council, in which the JNF held the majority. The agreements also created two administrative councils: the Israel Lands Administration, with a state majority, and the Land Development Administration, with a JNF majority.

The position of land “title” in 1961 became as follows:

Authority	Area (donums)
State and Development Authority	15,205,000
JNF (pre Mandate + “purchase” from the State)	3,570,000
[Israel-lands total:]	<b>18,775,000</b>
Private	1,480,000
<b>TOTAL</b>	<b>20,255,000</b>

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

**Table 4: Land Usage According to ILA**

Thus, ILA administers 92.7% of Israel, which is Palestinian property. Of the 20,255,000 donums in this area, the ILA classifies 4,200,000 as agricultural land, of which 2,790,000 donums (66 percent) are considered Israel-lands; virtually all (97.8 percent) of the latter are under lease to collective and smallholder settlements, whose members are exclusively Jewish.<sup>14</sup>

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

Clause 3 states:

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

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

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

Clause 4 states:

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

Clause 6 states:

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

Thus the agreement stipulates that “the lands controlled by the ILA shall be administered according to the principles of the JNF, which means: a Jew has a right to receive land or an apartment on land controlled by the Administration, but a non-Jew does not enjoy this right, *unless the apartment or plot of land is located in the special ‘zone of residence’ assigned to non-Jews, and where non-Jews are permitted to apply for an apartment or land*”.<sup>16</sup> The latter refers to areas reserved for non-Jews in the Apartheid system. In any case, the provision was cosmetic and rarely exercised

With few exceptions, these lands were leased to Jewish tenants (Kibbutz and Moshav). None of these tenants has title to the leased land. According to these leases, the land would revert to the state or the JNF should its use be changed. After all, the justification for the confiscation of the land from its absent Arab owners was that it was needed for purposes of agricultural settlement and development. The land was not regarded as real estate but as the property of the ‘Jewish People’, and its “redemption” through the labour of Jewish cultivators was perceived as a spiritual obligation no less than as an economic necessity.<sup>17</sup>

The lease term is 49 years, the first term expired in 1998 and was renewed thereafter. The Israeli ‘farmers’ numbered in 1998 about 154,000 Jews (2.7% of Israel’s population) and they were thus able to control the land of 4,500,000 refugees.

However, establishment of a single government body to deal with all aspects of the administration of over 90 percent of the land in pre-1967 Israel, efficient though it may be, has meant creation of a system vulnerable to abuse. Former Director of the ILA General (Reserves) Ya’aqov (Aqnin) says he does not know of any other state governed by a democratic regime that ‘owns’ such a large area of the lands of its territory as does the State of Israel.

---

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

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

### **3.4. The Demise of the Kibbutz**

In the period 1948 - 1967, Israel left these lands, leased to Kibbutz and Moshav, with minimum interference pending the peace settlement with the Arabs. Following 1967 War, Israel felt emboldened and introduced a set of laws (e.g. expropriating 'mawat' land as State land) which made the restitution of these lands by Palestinians more difficult according to Israeli law.

Following the ill-fated Oslo Agreement in 1993 and the evident weakness of Palestine National Authority (PNA), a frenzy of land grabbing in the Palestine Occupied Territories (the West Bank and Gaza), engineered by Ariel Sharon and Lieutenant General Rafael Eitan in the early nineties, using the vehicles of Ministry of Agriculture and Ministry of National Infrastructures, started in earnest.

Inside Israel, the Kibbutz became loaded with debts. Only 26% of the settlements were viable, producing 75% of the produce. They consumed 75% of the water in Israel at a subsidized rate (80% of production cost). With such vast resources of land, water and subsidies they produced only 1.8% of Israel's GDP. The accumulated debts incurred by the Kibbutz were carried over by the government. Out of \$5 billion debt, the government wrote off \$2 billion, retailed \$2 billion and asked the private sector to contribute \$1 billion.

With the abject failure of kibbutz, as an ideology and an economic engine, kibbutz farmers were allowed to own and build on a portion of the land leased to them. In return for the use of 'their land', they would be compensated generously for not less than 20% of this land. In essence, permission had been granted to the kibbutzim and moshavim to 'purchase' the land they had been leasing, and then to enter into real estate transactions with entrepreneurs and contractors.

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

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



To resolve this dispute, series of ordinances were passed (640 and 727) and finally a committee headed by Prof. Boaz Ronen was formed to determine the land percentage, the mechanism and procedure of selling Palestinian land leased by ILA to kibbutz farmers. In June 1997, the recommendations of the committee were approved. As a result, 'ownership' of 600,000 apartments would be transferred from the State Custodian to the tenants.

The Israeli government, through ILA, earned \$700 million in 1997 alone for its share in the sale proceedings. (This sale of a small portion of Palestinian land shows the fallacy of Israel's argument that the whole of Palestinian land and property are not worth more than \$300 million if compensation is to be paid).

In 1997, National Infrastructure Minister Ariel Sharon planned to build 50,000 housing units; 30,000 have been sold, 3,130 remain unsold, the rest is in various stages of tendering. It is noteworthy that the first stage of construction is designed to break the Palestinian monolithic continuity in Israel by building around Arab towns such as Umm al Fahm, Nazareth, Shafa Amr and Taibah.

In 1998, 110 kibbutzim were allowed to expand their residential area (i.e., changing their zoning from agriculture to residential) by 115% which can be sold to others. 'Others' means any Jew living anywhere, not necessarily Israeli. 150,000 residential units were planned in the kibbutzim, out of a general plan for 500,000.

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

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

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

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

### 3.5. Split between ILA and JNF

The agreement between JNF and ILA for the exploitation of the pre-Mandate Jewish land (7% of Israel's area) and of the confiscated Palestinian land (93%) served well both organizations for almost 40 years.

However, with the demise of the kibbutz which led to the call for selling the leased land to Israeli farmers and with the charges against ILA for discrimination against non-Jewish citizens of Israel, it became necessary to split the expropriated Palestinian land between the state of Israel and JNF. The land held by the state is subject to charges of discrimination against non-Jewish (Palestinian) citizens. The land held by JNF is presumed to belong to "the Jewish people in perpetuity". Holding it under JNF control would therefore keep it out of reach from both the Palestinian citizens of Israel and the Palestinian refugees who own most of this land. The government formed Gadish Committee to resolve this conflict about land exploitation.

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

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

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

On 9 December 2004, JNF responded to petitions submitted by Adalah<sup>19</sup> and the Association for Civil Rights in Israel (ACRI) to the Supreme Court in October 2004, against ILA, JNF and others. In its petition, Adalah demanded that the Court cancel an ILA policy and a regulation, both of which prevent Arab citizens of Israel from bidding in tenders for the allocation of JNF-owned lands. The petition argued that the ILA's policy is incompatible with the principle of equality, as it discriminates on the basis of nationality.

