



10 January 2008

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

Re: Negev Dinner and Award – The Jewish National Fund of London – 1 June 2008

Dear Dr. Davenport:

We are writing to you as members of the Western academic community to express our deep concern regarding the announcement last month that you have accepted an invitation to stand as the 2008 Negev Dinner Honouree by the Jewish National Fund of London.

Like you, we are supportive of a campus, a community and a world that is tolerant, embraces diversity, and advances justice and social equity. Many organizations do so, and are worthy of our support and endorsement. The Jewish National Fund is not one of them. It promotes exclusion, dispossession and institutionalized discrimination, a point which has been made by the United Nations and by human rights organizations representing Palestinian Arabs in Israel and the Occupied Territories. Even the Attorney-General of Israel has expressed the view that the JNF's discriminatory land practices would not stand up to a legal challenge in court.

We wish to bring to your attention four specific points as to why the JNF is unworthy of your support as an Honouree.

First, the Jewish National Fund owns approximately 13% of the land in Israel, and it is reserved by law for the exclusive benefit and use of Jews only. Palestinians, who formed a majority in Mandatory Palestine before the 1948 war and today constitute 20% of Israel's population, are forbidden by the JNF covenant from leasing these lands. As Israeli historian Ilan Pappé observes, the JNF also acts as the 'custodian' responsible for guarding the 'Jewishness' of other lands in Israel that it does not own; it does this by playing an influential role in the directorship of a state body – the Israel Lands Authority – which manages another 80% of the lands in the country. Together, these two interlocking institutions -- the ILA and the JNF – control approximately 93% of the land in Israel, which (with a few short-term exceptions) is not available to Palestinian citizens of the country. Much of these lands originally belonged to Palestinians who were forced to become refugees in 1948 and had their properties expropriated by Israel; other lands were confiscated under the "Absentee Property Law" of 1950 from Arab citizens of Israel

(so-called “present absentees”) who were temporarily away from their homes (in some cases for as little as a day or two), but still were on the territory that became Israel. A series of legislative measures allows the JNF and the ILA to act as agents for a disguised state policy of dispossession. In the words of Adalah – The Legal Centre for Arab Minority Rights in Israel – “this discriminatory policy contributes to the institutionalization of racially-segregated towns and villages throughout the state.”

These discriminatory practices – reserving in law almost all of the nation’s lands for the Jewish majority, to the detriment of the dispossessed Palestinian Arab citizens of Israel – are contrary to the values of a modern liberal and democratic state. In 2000, the Supreme Court of Israel issued a ruling (the *Qa’dan* case) that challenged the JNF’s exclusionary policies and practices. In July 2007, the Israeli Knesset passed the first reading of the Jewish National Fund Bill, which seeks to undo the 2000 ruling by the Supreme Court of Israel. The proposed statute states that the: “leasing of Jewish National Fund’s lands for the purposes of the settlement of Jews on these lands will not be seen as improper discrimination.” The Bill has been criticized as “racist” legislation by an editorial in *Ha’aretz* (one of Israel’s most influential newspapers) on 21 July 2007:

This bill reflects an abasement of the Zionist enterprise to lows never imagined in the Declaration of Independence. Even though the Jewish National Fund purchased the lands for the Jewish people in the Diaspora, the State of Israel has already been established and these lands must now serve all its citizens. For those living for tomorrow, and not the past, the aim is to create in Israel a healthy, progressive state where the needs of the two peoples should concern the leaders and legislators. *The Jewish National Fund’s land policy counters the interests of the state and cannot discriminate by law against the minority living in Israel.* [Emphasis added]

Second, the discriminatory policies and practices of the Jewish National Fund have been criticized by a number of respected bodies. In 1998, the United Nations Committee on Economic, Social and Cultural Rights stated that the practices of the Jewish National Fund “constitute an institutionalized form of discrimination” and are in breach of Israel’s international legal obligations. In its report, the Committee said that:

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 [International Covenant on Economic, Social and Cultural Rights]. [Emphasis added]

In 2005, the Attorney-General of Israel, Menachem Mazuz, stated that the Israel Land Authority should cut its ties with the Jewish National Fund because the JNF excludes Palestinian citizens of Israel from leasing its property. According to an article in the *Jewish Daily Forward* (18 March 2005):

The attorney general's ruling followed appeals to the Supreme Court by two Israeli civil-rights organizations, claiming that the exclusion of Arab Israelis from JNF properties — some 13% of Israel's territory — was racist and violated the principle of equality before the law. In its reply, the lands authority noted that JNF properties are “intended for the development of Jewish settlement in the Land of Israel,” and that “all the funds of the JNF are from Jewish donors.” Mazuz declined to defend the case, concluding that the authority's claim would not hold up in court. The justices had ruled in an earlier case that “Jews-only” clauses were illegal.

Third, the JNF-Canada is the sponsoring organization of Canada Park, which has been built in the Occupied Palestinian Territories on the ruins of three Palestinian villages (Imwas, Yalu and Beit Nuba) that were deliberately destroyed by Israel in 1967. The destruction of the Palestinian villages, and the denial of the villagers' right to return to their homes, are grave violations of the 4th Geneva Convention of 1949. In 1986, a United Nations Special Committee reported to the Secretary-General (UN Report A/41/680, 20 October 1986) that it was concerned about:

...the fate of the inhabitants of Emmaus, Beit-Nuba and Yalou, reduced to the state of wandering refugees since their villages were razed by the occupying authorities in 1967. The Special Committee considers it a matter of deep concern that these villagers have persistently been denied the right to return to their land on which Canada Park has been built by the Jewish National Fund of Canada and where the Israeli authorities are reportedly planning to plant a forest instead of allowing the reconstruction of the destroyed villages.

