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Anthology of bigotry

The Israeli state is trying desperately to foreclose all exceptions to its unequivocally racist land laws, writes **Jonathan Cook** in Nazareth

Israel's parliament last week approved by an overwhelming majority the first reading of a bill to ensure that much of the country's inhabited land remains accessible to Jewish citizens only -- a move described by one leading local newspaper as turning Israel into a "racist Jewish state".

The private member's bill, called the Jewish National Fund Law, has received cross-party support. The first reading was approved by 64 legislators, with 16 -- most of them Arab MKs -- opposed. Supporters ranged from former premiere Binyamin Netanyahu, leader of the Likud Party, to Ami Ayalon, a recent challenger to head the Labour Party.

The legislation is designed to nullify the threat posed by a Supreme Court judgment, reached in 2000, that potentially opens the door to thousands of Arab families leaving the tightly controlled areas assigned to them and choosing where they live. Currently Arab citizens, who comprise a fifth of the population, are barred from buying homes in most of the country.

The move is the latest in a series of battles since Israel's establishment in 1948 to ensure exclusive Jewish control of land through an international Zionist organisation known as the Jewish National Fund (JNF). By the time of Israel's founding, the JNF had bought about six per cent of historic Palestine for Jewish settlement. Rather than demanding that these territories be handed over by the JNF, the new state authorities assigned the organisation a special, quasi-governmental status. The JNF was also given a significant share of the lands and property confiscated from hundreds of thousands of Palestinians expelled during the 1948 War.

Today, the state has nationalised 80 per cent of land inside Israel, and the JNF holds another 13 per cent. Neither sells land to private owners on the grounds that it is being held in trust for worldwide Jewry. Instead, they offer long-term leases on the land in their possession.

The JNF has far more power than the division of land suggests, however: its 13 per cent share is reported to include some 70 per cent of the country's inhabited land; it effectively controls a government body known as the Israel Lands Authority that manages the 93 per cent of land owned by the state and the JNF; and it dominates committees set up to vet applicants to hundreds of rural communities.

Because the JNF charter forbids it from selling or leasing land to non-Jews, this arrangement has allowed the JNF to discriminate against Arab citizens on behalf of the government. The JNF's control of the Israel Lands Authority and the vetting committees has ensured that Arab citizens are excluded from most of the 93 per cent of nationalised land.

Instead they have been restricted to the three per cent of Israel on which Arab communities already exist or which is privately owned by Arab citizens, though even much of this land falls under the jurisdiction of Jewish regional councils that refuse to allow Arab families to build on it. Dozens of other Arab communities are classified as illegal because the state refuses to recognise them, even though they predate Israel's establishment.

The JNF's stranglehold on the management of Israeli land was finally challenged in 2000 when the Supreme Court compelled the vetting committee of a rural community, Katzir, to consider the application of an Arab family, the Kaadans, for a plot of land advertised for sale. Katzir's committee, which until the ruling had been refusing even to deal with the Kaadans' application, subsequently rejected the family on the grounds that they were not "socially suitable". Seven years later the court has yet to offer the Kaadans proper redress.

However, the Kaadans ruling opened the way for other Arab families to demand the right to bid for homes in communities designed only for Jews. The JNF has twice tried to market homes in a new neighbourhood of Karmiel, a town in the Galilee, but has been forced to cancel the tender on each occasion when families from a nearby Arab community, Sakhnin, applied. A petition to the Supreme Court submitted in 2004 on behalf of the Arab families has yet to be heard.

In the meantime, the JNF is reported to be considering withdrawing from the long-standing arrangement that places the Israel Lands Authority in charge of managing all public land, including JNF land. As the court ruling applies only to land managed by the Israel Lands Authority, the JNF would be still entitled to discriminate if it marketed its own housing schemes without the help of the Israel Lands Authority.

The government has been desperately seeking a way both to maintain its relationship with the JNF and not to provoke a second court ruling against it. Earlier this year it announced that land was to be offered to Jews and Arabs without discrimination. In compensation, the JNF would be given state land of equal value every time it was forced to lease land to an Arab family.

The scheme has been criticised by human rights groups which fear it will perpetuate and ultimately exacerbate discrimination by increasing the amount of land under JNF ownership: the JNF will still own the land it is leasing to Arab families but it will also be sold additional land from the state.

The new bill seeks to prevent even the government's proposed minor concession by nullifying the Supreme Court ruling. The legislation states: "the leasing of JNF lands for the purpose of settling Jews will not be seen as unacceptable discrimination." Before the legislators voted, the Knesset's legal adviser, Nurit Elstein, cleared the bill of accusations that it was racist.

Arab Knesset member Wassel Taha, of the National Democratic Assembly, said: "Only an insane Knesset would pass a racist law that affirms the great land theft of 1948 and turns it into Jews- only property."