---

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

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

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

Source: Adalah, Vol. No. 6, October 2004

**Table 5: Palestinian Lands in the possession of the JNF, 1992-2003  
(excluding the original 936,000 d. pre 1948)**

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

Source: Adalah, Vol. No. 6, October 2004

**Table 6: Palestinian Lands in the possession of the JNF in 2003 according to region**

In its response, the JNF claimed to have purchased the lands within its ownership from ‘previous owners’ using money donated by Jews from around the world, for the purpose of buying land in Israel and its distribution among Jews. JNF further argued that its loyalty is only to the Jewish people, not to the general public in Israel, and that it operates only for the benefit of Jews. This argument is not legally valid. JNF knew from the outset that the presumed sale is illegal. The Israeli writer and former Deputy Mayor of Jerusalem after 1967, Meron Benvenisti, wrote,

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

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

JNF's claim that the acquired land is legally bought is questioned by an international law opinion,

*“The central question in these defences [JNF purchase of land from the state of Israel] is whether the Israeli individuals or institutions can be said to have acted in good faith, which means it is critical to establish whether Israelis knew, or should have known, that they were improperly taking refugee property...*

*Although Israeli law facilitated private use of confiscated Palestinian land, Israelis should have notice from the beginning that such land transfers were not valid under international law, even if the property passes to third parties...*

*In the Israeli context, purchasers in many cases could have noticed, if they wanted to, that they were acquiring land that rightly belongs to Palestinian refugees.”<sup>21</sup>*

In its correspondence with Adalah, the ILA had acknowledged that tenders for JNF lands are open only to Jews. According to the ILA, the reason for this policy is that it must uphold the agreement signed between the state of Israel and JNF in 1961, under which it is obliged to respect the objectives of the JNF: *“To purchase, acquire on lease or in exchange, etc... in... the state of Israel in any area within the jurisdiction of the Government of Israel or any part thereof, for the purpose of settling Jews on such lands and properties.”* ILA maintained that respecting this agreement does not amount to discrimination against Palestinian citizens in Israel.<sup>22</sup> This policy was recently challenged in the Israeli High Court of Justice, on the grounds that the ILA, as a state organization, is not allowed to discriminate between Jews and non-Jews.

Accordingly, a new agreement was reached to sever or limit the relation between ILA and JNF. From 2005, it was proposed that JNF lands will be available to Jews and non-Jews alike though the ILA will compensate the JNF with substitute land for any plot purchased by a non-Jew. This allows the JNF to maintain its current hold over 2.5 million donums of land, the land acquired in the 1949/50 fictitious sale, confirming JNF as an institution which publicly acknowledges that its land policy is discriminatory.<sup>23</sup>

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

---

<sup>21</sup> Michael Kagan, “Do Israeli Right Conflict with the Right of Return?” (A Working Paper), Badil Resource Centre, 2005.

<sup>22</sup> Adalah Newsletter, Vol. 8, December 2004, [www.adalah.org/newsletter/eng/dec04/5.php](http://www.adalah.org/newsletter/eng/dec04/5.php).

<sup>23</sup> Adalah Newsletter Vol. 9, January 2005.

The following are the main points of the agreement reached<sup>24</sup>:

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

The land to be swapped, which is located along the Mediterranean coast and in developed urban areas, is much more valuable than the land JNF will be receiving. The Israel Land Authority will pay JNF the difference in value – about \$220 million, as a compensation for the confiscated Palestinian property, an ill-gotten gain.

In the proposed land swap between JNF and the state of Israel, JNF enters into fraudulent practices once again. First it sells land in the centre of the country, part of which is Palestinian land, which it never legally owned, for enormous sums of money, many times more the meager amount it has paid the state, if indeed payment was made.

Second it plans to establish Jewish settlements for Jews only on Palestinian land in Galilee and Negev with the purpose of depriving Palestinian citizens of Israel, from the use of this land without being exposed to the charge of discrimination against non-Jews.

Third, in the Negev, JNF already acts in collusion with the state of Israel, through the notoriously brutal “Green Patrol”, in confiscating the property of Palestinians, demolishing their houses, desecrating their mosques and destroying their crops by spraying their fields with toxics.

---

<sup>24</sup> Press Release of KKL-JNF (16 June 2005), “KKL-JNF scores a major victory: 13% of Israel's state lands to remain in KKL-JNF ownership”, [www.kkl.org.il](http://www.kkl.org.il).

Fourth, JNF acts in violation of international law by building Jewish settlements on the refugees' land contrary to UN resolutions which call for the return of the refugees and the protection of their property.

## 4. Illegal Practices of JNF

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

### 4.1. Ethnic Cleansing and Destruction of Property

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

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

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

*In the period preceding the 1948 War, almost all of the new settlements were established in response to decisions by the Jewish political leadership, based on plans drawn by military experts. The role of the settlement agencies (JNF, the Jewish Agency, and the settlement movements) was reduced to determination of the exact locations for new settlements and allocation of resources...[JNF] Committees actively engaged in settlement planning early in the war laid out a plan calling for the establishment of more than a hundred new settlements intended to absorb 1 million or 1.5 million new immigrants in the space of three years...<sup>25</sup>*

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

Yosef Weitz, director of the JNF's Land Department and a key land-purchasing and settlement executive, a man described as “the originator and indefatigable champion of state seizure of Arab land”<sup>26</sup>, wrote about his ethnic cleansing (Transfer) plan<sup>27</sup> as early as 20 December 1940<sup>28</sup>,

---

<sup>25</sup> Benvenisti, *supra* note 7, p.119.

<sup>26</sup> *ibid*, p.171.

<sup>27</sup> For full details of the Zionist's Transfer policy over several decades, see Nur Masalha, *Expulsion of the Palestinians: The Concept of Transfer in Zionist Political Thought, 1882-1948*. Washington, DC: Institute of Palestine Studies, Washington DC, 1992; Nur Masalha, *A Land without a People: Israel, Transfer and the Palestinians*. London: Faber and Faber, 1997; Nur Masalha, *The Politics of Denial: Israel and the Palestinian Refugee Problem*. London: Pluto Press, 2003; and, Nur Masalha, *An Israeli Plan to Transfer Galilee's Christians to South America: Yosef Weitz and 'Operation Yohanan' 1949-1953*, Center for Middle Eastern and Islamic Studies, University of Durham, Occasional Paper No.55, 1996.

<sup>28</sup> Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge: Cambridge University Press, 2004, p.54.

