



### **Policy Recommendations for Canada**

- A. Canada must support the Palestinian right of return. The Palestinian refugee crisis is one of the most enduring consequences of the Israeli-Palestinian conflict. Palestinian refugees lived in Palestine before 1948 and lost both their homes and livelihoods when they were forced to flee their villages by Israeli forces. Today, these refugees and their descendants make up 4.7 million Palestinians spread out mostly in the Gaza Strip, the West Bank including East Jerusalem, Syria, Jordan and Lebanon. A just resolution of the Palestinian refugee issue must be an integral part of a comprehensive Israeli-Palestinian and broader Middle East peace settlement.
- B. Canada must base its Palestinian refugee policy on international law. The right of return is clearly enshrined in international law, and Canada has a responsibility to ensure that international law is obeyed. International law is a normative system and must not be applied selectively. The right of return has been supported in practice in other parts of the world such as Bosnia, East Timor, Kosovo and Rwanda. In Kosovo, the right of return was considered a “non-negotiable” issue. The rights of Palestinian refugees must also be honoured.
- C. Canada must help alleviate the Palestinian refugee crisis. Canada has a special responsibility toward the Palestinian refugees as it chairs the Refugee Working Group of the Middle East Multilateral Peace Process. This Group was charged with improving the living conditions of refugees. Sadly the committee has not met in years while the plight of Palestinian refugees has progressively worsened. At the same time, Canada has cut and conditioned funding to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA), the caretaker human development and relief agency for Palestinian refugees.

### **A: Canada must support the Palestinian right of return**

1. Canada must support the right to choose. Changes on the ground in Israel/Palestine mean that imaginative steps will have to be taken to ensure Palestinian refugees are treated in a manner that is in keeping with the spirit and intent of international law and UN resolutions. The *right to choose* is the essence of the right of return; refugees must therefore be given the option to choose where they wish to settle. The following choices should be made available:
  - Resettlement to Israel, as may be negotiated in an agreement with Israel.
  - Resettlement in a newly independent Palestine (even though refugees may originate from parts of Palestine now within Israel).
  - Normalization of their legal status in the host country where they currently reside, if the host country is able and willing.
  - Resettlement to third-party countries.
2. Canada should support the right to compensation. The right to compensation for property and land lost, as well as suffering incurred, is a right that exists independent of the right of return and one which should also be secured. Refugees have both the right to choose to return, as well as the right to compensation for all losses and damages suffered. While perhaps the only option in some situations, the right to compensation should never be considered to be an adequate moral substitute for the full right of return which is guaranteed under international law.

### **B: Canada must base its foreign policy on international law**

1. Canada must support international laws and resolutions. Canada is party to treaties and resolutions that guarantee the rights of Palestinian refugees, such as:
  - UN General Assembly Resolution 194: Passed in 1948, the resolution states that “...the [Palestinian] refugees wishing to return to their homes and live at peace with their neighbours should be permitted

- to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.”
- Universal Declaration of Human Rights: “Everyone has the right to leave any country, including his own, and to return to his country.” (Article 13(2)).
  - International Convention on the Elimination of All Forms of Racial Discrimination: “...State Parties undertake to prohibit and to eliminate racial discrimination on all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of...the right to leave any country, including one’s own, and to return to one’s country.” (Article 5(d)(ii)).
  - International Covenant on Civil and Political Rights: “No one shall be arbitrarily deprived of the right to enter his own country.” (Article 12(4)).
  - Law of State Succession and the Right of Return. When territory undergoes a change of sovereignty, the law of state succession requires that habitual inhabitants of the geographical territory coming under new sovereignty be offered nationality by the new state. Furthermore, this rule applies regardless of whether the habitual residents of the territory so affected are actually physically present in the territory undergoing the change of sovereignty on the actual date of the change or not. This rule represents a customary norm of international law and is binding upon all states. (Article 14 of the Articles on Nationality of Natural Persons in Relation to the Succession of States (ANNPRSS.))
2. Canada must call on Israel to abide by international law. Colonization of the West Bank impedes the creation of a viable Palestinian state to which Palestinian refugees can eventually immigrate. Canada is bound as a signatory of the Geneva Conventions and as a member of the international community to pursue allegations of war crimes. The colonies in the West Bank 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. Canada must call for a complete settlement freeze.
  3. Canada must push for a two-state solution based on 1967 borders. The international community agrees that ending the Israeli occupation, and consequently the conflict, will require Israel to withdraw to pre-1967 borders as per U.N. Security Council Resolution 242. The outcome of successful peace talks will be a two-state solution to which refugees can immigrate.
  4. Canada must call on Israel to stop creating new refugees. The refugee crisis dates back to 1948 but Israel continues its policy of house demolitions and expulsions, mostly in East Jerusalem, that creates internally displaced peoples or new refugees forced to move to the West Bank. This denies these peoples their most basic of rights and is a violation of international law.

### **C: Canada must help alleviate the Palestinian refugee crisis**

1. Canada must reinstate previous funding levels to UNRWA. UNRWA is uniquely capable of bettering the lives of Palestinian refugees because of its vast reach, broad range of developmental programs and services, and decades of work in the region. The Canadian government has not justified its recent decision to redirect aid from UNRWA to the PA at a time when an estimated 80% of Palestinians in Gaza, as well as hundreds of thousands living in refugee camps elsewhere, depend on it to meet their basic needs. In 2009, for the first time ever, Canada gave no money to UNRWA’s general fund.
2. Canada should provide humanitarian aid to Palestinian refugees under duress. In addition to the developmental needs of Palestinian refugees in communities under duress, Canada should be responsive to the humanitarian needs of Palestinian refugees. This responsiveness should be provided in accordance with the principles of humanity, impartiality and neutrality. Raising the living standards of Palestinians is the best way to bring stability to Israel and Palestine, and to combat religious extremism.

### **For more Information...**

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