Policy Recommendations for Canada

A. Canada must call for a complete settlement freeze. Canada’s official position on Israeli colonies on occupied lands is unequivocal: they are illegal. Canada’s Foreign Affairs website states: “Israeli settlements [i.e. colonies] in the occupied territories are a violation of the Fourth Geneva Convention. The colonies also constitute a serious obstacle to achieving a comprehensive, just and lasting peace.” Given Canada’s position, the government must call for a complete settlement freeze.

B. Canada must leverage Canadian mechanisms to discourage Israeli colony growth. As a signatory to the Geneva Conventions and related instruments, Canada is bound to heed allegations of war crimes and other legal violations. The Israeli colonies are a clear violation of the Fourth Geneva Convention, and the Rome Statute of the International Criminal Court (ICC) expressly identifies the transfer of an Occupying power’s own civilian population to the territory it occupies as a War Crime punishable by the ICC. Whether through legal action, through its bilateral agreements with Israel, or through other means, Canada must consider multiple practical mechanisms to discourage Israeli colony growth.

C. Canada must highlight the far-reaching impacts of Israeli colony growth. As made clear through the grandstanding between Israel and the US in the first half of 2010, Israeli colony growth negatively impacts other key factors in the Middle East: most notably the prospects for a negotiated settlement between Israel and the Palestinians. The Israeli approach of creating facts on the ground through colonization complicates negotiations and casts doubts over its commitment to resolving the decades-old conflict. Canadian policymakers must highlight these negative impacts, and ensure that Canadian policy addresses these issues as a whole.

D. Canada must provide development assistance in the OPTs. The Israeli occupation and its associated regime of colonization have left the indigenous society fractured and economically dysfunctional. While Israel expands its colonist infrastructure – often monopolizing precious resources like water and arable land – Palestinians are increasingly marginalized in isolated, underdeveloped enclaves. Canada can play a constructive role in ending the conflict by offering development assistance to average Palestinians whose economic, social and cultural rights are routinely denied.

A: Canada must call for a complete settlement freeze

1. Canada must actively oppose Israeli colonial expansion. Passive disapproval of Israeli colonial expansion – as expressed through Canada’s reluctant and inconsistent statements on the topic – is no longer an option. There are currently 121 Israeli colonies (a.k.a “settlements”), and approximately 102 Israeli outposts housing nearly 500,000 colonizers on Palestinian land occupied militarily by Israel since 1967 (West Bank, East Jerusalem and the Golan Heights.) Colonies, adjacent confiscated land, Jewish-only roads and other land controlled by the Israeli Army cover 59% of the Occupied Palestinian Territories (OPTs) including some of the most strategic sites (e.g. water aquifers.) Some have already hypothesized that an Israeli attempt to uproot its 500,000 colonists would lead to civil war. Canadian opposition to Israeli colony growth should be consistent, and vocal.

2. Canada should hold Israel to account on all drivers of colony growth. The colonial population has grown by 4-6% per year over the last two decades compared to the 1.5% rate of growth for the whole Israeli population. Colony growth cannot be attributed to “natural growth,” as argued by some. Instead, such growth is encouraged by the Israeli government through the incomplete enforcement of laws, government approval of colony planning, state initiated projects and state subsidies for colonists.

3. Canada must demand that Israel halt all construction in East Jerusalem. Construction in East Jerusalem is illegal and is the result of a concerted Israeli effort to “Judaize” Arab East Jerusalem. Measures taken by the Israeli government include the strategic extension of the city’s municipal
boundaries, bureaucratic and judicial restrictions on the use of land by Palestinians, the suppression of the residency rights of Palestinians, an ongoing policy of colonization, the construction of the Apartheid Wall, and house demolitions. In 1980 Israel passed the Jerusalem Law, stating that “Jerusalem, complete and united, is the capital of Israel.” The UN Security Council declared the law “null and void.” Canada must consistently uphold and defend this position.