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

JNF pursued relentlessly its plans of ethnic cleansing,

*Josef Weitz of the JNF...pushed hardest for Israel to get rid of the Arabs and take possession of their land...This man had worked for the expulsion of the Arabs with a zeal that his superiors tried to restrain. Despite that, he succeeded in mobilizing people and institutions to implement both “retroactive transfer” and the transfer that he himself had initiated...<sup>29</sup>*

The well-known Israeli historian, Benny Morris, wrote how JNF officials started carrying out their ethnic cleansing operations,<sup>30</sup>

*Weitz was not merely the voice of the Jewish settlements; he was an executive, an initiator of thinking and policy. After meeting with JNF officials in the North, Weitz jotted in his diary (Jan 1948):*  
*“Is not now the time to be rid of them [he was referring specifically to Palestinian tenant farmers in Yoqne’am and Daliyat ar Ruha]? Why continue to keep in our midst these horns at a time when they pose a danger to us? Our people are considering [solutions].”*

JNF, through their great influence, directed the Israeli military operations for the conquest of Palestine, even before the British Mandate ended and before the state of Israel was declared,

*[Weitz] pressured the army “to evacuate Butaymat” (a village situated to the south of the village of Kafrayn), which had been occupied and destroyed. Butaymat’s land was important to him because the JNF held 60 percent of the musha’a rights in the village...<sup>31</sup>*

Again before the British departure and the Zionists’ take-over, JNF arranged evictions of the inhabitants,

*In March 1948, Weitz, on his own initiative, began to implement his solution [with the approval of the Jewish officials]...using his personal contacts in the settlements and local Haganah units, and [Israeli] officers, he organized several evictions. At Yoqne’am, southeast of Haifa, he persuaded Israeli officer Yehuda Burstein to ‘advise’ the local tenant farmers and those in neighbouring Qira wa Qamun to leave, which they did. Weitz and his JNF colleagues in the North then decided to raze the tenants’ houses, to destroy their crops and to pay the evictees compensation. At the same time, he organized with the settlers of kibbutz Kfar Masaryk the eviction of the squatting Ghawarina beduin in Haifa Bay, and the eviction of small tenant communities at Daliyat ar Ruha and Buteimat, southeast of Haifa...On 26 March 1948, at a meeting with JNF officials, he called for the expulsion of the inhabitants of Qumiya and neighbouring Tira...<sup>32</sup>*

Following the declaration of the state of Israel and the British departure on 15 May 1948, JNF started openly its large scale ethnic cleansing.

---

<sup>29</sup> Benvenisti, *supra* note 7, pp.155-156

<sup>30</sup> Morris, *supra* note 26, p.131

<sup>31</sup> Benvenisti, *supra* note 7, p.134

<sup>32</sup> Morris, *supra* note 26, pp.131-132

JNF's director, Yosef Weitz formed and headed a "Transfer Committee" whose objectives as formulated on June 4, 1948 were<sup>33</sup>,

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

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

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

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

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

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

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

*The village of Qumya and Indur – the biblical Endor – were captured and evacuated. Late in May 1948 three villages on the slopes of Mount Gilboa, facing the Jezreel Valley (Nuris, Mazar, and Zir'in), were taken...the objective in conquering the villages in the southern part of the valley was to **obtain their land**. The arable land of these five villages amounted to not less than 41,000 donums. The Jews were particularly interested in the village of Qumya, which was entirely surrounded by JNF land, and those of Zir'in (22,000 donums) where Jews owned 7 percent of the musha'a land...<sup>34</sup>*

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

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

---

<sup>33</sup> *ibid*, pp. 313-314, 348-350.

<sup>34</sup> Benvenisti, *supra* note 7, p.132.



*be able to return there. I am sorry to say the kibbutz agreed immediately without thinking about what they were doing.*<sup>35</sup>

After 1948 hostilities, JNF was awarded generously for its activities. As described earlier, about 2,500 sq. km of Palestinian land were transferred by Ben-Gurion to JNF under a fictitious ‘sale’ agreement in order to alienate this land in favour of Jews everywhere, even if not citizens of Israel, and prohibit its rightful owners from return and re-possession of their property.

All in all, JNF expropriated most of the lands of 372 Palestinian villages whose total area was 5,687,342 donums (**Maps 1, 2**). As stated earlier, the owners of this property are 2,191,556 UN-registered refugees or 54% of all registered Palestinian refugees, living in exile. (The list of these villages and their population is shown in **Appendix 2**).

The traces of these villages are still visible. The remains of the old mosque, church and cemetery are still visible. It is forbidden for Palestinians to repair or use them. The cactus plant, which defies uprooting, marks the location of the Palestinian villages. Hence, JNF found it convenient to plant parks on their sites, to hide the location of the original village, paid for and named after wealthy Jewish donors in Europe and America. JNF alone planted 60 parks of its afforestation projects on expropriated Palestinian village sites and a further 22 with National Parks Authority.<sup>36</sup> (The name and location of these parks are given in **Appendix 2**).

Under international law, ethnic cleansing, destruction of property and depopulation of villages are war crimes. JNF has participated in these war crimes. All such actions are punishable. Remedy/restitution must be made, as was the case in many cases during the Second World War and in the Bosnia, Kosova War. JNF actions must be viewed in this context. As war crimes have no statute of limitations, JNF responsibility is still standing.

Furthermore, the UN affirmed repeatedly that the Palestinian refugees are entitled to return to their homes and property through the well-known resolution 194 (III) of 11 December 1948, reaffirmed annually ever since, in which the General Assembly resolved that the refugees should be permitted to return to their homes and be compensated.<sup>37</sup> In its explanation of resolution 194, the UN stated in very clear terms:

*...the property of a refugee has been wrongfully seized, sequestered, requisitioned, confiscated, or detained by the Israeli Government, the claimant is entitled to restitution of the property, if it is still in existence, plus indemnity for damages...*<sup>38</sup>

---

<sup>35</sup> Morris, *supra* note 26, p.357.

<sup>36</sup> Kadman, *supra* note 3, Appendix II.

<sup>37</sup> *United Nations Resolutions on Palestine and the Arab-Israeli Conflict*, George J. Tomeh (ed.), Institute for Palestine Studies, Vol. 1 (1947-1974), p.15.

<sup>38</sup> *Historical Survey of Efforts of the United Nations Conciliation Commission for Palestine to Secure the Implementation of Paragraph 11 of General Assembly Resolution 194 (III)*, AC.25/W.81/Rev.2, United Nations Conciliation Commission for Palestine, (Annex IV “Compensation for the Property of Non-Returning Refugees” -Excerpts from a memorandum prepared by the Legal Adviser to the Economic Survey Mission, November 1949), 2 October 1961.

