

## Permission to be Racist: the Fundraising Regulator defends the JNF UK

*The Fundraising Regulator has released a report dismissing the complaint against the UK branch of the Jewish National Fund (JNF) that it promotes the ethnic cleansing of the Palestinians and aids the Israeli military.*

*The Regulator supervises the charity sector, in collaboration with the Charity Commission. The Commission has repeatedly refused to investigate whether the JNF UK's activities are compatible with its charitable status. The Regulator's remit being narrower, the complainants were restricted to challenging JNF UK publicity for being misleading as to the organisation's real aims.*

*Below, the Stop the JNF UK campaign (which has the support of PSC England and Wales as well as Scottish PSC and IJAN) unpicks a report that is more eager to defend vested interests aligned with British foreign policy than to seriously address the issues it was supposed to examine. The Regulator's report has been posted on the Stop the JNF UK website: <https://www.stopthejnf.org/>*

The letter of complaint against the JNF UK submitted with 63 Jewish signatories to the Fundraising Regulator (FR) asked to examine three aspects of the JNF UK's activities on which the information it provides to potential donors is misleading. After a yearlong investigation, the Report, released on 27<sup>th</sup> May, ignores most of the information submitted in support of the complaint, while taking at face value the JNF UK's broad brush, evidence-free claims, even when these are demonstrably untrue. Unsurprisingly therefore, it concludes that the JNF UK has no case to answer.

The report is deeply flawed and unconvincing on each of the three main grounds for the complaint. It is an exercise in obfuscation that provides an insight into how the purportedly independent regulatory system of the British state gives a façade of legitimacy to Israel's continuing settlement expansion and ethnic cleansing of Palestinians.

### **1. The JNF/KKL and JNF UK relationship**

The JNF UK's standing as a fundraising body is based on its relationship to its parent body, *Keren Kayemet LeYisrael* (KKL/JNF). Established, in 1901, as the principal colonizing agency of the Zionist movement, it was tasked with acquiring land for Jewish settlement in Palestine. Land that came

under JNF ownership could only be used by, and sold to, Jews. For this purpose, JNF branches abroad collected funds. Since 1948, most JNF owned land has come from the forcible dispossession of the Palestinians for which JNF UK acts as a fundraiser and publicist. However, the JNF/KKL's increasingly brazen landgrab in the Occupied Territories is for the JNF UK a potential embarrassment because, as well as violating international law, it also flies in the face of the professed policy of successive British governments. Hence the JNF UK (it prefers to be called JNF Charitable Trust) insists that it is independent of, and not answerable for, the JNF/KKL. But ample evidence was presented to the FR to show that the two organizations co-operate closely in developing projects that are complementary and designed to serve the overall objective of Jewish settlement expansion in both Israel and the Occupied Palestinian Territories.

Samuel Hayek, until recently chairperson of JNF UK, described the organisation as belonging, along with the other national branches, to the "global family of the KKL-JNF". The KKL/JNF is legally separate but politically and administratively a part of the Israeli state. JNF branches operating in different countries share the name, the iconic blue collection box, collaborate closely both in their project work and in their publicity and, still more importantly, have a common goal. The JNF UK's terms of collaboration with the KKL/JNF were spelled out in a 2008 legally binding agreement between them. The founding JNF principle to reclaim the land of Palestine for the Jewish people, was reaffirmed by KKL/JNF in 2004 to the Israeli Supreme Court, in the chilling terms of ethnic nationalism: "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 practise equality towards all citizens of the state." <https://www.adalah.org/en/content/view/6787>

The FR explains that it sought additional clarification on the JNF's claim to be independent of KKL because "section 5 of the 2008 Agreement suggests closer ties than the description of the relationship given on the charity's website". The key passage states: "JNF CT and KKL undertake to co-operate to identify and select, together, KKL projects in Israel which are suitable for funding wholly or in part by JNF CT". The FR confirms that the Agreement is "currently in force" but declares itself persuaded by the JNF UK that, since 2015, only a small proportion of KKL proposed projects have been adopted by the JNF UK, representing in financial terms a tiny fraction of the JNF UK's budget for projects, while the KKL's support to any JNF UK-initiated project did not exceed, between 2014-2017, 20 per cent of its budget.

Significantly, the FR did not require the JNF UK to present any evidence (i.e. correspondence or minutes of meetings) on how some of the key elements of a legally binding agreement with JNF/KKL were renegotiated to bring about what, according to the JNF UK, is a fundamentally different way of working. Having failed to call for any proof, the FR unsurprisingly concludes: “We have no reason to doubt, from the information we have seen, that the charity is independent of JNF/KKL.” But the information that the FR has seen, which is the relative financial contribution of the two organisations in each other’s projects, does not provide a basis for making such an assessment. The collaboration between the two organisations, much vaunted in KKL/JNF on-line annual publication, *Fruits of Our Partnership*, results from their projects complying with the Israeli state’s policies, development plans and laws, which exist to secure settlement expansion at the expense of the Palestinians. These are applied within an apartheid framework, a characterisation that has been endorsed by, among others, by B’Tselem, Israel’s leading human rights organisation. Residents wishing to live in new towns must operate through Admissions Committees, which choose residents based on “social suitability”, a code for racial exclusivity.