The tragedy of Canada Park has also been the subject of a critical investigative documentary by CBC's *The Fifth Estate* in 1991, which established that the Park has been built entirely within the Occupied Territories, that the villages were intentionally destroyed in order to prevent the villagers from returning, and that the Jewish National Fund of Canada is the principal funding body for the Park. In the documentary, former Israeli Knesset member Uri Avnery calls the destruction of the three Palestinian villages a “war crime under international law, and the endorsement of the naming of the Park after the name of Canada as implicating Canada with giving a cover to war crimes”. Al-Haq, a Palestinian human rights organization affiliated with the International Commission of Jurists, pointed out in a June 2007 legal brief that Canada Park

was funded by donations to the Jewish National Fund in Canada which were subsidised as tax-deductible by the Canadian government. Thus, Canada, far from fulfilling its positive obligation to put an end to the illegal situation created by Israel in this part of the Occupied Palestinian Territory, is responsible for breaching its duty of non-recognition and is complicit in the creation of facts which consolidate the illegal situation and prejudice the realisation of the Palestinian right to self-determination.

And fourth, the JNF is currently promoting the settlement of significant numbers of Jews in Al-Naqab (the Negev), in the south of Israel, to the tremendous detriment of the indigenous Palestinian Bedouin population. The traditional grazing lands of the Arab Bedouins in southern Israel – who are the most disadvantaged citizens in Israel – have been expropriated by the Government of Israel, and many of the Bedouin’s villages are ‘unrecognized’ in order to justify Israeli policies that deny them access to water, electricity, sewage and other standard municipal services. The JNF’s project – “A Miracle in the Desert” – is intended to create approximately 25 Jewish-only housing communities in this area over the next decade, housing approximately half a million Jews. This project is being challenged legally and politically by the Palestinian Bedouin of Al-Naqab (Negev), who, with the support of human rights organizations in Israel, wish to reclaim their land.

Like indigenous peoples in other countries – including Canada, the United States, Australia, New Zealand and Latin America – the Palestinian population including the Bedouin of Al-Naqab (the Negev) have been and continue to be dispossessed of their land, their resources and their livelihood for the near exclusive benefit of the Jewish population. While countries like Canada move slowly towards reconciliation with aboriginal peoples through land settlements and compensation, the Palestinian Bedouin instead face further dispossession, which is materially aided and abetted by the JNF. Funds raised at events such as the dinner to which you have been invited contribute to projects which serve to further dispossess the Bedouin and other Palestinians.

For your benefit, we are attaching a number of documents which support the observations that we have made in this letter. Undoubtedly, many, if not all, of these facts come as new information to you. This is not surprising. The discriminatory and exclusionary features of the JNF’s practices and policies in Israel and the Occupied Palestinian Territories are not well known in North America. We trust that this information enables you to see the JNF and its invitation to you in a new light.

Given the discriminatory policies and practices of the Jewish National Fund, we would respectfully suggest that accepting the JNF’s invitation amounts to endorsing its work and is thus contrary to the mission of a modern university in a diverse and tolerant society. We would strongly urge you to reconsider and decline this invitation. We would also request a meeting with you, at your early convenience, to discuss this matter. Please contact Michael Lynk to arrange such a meeting on behalf of all of the signatories.

Yours very truly,

Randa Farah
Associate Professor
Anthropology

David Heap
Associate Professor
French Studies

Michael Lynk
Associate Professor
Law

Carol Agocs
Professor Emerita
Political Science

Tozun Bahcheli
Professor
Political Science
King's University College

Tim Blackmore
Associate Professor
Information and Media Studies

Michael Carroll
Professor
Sociology

Chet Creider
Professor
Anthropology

Ashraf El Damatty
Professor
Civil and Environmental Engineering.

Hesham El Naggar
Professor
Civil and Environmental Engineering

Mireya Folch-Serra
Adjunct Professor and Professor Emerita
Geography

Abhijit Gopal
Associate Professor
Business

Bernie Hammond
Associate Professor & Director
Centre for Social Concern
King's University College

Anton Allahar
Professor
Sociology

Ann K. Bigelow
Lecturer
Management and Organizational Studies

Joyce Bruhn de Garavito
Associate Professor
Modern Languages and Literatures

Rebecca Coulter
Professor
Education

Nick Dyer-Witford
Associate Professor
Information & Media Studies

Munir El-Kassem
Associate Professor
Medicine and Dentistry

Mahmoud El-Sakka
Associate Professor
Computer Science

Bernd Frohmann
Associate Professor
Information & Media Studies

Wael Haddara
Assistant Professor
Medicine and Dentistry

Paul Handford
Associate Professor
Biology

Sahza Hatibovic-Kofman
Associate Professor
Medicine and Dentistry

Michiya Kawai
Associate Professor
Center for Global Studies
Huron University College

Hanan Lutfiyya
Professor
Computer Science

Robert Mercer
Professor
Computer Science

Marjorie Ratcliffe
Associate Professor
Modern Languages and Literatures

Douglass St. Christian
Associate Professor
Anthropology

Samuel Trosow
Associate Professor
Information & Media Studies / Law

Karl Hele
Assistant Professor
Anthropology

Jacques Lamarche
Associate Professor
French Studies

Marshall Mangan
Associate Professor
Education

Ileana Paul
Assistant Professor, French Studies
Canada Research Chair, Linguistics

Matthew Rowlinson
Associate Professor
English/ Theory and Criticism

Sasha Torres
Associate Professor
Information & Media Studies