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

**Para 1:** *Reaffirms that the Palestine refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of equity and justice.*

**Para 4:** *Calls upon all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution. [A/Res/59/120 dated 15 December 2004]*

#### **4.2. Discrimination and Apartheid against the Palestinian Citizens of Israel.**

JNF acts on behalf of “the Jewish people” everywhere in the use and exploitation of expropriated Palestinian land in Israel and discriminates against the non-Jewish Palestinian citizens of Israel. The use of Palestinian land expropriated by the state of Israel was challenged by the non-Jewish citizens before Israeli courts. Uri Avnery, the Israeli peace activist, stated, “[JNF] has become an instrument for institutionalized discrimination”.<sup>39</sup>

As stated before, Adalah – The Legal Center for Arab Minority Rights in Israel has challenged this policy of discrimination,

*Adalah argues that, as a public authority established under the law, the ILA is obliged to operate in a manner consistent with the principles of public administration; above all the principles of equality, just land distribution and fairness. Adalah stressed that these principles are of the utmost importance, “in light of the great significance of the resource of lands administered by the ILA, which is considered the most fundamental and essential resource for socio-economic development”. Adalah contends that, in spite of its obligations and the significance of land resources, the ILA fails to adhere to these principles. On the contrary, the ILA has pursued inequitable and discriminatory land allocation and development policies towards the Arab minority in Israel. Land has been distributed along sectarian lines for the benefit of the Jewish population, at a time when large tracts of land have been expropriated from the Arab population.*<sup>40</sup>

*Adalah stated that JNF enjoys an enormous influence over land distribution policy in Israel. For example, half of the members of the ILA Council, which determines land policy in Israel and manages “Israel’s lands”, must be nominated by the JNF by law. These lands comprise 93% of the land in Israel, and include the land owned by the JNF. Although under Israeli law state-owned land cannot be sold, the JNF’s special status enables the transfer of lands to it from the state.*<sup>41</sup>

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

---

<sup>39</sup> Uri Avnery, “Dunam After Dunam” in *Israel Horizons*, Spring 2005.

<sup>40</sup> Adalah Newsletter, Vol. 4, August 2004, [www.adalah.org/newsletter/eng/aug04/5.php](http://www.adalah.org/newsletter/eng/aug04/5.php)

<sup>41</sup> Adalah Newsletter, Vol. 8, December 2004, [www.adalah.org/newsletter/eng/dec04/5.php](http://www.adalah.org/newsletter/eng/dec04/5.php).

*The ILA rationalizes its policy of restricting bids for JNF-owned lands to Jews citing the agreement signed between the state of Israel and the JNF in 1961. Under this agreement, the ILA is obliged to respect the objectives of the JNF, which include the acquisition of land “for the purpose of settling Jews”. However, Adalah argued that the agreement does not permit the ILA to be a **sub-contractor for discrimination on the basis of nationality**: as a public agency established under law, the ILA is not authorized to adopt positions or pursue goals which are contrary to the principles of equality, just distribution and fairness.<sup>42</sup>*

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

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

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

*Regarding the plan for land transfers between the ILA and the JNF, Adalah contends that the plan is unconstitutional, as it represents an attempt to circumvent the principles of equality, just distribution and fairness with respect to affected lands in the north of Israel and the Naqab. Moreover, if implemented, the ramifications of this plan would be particularly grave, given that the Arab population in the north of Israel constitutes over half the region’s population (51.6%), 13.6% in the south of Israel, and almost 25% in the northern Naqab.<sup>43</sup>*

These discriminatory, indeed racist practices, have been repeatedly censured by the Treaty-Based Committees on Human Rights. One resolution (**E/C.12/1/Add.90 dated 23 May 2003**) criticizes the notion of the "Jewish character" of the state. It reads:

*The Committee is particularly concerned about the status of "Jewish nationality", which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, particular Palestinian refugees.*

Another resolution (**E/C.12/1/Add.27 dated 4 December 1998**) criticizes the discriminatory policies of JNF. It states,

---

<sup>42</sup> Adalah Newsletter, Vol. 9, January 2005, [www.adalah.org/newsletter/eng/jan05/kkl.php](http://www.adalah.org/newsletter/eng/jan05/kkl.php)

<sup>43</sup> Adalah Newsletter, Vol. 4, August 2004, [www.adalah.org/newsletter/eng/aug04/5.php](http://www.adalah.org/newsletter/eng/aug04/5.php)

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

This is a very clear judgement of the international community against JNF practices.

A largely forgotten convention that was never ratified by Israel (or other settler-colonial states like the USA, Canada, Australia or New Zealand) but that clearly outlines the illegal nature of the apartheid policies practised by the Israeli state and its affiliated agencies is the **International Convention on the Suppression and Punishment of the Crime of Apartheid** adopted by General Assembly resolution 3068 (XXVIII) on 30 November 1973 and enforced on 18 July 1976, in accordance with article XV. This convention states<sup>44</sup>:

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

**para c:** *Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade union, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;*

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

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

#### **4.3. Violation of the Fourth Geneva Convention.**

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

---

<sup>44</sup> <http://www.unhchr.ch/html/menu3/b/11.htm>

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

Thus the West Bank and Gaza Strip are “occupied territories” and the Fourth Geneva Convention applies.

The Statute of Rome of July 1998 prohibited ethnic cleansing or removal and replacement of the inhabitants in very strong terms. **Article 8 (War Crimes) of Rome Statute of the International Criminal Court** defines “war crimes”<sup>45</sup>:

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

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

Rome Statute relates to the Palestinian Occupied Territories and it gives ICC the jurisdiction over acts committed after 1 July 2002. Nonetheless, the War Crimes clauses reflect the customary international law which had been accepted for most of the twentieth century.

To avoid international censure, JNF established Himnuta as a subsidiary of JNF with wide powers to operate in the West Bank and to “buy” land, frequently through forged papers for the settlement of Jews in the occupied territories. Though Himnuta is run as a division of JNF, formally, it is a private company – and therefore, its dealings go largely unsupervised. It has never issued financial statements or publicized any information about its business deals, even though it is financed in part by state funds, nor is it subject to oversight by either the state comptroller or the High Court of Justice.<sup>46</sup> *“The JNF today holds 99% of the company’s [Himnuta] shares, and its official offices are at the JNF. Legally Himnuta is an independent company; in many other aspects, it is the JNF by another name”*.<sup>47</sup>

Recently Himnuta was in the news for purchasing illegally-acquired West Bank lands for more than NIS 20 million (\$4 million). The investigation began in May 2004, when certain Palestinian landowners discovered that their lands had been sold without their knowledge and were now registered in Israel’s Land Registry (Turkish: Tapu) as belonging to Himnuta. *“Since 1967, tens of thousands of donums of land have been purchased by the Jewish National Fund in areas of strategic importance in Judea and Samaria. The lands share a common location: They are all near the Green Line, in areas which will be up for negotiation in the event of an Israel withdrawal to the*

---

<sup>45</sup> See [www.un.org/law/icc/statute/rome.htm](http://www.un.org/law/icc/statute/rome.htm)

<sup>46</sup> “Background / State funded, yet private”, *Haaretz*, 28 February 2005.