## **2. JNF UK activities in the Naqab (Negev).**

**The JNF UK’s claims to be “greening the desert” and “helping the poorest communities” are grossly misleading as to their real purpose.**

The FR reports that the JNF UK “has told us that its projects are non-political and provide relief, support and regeneration which benefit the entire population of Israel, regardless of race, religion, gender and sexuality”. The FR makes no comment on this assurance. However, the statement contradicts the overriding aim of the “JNF family”: to transfer land in historic Palestine into exclusive Jewish ownership. It is for this purpose that the JNF/KKL declares, as cited above, that it “does not have a duty to practise equality towards all citizens of the state”. Thus, the JNF UK presents its activities as benefiting “the entire population” yet collaborates with an organisation that affirms its mission to transfer Palestinian-owned land for the exclusive benefit of Israel’s Jewish citizens. For public relations purposes, the JNF UK smooths over this blatant contradiction by funding a few, token, small scale Bedouin community projects. Less forthcoming with figures than when explaining its relationship with the JNF/KKL, it provided the FR with no breakdown on the proportion of its funds allocated for this purpose.

The complaint highlighted the JNF UK’s afforestation project aimed at erasing the Bedouin village of Al Araqib and making its surrounding land inaccessible to the former inhabitants. It also raised, JNF UK funding for the settlement group, OR, that was instrumental in destroying the village of Umm al-

Hiran by developing a town that restricts residence to Jewish Israeli citizens and planting a forest on the surrounding land to prevent the Bedouin from grazing their livestock. Elsewhere in the Naqab, Bedouin citizens of the state languish in unrecognised villages or sub-standard Bedouin townships, in sharp contrast to the provisions for Jewish citizens that are proudly displayed in JNF publicity videos. JNF UK funding, topped up by UK taxpayers, is being channelled to an apartheid venture.

The JNF UK's website makes no mention of the contribution of its projects to the Israeli state's plan to concentrate the Naqab's Bedouin into townships notwithstanding Bedouin opposition and international condemnation. The website speaks of "enriching the lives of its [the Naqab's] communities" and asserts that the JNF's intervention does "not engage matters of public controversy" and is "politically uncomplicated". The FR agrees. It judges the website to have provided "enough accurate information, with no material omission, about the JNF CT's projects for people to make a reasonable informed decision about donating". The FR deems that the Bedouin's ethnic cleansing and their resistance to it are not important enough for the JNF UK to be expected to acknowledge its existence.

### **3. JNF UK supported projects linked to military use.**

**The JNF UK disclaimer on supporting any projects with military content is belied by the publicity material of the military training programmes it funds and by JNF UK's audited account.**

One of the grounds for the complaint against the JNF UK concerned its fundraising publicity for Derech Eretz, which offers to provide training for all three stages of military life (before, during and after service). Another was that the 2015 JNF UK accounts filed at Companies House reveal that in the context of the Israel's 2014 bombing of Gaza, in which over 2,100 people, mostly civilians, were killed, the organisation made a donation to the "Gaza war effort". In fact, this donation was excluded from consideration by the FR because "those concerns date from so long ago (at least five years) that we would be unlikely to establish the facts". Fortunately, this is not the view of the International Criminal Court, which has launched an investigation into possible Israeli war crimes in its 2014 bombardment of Gaza. But the FR's refusal to engage with the suffering of Gazans, much like their scant regard for the ethnic cleansing of the Bedouin, reveals the extent to which the FR shares the JNF's racism.

In addition to Derech Eretz, the JNF UK donates to a number of other military training academies: Naveh-Otzem, Ein Prat, Or Me'Ophir, the Yeruham Leadership Centre, Nachson, Meitarim Lachishand and also to Hashomer Hachadas which trains "guardsmen" for "observation posts" in the

Naqab and the Galilee region. They prepare personnel for the IDF, as well as vigilantes for the settler movement who are responsible for the growing number of attacks on Palestinians. The training programmes are publicised for their military purpose, with straplines such as: “IDF preparation programme” (Yeruham); “Graduates of the programme are motivated and well equipped with skills and experiences that will allow them to excel in the military” (Derech Eretz); “North American youth who volunteer for the Israel Defense Force” and their Lone Soldiers programme “benefit both the people who graduate from them and the army. Over thirty-five percent of our graduates gain officers’ positions in the IDF” (Ein Prat).

In respect of the JNF UK support for military training programmes, the FR declares that s/he has not found anything objectionable. Limiting itself only to the case of Derech Eretz, the FR endorses JNF UK’s explanation that its training programme has “no military content” and says it found “no evidence that the programme’s purpose was to support the military rather than to support individuals entering military service before and after they left”. Yet, Derech Eretz and the other JNF UK-supported military training academies describe their programmes, as indicated above, in terms that assert the contrary and they point to the high proportion of their students that attain distinction and officer positions in the military. This information was presented to the FR, but it was ignored in favour of JNF UK’s implausible explanation that the military academies provide their trainees only with skills that are unrelated to their subsequent military roles.

## **Conclusion**

The Fundraising Regulator has produced a flimsy report that, in the face of voluminous documentation compiled by human rights organisations on the JNF UK’s complicity in ethnic cleansing and military repression, draws conclusions which tamely repeat JNF UK’s self-serving justifications. The report repeatedly evaluates opposing arguments on the basis that the only good evidence is no evidence. If the report demonstrates anything, it is that “charities” which act in line with the interests of the British government and its allies can count on the regulatory system to cover-up even their most egregious violations of human rights. Only public pressure will end this scandal. The Stop the JNF UK Campaign will continue to expose the JNF UK’s complicity in the Israeli apartheid system and invites all antiracists to participate in this work.