



22 February 2008

Dr. Paul Davenport
University President
Room 113, Stevenson-Lawson Building
The University of Western Ontario
London, Ontario, N6A 5B8
CANADA

Re: The Jewish National Fund (JNF)

Dear Dr. Davenport,

Some of my colleagues at the University of Western Ontario have updated me regarding the debate concerning your involvement with the JNF of Canada and your acceptance of its invitation to stand as its 2008 Negev Dinner Honouree. I am a lawyer and the founder and General Director of Adalah: The Legal Center for Arab Minority Rights in Israel. I found that it is a good opportunity to address you in this regard as follows:

1. Adalah filed a petition to the Supreme Court of Israel in 2004 in which we are challenging the racist policy of the JNF which prevents Palestinian citizens of Israel from participating in bids for JNF-controlled land. Excerpts from our petition in English can be read at: <http://www.adalah.org/eng/publications/makan/hc9205.pdf>. Petitions were also filed to the Supreme Court by the Association for Civil Rights in Israel (ACRI) and the Arab Center for Alternative Planning. I find it relevant to provide you with more information on the JNF's policy, with the hope that you may re-consider your acceptance of such an award.
2. In response to the petitions, the JNF admitted in a written affidavit submitted before the Israeli Supreme Court in December 2004 that:

“The JNF is not the trustee of the general public in Israel. Its loyalty is given to the Jewish people in the Diaspora and in the state of Israel... The JNF, in relation to being an owner of land, is not a public body that works for the benefit of all citizens of the state. The loyalty of the JNF is given to the Jewish people and only to them is the JNF obligated. The JNF, as the owner of the JNF land, does not have a duty to practice equality towards all citizens of the state.”

The JNF also argued that, “Equality does not mean giving someone the right to live on someone else's land since, just as the Jews do not have the right to live on Islamic Waqf land, or land belonging to one of the churches, non-Jews do not have the right to choose land given to the Jews for the sake of achieving their

right to equality.” Excerpts from the JNF’s full response to the petition can be read in English at: <http://www.adalah.org/eng/publications/makan/hc9010.pdf>

3. I wish to further emphasize that the JNF controls 13% of the land in Israel. Much of this land belonged to Palestinian refugees and it was transferred from the State of Israel, which confiscated this land pursuant to the Absentee Property Law of 1950 and other discriminatory land laws, to the JNF. To date, all of this land remains unavailable and inaccessible to Palestinian citizens of the state, more than one million people or 20% of the population. Pursuant to this policy, Israel can build tens of new towns and settlements on these lands for Jews only, and create a system of direct apartheid using the JNF. In fact, the JNF has become a tool of Israel to create racial segregation in land and housing throughout the country against the Palestinian citizens in Israel.
4. It is not only Adalah’s position or the view of other human rights organizations that the JNF is a racially discriminatory body but also it should be stressed that many Israeli Jews criticized this policy. Two editorials of a leading Israeli newspaper *Haaretz* stand out as indicative - one entitled “A Racist Jewish State,” published on 20 July 2007 <http://www.adalah.org/features/land/kk-haaretz-jul07-e.pdf>, and the other entitled, “Who Needs the JNF?”, published on 23 September 2007: <http://www.adalah.org/features/land/kkl-haaretz-230907-e.pdf>
5. There is also increasing international criticism of the JNF. As you may be aware, just last year in May 2007, the United Nations’ Committee on Non-Governmental Organizations (NGOs) rejected the application of the JNF-USA for consultative status with the UN Economic and Social Council (ECOSOC). Although the JNF represented itself as an environmental organization, the Committee found that the JNF could not receive this status as it is in violation of the UN Charter.
6. In order for the Arab-Jewish struggle against the JNF’s policy to succeed, it is very important that international scholars who are committed to civil rights and human rights, such as yourself, take a strong stand in opposing the JNF and not giving it legitimacy.
7. I would be glad to provide any additional information that you may need regarding these matters, and I hope that you will re-consider your involvement with the JNF.

Sincerely,

Hassan Jabareen

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