**B: Canada must leverage Canadian mechanisms to discourage Israeli colony growth**

1. *With longstanding diplomatic relations, Canada is in a unique position to call on Israel to obey international law.* As one of Israel’s longstanding international friends, Canada has a responsibility to confront Israel when it violates international law. Thus, when the International Court of Justice rules that “Israeli settlements in the Occupied Palestinian Territory, (including East Jerusalem), have been established in breach of international law” as it did in 2004, Canada should firmly confront its friend.

2. *Canada should investigate the role of Canadian companies in settlement construction.* In 2008, the Palestinian village of Bil’in initiated a lawsuit in the Quebec Superior Court against two companies registered in Quebec: Green Park International Inc. and Green Mount International Inc. The case was dismissed by the judge who declined jurisdiction on the grounds of *forum non conveniens*. But the judge accepted for the first time in Canada that the commission of a war crime constitutes a civil wrong. Canadian companies knowingly assisting Israel in war crimes should be prosecuted.

3. *Canada should amend the Canada-Israeli Free Trade Agreement (CIFTA).* The European Union applies pressure against economic development in the illegal Israeli colonies by excluding products from the colonies from its free trade “association agreement” with Israel. At a minimum, Canada must amend its free trade agreement with Israel in a similar fashion. In this way, Canada would deny important economic advantages to Israeli colonial entities which it officially condemns. Canada should also rethink its other bi-lateral agreements with Israel (e.g. the Canada-Israel Industrial Research and Development Foundation, etc.), to similarly pressure Israel to cease violations of international law.

**C: Canada must highlight the impacts of Israeli colony growth**

1. *Canada must highlight the negative impacts of Israeli colonies on prospects for the region.* Canada’s policy regarding settlements does not go far enough in recognizing the disastrous impact that settlements have had, and continue to have, on the Israeli-Palestinian dynamic and the prospects for a lasting Middle East peace. Canadian policy on Israeli settlements should state:

   - Israeli settlement policy and the necessary supporting infrastructure – most particularly the extensive network of roads for exclusive Jewish use – have been deliberately designed to fragment the West Bank and isolate East Jerusalem, in order to prevent the creation of a viable Palestinian state and de facto annex as much land to Israel as possible.

   - The settlements moreover greatly undermine Palestinian socio-economic development, by limiting, and at times even prohibiting, access to key agricultural and water resources, as well as by limiting transportation.

   - Israeli settlers and their supporters in and outside the Israeli Government have worked actively, including through engaging in incitement, to undermine prospects for an Israeli-Palestinian peace settlement based on the exchange of land for peace.

   - The settlers and settlements constitute an ongoing provocation that has contributed substantially to Israeli-Palestinian violence.

   - Israeli government engagement in the continued occupation of Palestinian areas, as well as its support for the settlers and ongoing settlement construction and expansion, make it an active party to provocation and responsible for a substantial share of the blame for Israeli-Palestinian violence. It is crucial to note that settlement building began decades prior to any form of violence on the part of the Palestinians.
• A just Israeli-Palestinian peace settlement will entail the dismantlement of all Israeli settlements in the West Bank or, in some cases, exchange of the land occupied by the settlements for land of equal value inside Israel and contiguous to the Palestinian state.

• Given the extraordinary centrality of Jerusalem to the conflict and competing Israeli and Palestinian claims in the city, the settlement issue inside the city should be resolved in the context of Jerusalem as an Open City and the capital of both states.

• Israeli disengagement from the Gaza Strip in 2007 in no way diminishes Israel’s obligation to end all settlement activity elsewhere, including in the West Bank and East Jerusalem.

**D: Canada must provide development assistance in the OPTs**

1. Canada must recognize and address the Palestinian crisis resulting from Israel’s colonization. Canada’s policy regarding Israeli colonies rarely addresses the enormous impact that Israeli colonies have had on the Palestinian economic life and society. Canadian aid to the Palestinians should also be designed to address the disruption and fragmentation of Palestinian society caused by Israel’s regime of colonization. Analysis of the Palestinian economy by third parties – e.g. the World Bank – makes it clear that a relaxing or elimination of the Israeli occupation would provide the strongest possible stimulus to growth.

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