<sup>47</sup> Amiram Barkat, “JNF-owned company bought land in the territories”, *Haaretz*, 17 February 2005.

*1949-1967 armistice lines. The lands were purchased with funds from the state and the World Zionist Organization, through Himnuta – a subsidiary established by the JNF to carry out complex and discreet transactions.”<sup>48</sup>*

ILA has been reported by Haaretz that its “markets building plots in the West Bank (23 July 2004) and it “sells [to Jews] 1,815 lots in West Bank by end of year” (28 July 2004).

In addition to ILA and Himnuta unlawful activities in the occupied West Bank, JNF openly acquired land there and planted ‘forests’ on it in its standard way of staking claim and acquisition of Palestinian land. **Map 3** shows lands acquired by JNF in and around Jerusalem. This is part of the plan to judaize greater Jerusalem.

It is clear therefore that JNF directs ILA and Himnuta operations everywhere, including those in the West Bank. Whether directly or through Himnuta or ILA, JNF plays a central role in unlawful activities. All the activities of acquiring land in the Occupied Palestinian Territories and moving the population of the Occupying Power to them are a violation of the Fourth Geneva Convention.

#### **4.4. Violation of Domestic Law where JNF operates outside Israel.**

JNF is registered as charity in many countries. Due to the influence of the Jewish communities in these countries, JNF local boards, Friends-of-JNF boards or similar groups include distinguished members of the non-Jewish community in the country concerned. Very likely they are not aware of the extent and severity of JNF’s violation of international law in its operations in Israel.

Gala events, donations and bequeaths collect many millions of tax-free dollars which are used in Israel for illegal practices. This is not to mention that such tax-free dollars would be better spent on the citizens in the country where the money was earned.

The status of JNF as a charity organization has been questioned in Canada, Scotland and Australia but not to the extent of fully-documented and well-argued court cases.

In USA, there have been recent (Jewish) reports of JNF mishandling of funds and possible violation of US law.<sup>49</sup> This situation is undoubtedly bound to change. JNF’s tax-free money are used to exploit the expropriated property for the benefit of Jews only, thereby depriving the rightful owners of this property from repossession of their

---

<sup>48</sup> *Ibid.*

<sup>49</sup> Cynthia Mann, “JNF: Seeds of doubt – Report says only fifth of donations go to Israel, but no fraud is found” in *Jewish News Weekly of Northern California*, 26 October 1996, [www.jewishsf.com](http://www.jewishsf.com).



With the world-wide climate of increased awareness of human rights – through parliaments, churches<sup>50</sup>, NGOs and media, and with the equally-rising importance of world-wide control on movement of money and its effect on world’s peace and stability, it is absolutely necessary to control, curtail, censure and eliminate JNF’s violation of domestic law, in which JNF is registered.

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

---

<sup>50</sup> Several churches have taken resolution to divest from Israel and from companies that deliver equipment which cause destruction and suffering. For example, US Presbyterian Church accused five companies namely, Caterpillar, Motorola, United Technologies, ITT industries and Citigroup, of contributing to the “ongoing violence that plagues Israel and Palestine” and pledged to use the Church’s multimillion-dollar stock holdings in the businesses to pressure them to modify or halt their dealings with Israel. *See* Haaretz, 7 August 2005.



## **Appendix 1: JNF Offices World-wide**

The establishment of JNF as a British corporation in 1907 was followed fifty years later by establishing JNF as an Israeli company carrying out on the ground what the British JNF did from a distance.

Now JNF has 41 office worldwide in the following countries<sup>51</sup>:

Austria, Australia, Argentina, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Curacao, Denmark, Ecuador, El Salvador, Finland, France, Germany, Great Britain, Greece, Guatemala, Holland, Honduras, Hong-Kong, Hungary, Ireland, Israel, Italy, Luxembourg, Mexico, New Zealand, Panama, Paraguay, Peru, South Africa, Spain, Sweden, Switzerland, The Czech Republic, United States, Uruguay and Venezuela.

There are also regional (branch) offices in the following countries: USA, UK, Canada, Australia, Germany, France, South Africa, Argentina, Bolivia, Brazil and Ecuador.

The World Chairman of KKL-JNF Board of Directors: Yehiel Leket (He is also Deputy President of the World Jewish Congress.

JNF is registered as charity in most countries. This means money collected from these countries are tax-exempt. But instead of spending this money to help the citizens of the country, it is sent abroad in pursue of racist policies in a foreign country in violation of international law.

### **JNF - USA**

The President of JNF USA is Mr. Ronald S. Lauder. Its main office is in: 42E, 69<sup>th</sup> St, New York, NY 10021, USA. The Chief Executive Officer is Mr. Russell F. Robinson.

There are 22 regional (branch) offices in the following zones in USA:

Western Zone, Los Angeles Zone, Midwestern Zone, Southern Zone, Florida Zone, Midatlantic Zone, Northeastern Zone, Greater New York Zone and New England Zone.

JNF, Inc is a not-for-profit corporation founded in 1926, devoted to and supports the purchase of land in Israel and promotes and furthers the religious, cultural, physical, social and agricultural general welfare of the Jewish state. JNF is a Section 501(c)(3) not-for-profit organization and is exempt from Federal income taxes under Section 501(a) of the Internal Revenue Code. JNF has been classified as a publicly-supported organization as described in Section 509(a)(1) of the Code. JNF is also exempt from state and local income taxes.

Constituent organizations, which support and contribute to its work, include B'nai B'rith, Hadassah, Na'amat USA, Amit and the Religious Zionists of America.

### **JNF - UK**

JNF is registered as JNF Charitable Trust in UK incorporated in 1939 to promote exclusively charitable projects in Israel. It is regulated by the Charity Commission for England and Wales and publishes its accounts. As a charity, it is able to receive donations under Gift Aid, and legacies enjoy relief from UK inheritance tax.

Some of JNF's honorary patrons are Prime Minister Tony Blair, the leader of the Opposition Michael Howard and the Rt. Hon Charles Kennedy

The charity correspondent of JNF is Mr. David Pollock<sup>52</sup>. JNF-UK has its head office at: Spring Villa Park, Edgware, Middlesex, HA8 7Ed, UK. It also has regional offices in Birmingham, Dublin, Glasgow, Hull, Leeds, Liverpool and Manchester.

---

<sup>51</sup> See Website: [www.kkl.org.il](http://www.kkl.org.il), 'KKL Offices'.

<sup>52</sup> See Website: [www.charity-commission.gov.uk](http://www.charity-commission.gov.uk). Charity No: 225910.

JNF-UK is comprised of the following committees: NEGEV, JNF First Ladies, JNF Israeli Forum, JNF Bournemouth, JNF Milluim, Walk For Water, JNF Brighton & Hove.

