

# Racist Property Restrictions: Illegal in Canada, but Okay in Israel?

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In Canada it is illegal to restrict the sale of property to certain ethnic or religious groups but many of our business people and politicians promote an organization that does exactly that in Israel.

Into the 1950s restrictive land covenants in many exclusive neighbourhoods and communities across Canada made it impossible for Jews, Blacks, Chinese, Aboriginals and others deemed to be non-'white' to buy property. It was not until after World War II that these policies began to be successfully challenged in court.

In 1948 Annie Noble decided to sell a cottage in the exclusive Beach O' Pines subdivision on Lake Huron to Bernie Wolf, who was Jewish. During the sale Wolf's lawyer realized that the original deed for the property contained the following clause: "The lands and premises herein described shall never be sold, assigned, transferred, leased, rented or in any manner whatsoever alienated to, and shall never be occupied or used in any manner whatsoever by any person of the Jewish, Negro or coloured race or blood, it being the intention and purpose of the Grantor, to restrict the ownership, use, occupation and enjoyment of the said recreational development, including the lands and premises herein described, to persons of the white or Caucasian race."

Noble and Wolf tried to get the court to declare the restriction invalid but they were opposed by the Beach O' Pines Protective Association. Both a Toronto court and the Ontario Court of Appeal refused to invalidate the racist covenant. But, Noble pursued the case - with assistance from the Canadian Jewish Congress - to the Supreme Court of Canada. In a 6-to-1 decision the highest court reversed the lower courts' ruling and allowed Noble to purchase the property.

The publicity surrounding the case prompted Ontario to pass a law voiding racist land covenants and in 2009 the Conservative government defined the Noble and Wolf v. Alley Supreme Court case "an event of national historic significance" in the battle "for human rights and against discrimination on racial and religious grounds in Canada."

Six decades after the Supreme Court delivered this blow to racist property covenants, a Canadian charity that discriminates in land use continues to receive significant public support. Ottawa provides financial and political support to the Jewish National Fund, which owns 13 percent of Israel's land and has significant influence over most of the rest. Established internationally in 1901 and nine years later in Canada, the JNF's bylaws and lease documents contain a restrictive covenant stating its property will not be leased to non-Jews.

A 1998 United Nations Human Rights Council report found that the JNF systematically discriminates against Palestinian citizens of Israel, who make up about 20 percent of the country's population. According to the UN report, JNF lands are "chartered to benefit Jews exclusively," which has led to an "institutionalized form of discrimination." Similarly, after an Arab Israeli couple was blocked from leasing a house in the mid-1990s they took their case all the way to Israel's High Court and in 2005 the court found that the JNF systematically excluded Palestinian citizens of Israel from leasing its property.

More recently, the US State Department's 2012 Country Reports on Human Rights Practices detailed "institutional and societal discrimination" in Israel. The report noted, "Approximately 93 percent of land was in the public domain, including approximately 12.5 percent owned by the NGO Jewish National Fund (JNF), whose statutes prohibit sale or lease of land to non-Jews."

For their part, JNF Canada officials are relatively open about the discriminatory character of the organization. In May 2002, JNF Canada's executive director for eastern Canada, Mark Mendelson, explained: "We are trustees between world Jewry and the land of Israel." JNF Canada's head Frank A. Wilson echoed this statement in July 2009: "JNF are the caretakers of the Land of Israel on behalf of its owners, who are the Jewish people everywhere around the world."

The JNF's bylaws and operations clearly violate Canadian law. Yet JNF Canada, which raises about \$7 million annually, is a registered charity in this country. As such, it can provide tax credits for donations, meaning that up to 40% of their budget effectively comes from public coffers.

On top of its charitable status, JNF Canada has received various other forms of official support. Alberta and Manitoba, for instance, have signed multimillion dollar accords with the JNF while Harper's Conservatives are strong supporters of the organization. Over the past year ministers Jason Kenney and John Baird have spoken at JNF galas while Peter Kent toured southern Israel with officials from the organization. On December 1 Prime Minister Stephen Harper is set to be honored at the JNF Negev Dinner in Toronto, which will be the first time a sitting Canadian prime minister has spoken to a JNF gala in the organization's 100-year history.

Does Harper support the JNF's racist land use policies?

Independent Jewish Voices has launched a campaign to revoke the JNF Canada's charitable status for its racist land use policies and role in dispossessing Palestinians. On December 1 Harper will be greeted by protesters in Toronto while a protest is also planned for the JNF gala in Ottawa on October 29.

In 2011, Stop the JNF in England pushed Prime Minister, David Cameron, to withdraw his patron status from the JNF. Additionally, at least 68 members of the UK parliament have endorsed a call to revoke the organization's charitable status because "the JNF's constitution is explicitly discriminatory by stating that land and property will never be rented, leased or sold to non-Jews."

Here in Canada it would be nice to see progressive politicians such as NDP MP Libby Davies or Green Party leader Elizabeth May circulate a similar call to their colleagues in the House of Commons. At least some federal politicians must oppose Canada subsidizing racist

property restrictions.

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