The regulator of charity organizations in the UK are:

**HM Revenue & Customs** (formerly Inland Revenue and HM Customs and Excise):

[Charities@inlandrevenue.gov.uk](mailto:Charities@inlandrevenue.gov.uk), Tel: +44 870 1 555 445

**Charity Commission for England & Wales:**

Woodfield House, Tangier, Taunton, Somerset, TA1 4BL, Tel: 0870 333 0123, Fax: 0182 334 5003

**Office of the Scottish Charity Regulator:**

1<sup>st</sup> floor, Argyll House, Marketgait, Dundee, DD1 1QP, Tel: 0138 222 0446

**Inland Revenue Charities (Scotland):**

Meldrum House, 15 Drumsheugh Gardens, Edinburgh, EH3 7UL, Tel: 0131 777 4126

## **JNF – Canada**

President of JNF-Canada: Sharon Marcovitz Hart

National Director of JNF-Canada: Joe Rabinovitch

It is listed as a charitable organization. It raised \$15 million in the early 1970s to establish Canada Park a “recreational” area built on land-occupied by the Israeli military in 1967 in order to cover-up the destroyed Palestinian villages of Imwas, Yallu, and Beit Nuba. Such a blatant manipulation of historical memory in the name of “nature conservation” highlights the way in which the JNF and ILA are used in an attempt to erase any signs of the indigenous population of Palestine<sup>53</sup>.

In 2005 Negev gala dinner raised a record \$1.4 million which is earmarked for five new community action centres in Israel.

The regulator of charity organizations in Canada is:

**Canada Revenue Agency**

Contact Person: Elizabeth Tromp, Director General, Charities Directorate

Tel: +613-954 0410 (English) or +613-954 6215 (bilingual)

Toll free: +1-800-267 2384 (English) or +1-888-892 5667 (bilingual)

Fax: +613-954 2586

## **JNF and Himnuta:**

The JNF established Himnuta in the 1930s, mainly to circumvent legal restrictions on its own land dealings. For instance, Himnuta can buy lands as an investment or exchange lands with Arab dealers, both of which are forbidden for the JNF. Himnuta owns senior citizens’ homes and manages the property of childless people who transfer their property to the JNF in exchange for the right to live on that property, or in a seniors’ home run by the JNF. Himnuta also owns real estate that was purchased with government funds but is registered in the name of Himnuta, which is theoretically a private company that can prevent the use or sale of land to entities whom the state cannot legally prevent from using the land. Himnuta is then something of a “backup” for the state in case it fails to prevent the existence of a market.<sup>54</sup>

---

<sup>53</sup> Kole Kilibarda and Hazem Jamjoum, “Campaign to strip JNF of Canadian charitable status” in *Al-Awda*, March 2005.

<sup>54</sup> Blougrund, *supra* note 14.

**Appendix 2: List of 372 Palestinian Villages whose land was expropriated by JNF and the registered refugees from these villages.**

S. No.	Village Name	Reg. Refugees Dec 2002	Name of national park (N.P.) / nature reserve (N.R.) / JNF park / site	Parks Created by
1	Ghabisiyya	3,481		
2	Bassa al	11,528		
3	Zib al	9,479	Tel Achziv N.P.	NPA
4	Nahr al	3,040		
5	Umm Al Faraj	4,874		
6	Birwa al	3,754		
7	Jiddin; Khirbat	706	Yechiam fortress	NPA
8	Amqa	7,856		
9	Kuwaykat	6,113		
10	Damun al	3,380		
11	Suhmata	6,028		
12	Iqrit	217		
13	Tarbikha	3,797		
14	Jish	3,529		
15	Majd al Kurum	1,954		
16	Dayr Ayyub	1,193	Canada park	JNF
17	Dayr Muhaysin	2,380		
18	Khulda	1,594		
19	Saydun	1,523		
20	Bayt Far; Khirbat	1,259		
21	Mansura al	1,016		
22	Mukhayzin al	855		
23	Bash-shit	11,666		
24	Beit Nabala	19,538		
25	Abu Shusha	5,409	Tel Gezer N.P.	NPA
26	Na'ani al	11,512		
27	Qubab al	17,031	Lehi park	JNF
28	Qatra	8,617		
29	Maghar al	12,816	Merar hills n.p	JNF & NPA
30	Sarafand al 'Amar	20,131		
31	Qubayba al	11,080		
32	Zarnuqa	15,319		
33	Bayt Jiz	4,030	Rabin park	JNF
34	Bayt Susin	1,098	Rabin park	JNF
35	Yibna	40,199		
36	Tina al	5,257		
37	Idnibba	4,261	Kharuvit forest	JNF
38	Jilya	3,430		
39	Khayma al	2,208		
40	Barriyya al	3,762		
41	Daniyal	1,693		
42	Dayr Tarif	13,070		
43	Dhuhayriyya al K	859	Ben Shemen forest	JNF
44	'Innaba	9,630	Ben Shemen forest	JNF

45	Jimzu	12,668	Ben Shemen forest	JNF
46	Kunayyisa al	2,536		
47	Lydda	114,657		
48	Qula	5,773	Kula castle N.P	JNF & NPA
49	El Ramle	83,874		
50	Tira al	8,990		
51	Wilhelma	85		
52	Haditha al	6,764	Tel Hadid	JNF
53	Jindas	55		
54	Kharruba	3,017	Ben Shemen forest	JNF
55	Muzayri'a al	5,880		
56	Zakariya K	8	Ben Shemen forest	JNF
57	Dayr Abu Salama	1,052	Ben Shemen forest	JNF
58	Majdal Yaba(Majdal al Sadiq)	8,477	Migdal Zedek N.P.	NPA
59	Barfiliya	7,019	Ben Shemen forest	JNF
60	Bayt Shanna	3,644		
61	Bir Ma'in	2,134		
62	Salbit	8,406		
63	Latrun al	912		
64	Farwana	1,547		
65	Ashrafiyya al	2,834		
66	Baysan	33,143		
67	Fatur al	112		
68	Hamidiyya al	1,031	Yissaschar river N.R.	NPA
69	Zab'a	620		
70	Bira al	1,273	Tavor river N.R.	NPA
71	Bawati al A - (Hakimiya)	2,539		
72	Kaukab al Hawa	1,766	Kochav Hayarden N.P.	NPA
73	Bashatwi	9,392		
74	Jabbul	1,547		
75	Arida al A	768		
76	Ghazawiyya al A	6,666		
77	Khunayzir al A	583		
78	Safa al A	2,310		
79	Zarra'a al A - Tirat Tsevi	31		
80	Samiriyya al	2,043		
81	Hamra al	3,627		
82	Masil al-Jizl(al Zinati)	367		
83	Umm 'Ajra	845		
84	Bayt Daras	21,105	Zemorot pool N.R.	NPA
85	Burayr	19,287		
86	Huleiqat	2,930		
87	Kawkaba	5,046		
88	Barqa	5,627		
89	Batani Gharbi	6,426		
90	Batani Sharqi	5,089		
91	Najd	5,749		
92	Simsim	9,328		
93	Sawafir al Gharbiya al	8,323		
94	Sawafir ash Shamaliya al	3,346		

95	Sawafir ash Sharqiya al	8,220		
96	Kawfakha	4,228		
97	Suqrir A	3,562		
98	Muharraqa al	4,317		
99	Huj	5,590		
100	Yasur	6,915		
101	Julis	7,363		
102	Ibdis	3,735		
103	Jaladiyya al	2,693		
104	Masmiyya al Kabira	20,041		
105	Masmiyya as Saghira(Huraniyya)	2,326		
106	Summayl	7,330		
107	Qastina	6,461		
108	Tall at Turmus	5,374		
109	Hatta	7,243		
110	Juseir	8,142		
111	Beit Tima	8,211		
112	Dimra	4,891		
113	Isdud	28,489	Sands Park	JNF
114	Bayt Jirja	7,784		
115	Dayr Suneid	6,721		
116	Hiribya	19,378		
117	Al Majdal (Ashkelon)	58,431		
118	Barbara	19,860		
119	Jiyya al	8,280		
120	Jura al	18,092		
121	Khisas K	1,314		
122	Ni'ilya	9,162		
123	Faluja al	34,838		
124	Daliyat ar Rawha	496		
125	Ghubaiyat	6,401		
126	Abu Shusha	4,752		
127	Lid; Khirbat (Lydd el 'Awadim)	1,976		
128	Abu Zureiq	3,690	Ramat Menashe Park	JNF
129	Kafrayn al	6,334	Ramat Menashe Park	JNF
130	Mansi al ('Arab Baniha)	13,924		
131	Qannir	6,684		
132	Rihaniyya al	1,564	Ramat Menashe Park	JNF
133	Butaymat al	663		
134	Burayka	2,027		
135	Khubbayza	1,771	Ramat Menashe Park	JNF
136	Sabbarin	12,240		
137	Sindiyana al	8,592	Alona forest N.R.	NPA
138	Umm ash Shauf	3,042		
139	Atlit	510		
140	Umm az Zinat	9,825	Carmel mountain N.R	JNF & NPA
141	Tantura al	7,766		
142	Ayn Haud	3,012		
143	Mazar al	1,386		
144	Kafr Lam	1,198		

145	Sarafand al	840		
146	Shafa Amr	4,599		
147	Tira al	30,746		
148	Ayn Ghazal	10,992	Karmel Park	JNF
149	Ijzim	12,896		
150	Jaba'	1,050	Karmel Park	JNF
151	Mughallis	3,458		
152	Tall as Safi	10,815	Tel Zafit N.P	JNF & NPA
153	Zayta	2,727		
154	Ajjur	31,162	Britain park	JNF
155	Bayt Nattif	21,712	Unknown name	JNF
156	Kidna	3,488	Britain park	JNF
157	Ra'na	1,911		
158	Zikrin	8,209		
159	Dayr ad Dubban	7,770	Britain park	JNF
160	Beit Jibrin	21,020	Beit Govrin N.P.	JNF & NPA
161	Dayr Nakh-khas	5,613		
162	Zakariyya	9,375		
163	Muwaylih al	75		
164	Biyar 'Adas	4,152		
165	Bayt Dajan	23,149		
166	Kafir 'Ana	15,212		
167	Saqiya	6,786		
168	Abbasiyya al (al Yahudiyya)	35,937		
169	Safiriyya	23,960		
170	Rantiya	3,473		
171	Bayt Naqquba	843		
172	Bayt Thul	2,147	Hakfira forest	JNF
173	Qaluniya	6,412		
174	Qastal al	881	Qastel N.P	JNF & NPA
175	Nataf	276	Kfira river N.P.	JNF & NPA
176	Saris	3,978	Rabin park	JNF
177	Bayt Mahsir	20,633		
178	Jura al	2,551		
179	Aqqur	131	Sataf forest	JNF
180	Lawz al; Khirbat	4,557	Judean hills N.P	JNF & NPA
181	Sataf	4,563	Sataf N.P	JNF & NPA
182	Suba	4,590	Zova N.P	JNF & NPA
183	Maliha al	12,169		
184	Dayr 'Amr	300		
185	Kasla	1,446	The Saints' forest	JNF
186	Ayn Karim	16,756		
187	Deir Rafat	562		
188	Ishwa'	3,558		
189	Islin	2,071	Eshta'ol forest	JNF
190	Burayj al	7,370		
191	Dayr Aban	18,150	USA independence park	JNF
192	Dayr al Hawa	309	USA independence park	JNF
193	Sufila	445	Nahal Dolev N.R USA independence park	JNF & NPA
194	Bayt 'Itab	4,848	Beit 'Itab N.P. USA independence	JNF & NPA

			park	
195	Bayt Umm al Mays	299	The saints' forest	JNF
196	Dayr ash Sheikh	1,064	Sorek river N.R.	JNF & NPA
197	Jarash	1,603	Nahal Dolev N.P. USA independence park	JNF & NPA
198	Ras Abu 'Ammar	4,808	Begin park	JNF
199	Umur al K	2,006	The Saints forest	JNF
200	Walaja al	11,349	Unknown name	JNF
201	Allar	3,291	USA independence park	JNF
202	Qabu al	2,546	Begin park	JNF
203	Ayn al-Mansi	9		
204	Mujaydil al	6,224		
205	Saffuriyya	26,803	Zippori N.P	JNF & NPA
206	Taytaba	3,152		
207	Wayziyya	33		
208	Suyyad al A(Jubb Yusuf)	2,043		
209	Zanghariyya al (Zuhluq)	3,814		
210	Dallata	1,909		
211	Mirun	1,122		
212	Qaddita	1,118		
213	Zuq at Tahtani al	8,274		
214	Sammu'i al	1,659		
215	Na'ima al	6,553		
216	Qaytiyya	6,485		
217	Lazzaza	1,378		
218	Zawiya al	4,186		
219	Ammuqa	471	Biria forests	JNF
220	Salihyya al	11,292		
221	Marus	118	Unknown name	JNF
222	Qabba'a	2,893	Biria forests	JNF
223	Malikiyya al	3,136		
224	Safsaf	5,472		
225	Alma	5,953		
226	Dayshum	3,091		
227	Fara	2,132	Bar'am forests	JNF
228	Ras al Ahmar al	3,052		
229	Sa'sa	7,517		
230	Sabalan	655		
231	Saliha	6,367		
232	Kafr Bir'im	509	Kefar Bara'am N.P. Bar'am forests	JNF & NPA
233	Tiberias	22,342		
234	Wa'ra al-Sawda al K(A alMawasi)	4,013	Haarbel N.P.	NPA
235	Samakiyya al A	336	Kfar Nahum N.P	JNF & NPA
236	Hittin	9,284	Haarbel N.P.	NPA
237	Lubiya	19,262	Lavi forest	JNF
238	Nimrin	1,740		
239	Wadi Qabbani	431		
240	Raml Zeita(K.Qazaza)	1,272		
241	Manshiya al K	541		
242	Zalafa K	405		

243	Birket Ramadan(Wakf Khalil Rahman)	7		
244	Miska	4,300		
245	Kafr Saba	8,570		
246	Zababida al; Khirbat	644		
247	Qaqun	11,857	Kakun fortress N.P.	NPA
248	Arab El Samniya	742		
249	Fassuta	375		
250	Mi'ilya	107		
251	Mazra'a al	1,047		
252	Abu Sinan	35		
253	Julis	34		
254	Tarshiha	17,374		
255	Beit Jann	7		
256	Makr	28		
257	Judeida	17		
258	Sha'b	6,666		
259	Kabul	145		
260	Sakhnin	197		
261	I'billin	760		
262	Daliyat El-Carmel	102		
263	Fureidis	1,202		
264	Zalafa	1,017		
265	Umm El-Fahm etc.	1,403		
266	Muqeibila	1,776		
267	Qaryet EL-'Inab (Abu Gosh)	1,825		
268	Beit Jimal	437		
269	Kafr Manda	139		
270	Rummana	1		
271	Tur'an	161		
272	Reina	148		
273	Rihaniya	212		
274	Hurfeich	151		
275	Tuba ('Arab El-Heib)	1,212		
276	Jatt	295		
277	Qalansiwa	963		
278	Tira	986		
279	Taiyiba;Kh.'Amarin;Nuseirat Kh	1,122		
280	Jaljuliya	1,987		
281	Kafr Bara	12		
282	Kafr Qasem	1,726		
283	Abu Zeina K.	46		
284	Khureish	250		
285	Qubeiba; Kh. El	81		
286	Zububa	3,084		
287	Arab El 'Aramisha & El Quleitat	47		
288	Rummana	2,833		
289	El Yamun	31		
290	Gh. Jaiyus	29		
291	Kafr Jammal	236		
292	Kafr Sur	568		



293	Far'un	121		
294	Irtah	8		
295	Tulkarm	430		
296	Shuweika	265		
297	Deir el Ghusun	378		
298	Zeita	38		
299	Kafir Thulth	22		
300	Habla	8		
301	Qalqiliya	27,156		
302	El Lubban	315		
303	Rantis	327		
304	Shuqba	18		
305	El Midya	35		
306	Budrus	4,418		
307	Qibya	90		
308	Beit Nuba & 'Ajanjul	63		
309	'Imwas	429		
310	El Khalayil	33		
311	Nuba	2		
312	Surif	3,352		
313	El Jab'a	18		
314	Qatana	7,949		
315	Beit Surik	1,358		
316	Beit Iksa	5,145		
317	Battir	4,838		
318	Husan	1,086		
319	Wadi Fukin	2,468		
320	Beit Lahiya	6		
321	Beit Hanun	27,129		
322	Gaza	5,045		
323	Bani Suheila	4		
324	Kh. Ikhza'a	3,980		
325	Tubas & Kashda & Bardala	25		
326	Hula Cocession Area	101		
327	Abu Al Hussain/Ghawali	4,617		
328	Abu Amrah/Ghawali	5,183		
329	Abu Athera/Najamat	4,986		
330	Abu Bakrah/Ghawali	1,856		
331	Abu Ghalion/Jarawin	10,821		
332	Abu Khatleh/Ghawali	2,314		
333	Abu Middain	19,304		
334	Abu Muailiq/Hasanat	4,018		
335	Abu Rawwaa	1,502		
336	Abu Rqayiq/Qdeirat	4,115		
337	Abu Shalhoub/Ghawali	1,493		
338	Abu Shunnar/Alamat	3,203		
339	Abu Sittah/Ghawali	5,920		
340	Abu Sousain/Najamat	6,476		
341	Abu Suailiq/Jarawin	3,258		
342	Abu Suhaiban/Najamat	18,874		

343	Abu Yehya/Jarawin	5,690	
344	Al Buraiqi/Hkuk	5,174	
345	Al Dhawahreh	2,691	
346	Al Diqs	4,805	
347	Al Huzaiyil/Hkuk	3,346	
348	Al Omour/Ghawali	3,927	
349	Al Soufi/Najamat	14,464	
350	Al Zraiye/Ghawali	6,433	
351	Atawneh/Ntoush	5,668	
352	Beli	2,430	
353	Bin Rifee/Sawarkeh	3,800	
354	Bin Sabbah/Hasanat	2,142	
355	Gatatweh	1,133	
356	Imara al PS	158	
357	Jammama PS	377	
358	Kawfakha	4,228	
359	Rawashdeh	1,948	
360	Thabet/Galazin	1,868	
361	Urour	2,544	
362	Wulaydeh	3,206	
	<b>Total Refugee Population</b>	<b>2,152,578</b>	
	Other Non Listed 13 Villages	38,978	
	<b>Grand Total (Population)</b>	<b>2,191,556</b>	

**Notes:**

JNF = Jewish National Fund, NPA = National Parks Authority, NR = Natural Reserve

- (1) The number of villages whose land was expropriated by JNF wholly or partially is 372. The table above gives the names of only 362 villages. The population of 10 villages is not listed as the population size is unknown.
- (2) **Map 1** shows 336 affected village lands. A further 36 village lands in Beer Sheba are not well-defined, therefore not shown.
- (3) The table above shows only 71 parks out of 116 shown on **Map 2**. Details of these parks are as follows:
  - 71:** planted on capital village land part of which is expropriated by JNF
  - 9:** planted on non-capital villages similarly expropriated
  - 17:** planted on capital village lands expropriated by the state
  - 2:** planted on non-capital villages similarly expropriated
  - 16:** planted on pre-1948 Jewish land
  - 1:** planted on Palestinian land in Beer Sheba sub-district, an example of several such parks
  - 116:** Total number of parks

Source for information on parks: Noga Kadman, "Erased from Space and Consciousness – Depopulated Palestinian Villages in the Israeli-Zionist Discourse" (Master's thesis in Peace and Development Studies), Dept of Peace and Development research, Goteborg University, November 2001.

According to N. Kadman, of these 116 parks, 33 planted by National Parks Authority, 60 by JNF and 22 by both, in addition to a sample of one in Beer Sheba.
- (4) The total number of registered refugees whose land were expropriated by JNF is 2,191,556, or 54% of all UN registered Palestinian refugees.