A: Canada must denounce Israel’s settlement activity and call for a complete settlement freeze

1. Canada must be more be more forceful vis-à-vis its official position on the “settlements.” Canada’s typical reaction to news of Israeli settlement activity is generally silence, or very occasionally, to issue gentle and indirect statements of disapproval. Given the illegality, the 45-year duration, and the magnitude of Israel’s encroachment on the Palestinian territories, this is inadequate. In April 2012, Israeli Prime Minister Benjamin Netanyahu approved the establishment of new colonies for the first time since 1990. In June 2012 alone, Netanyahu announced plans to build another 851 colonist homes on Palestinian territory. Canadian opposition to Israeli colony growth should be consistent and vocal.

2. Canada should hold Israel to account on all drivers of colony growth. Israel’s colony 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 dramatic growth is encouraged by the Israeli government through government approval of colony expansion plans, the incomplete enforcement of its own laws, state initiated projects and state subsidies for colonists. Canada must object to all of these actions.

3. **Canada must take a specific stand against Israeli colonial policy in East Jerusalem.** Given Jerusalem’s centrality to negotiations, and to the identity of the Palestinian people, Canada needs a Jerusalem-specific response to developments. Israel is driving Palestinians out of East Jerusalem, and preventing Palestinian community development in East Jerusalem through discriminatory laws and practices. Unlawful measures taken by the Israeli government include a) the unlawful unilateral annexation of East Jerusalem in 1967, b) the strategic extension of the city’s municipal boundaries, c) bureaucratic and judicial restrictions on the use of land by Palestinians, d) the suppression of the residency rights of Palestinians, e) an ongoing policy of colonization, f) the construction of Israel’s Wall to fracture Palestinians communities.

**B: Canada must enforce its *Crimes Against Humanity and War Crimes* Act on Canadian soil**

1. **Canada must enforce its *Crimes Against Humanity and War Crimes* Act.** This Act codifies into Canadian criminal law the fact that settlement implantation is a war crime. While Israel’s failure to sign the Statute of Rome makes it impossible for the International Criminal Court to act without the consent of the UN Security Council, Canadian courts face no such restriction. The crimes identified in the Act are deemed to have universal scope, and apply to any individual physically present in Canada for any offence stated in the legislation, regardless of where the offence occurred. Thus, Canadian authorities can indict any individual (citizen, resident, or non-resident) physically present on Canadian soil, and alleged to have implemented the “settlement enterprise.” The trial of such individuals would then take place in a Canadian court.

2. **Parliament must amend the Act to limit the ability of the Attorney General to arbitrarily withhold consent for prosecution for the war crime of settlement implantation.** Canada’s *Crimes Against Humanity and War Crimes* Act has one weakness which should be addressed. Currently, charges for war crimes cannot be filed without the consent of the Attorney General, thus giving the government excessive subjective power over the implementation of the Act. Parliament must amend the Act, to limit the ability of the Attorney General to block prosecutions for such war crimes. The Act should also be amended to ensure that the Attorney General reports to Parliament on his/her enforcement of the Act.

3. **Canada must enable Palestinians allegedly harmed by Israel’s “settlement enterprise” to seek legal remedy in Canadian courts.** Although Palestinians (or any other affected group) already have the right to seek justice before the Canadian courts for war crimes committed by Canadian citizens or residents, or by someone present on Canadian soil, in practice, it is almost impossible for them to do so. One recent case in Canada – Bilin vs. Green Mount International / Green Park International – a Palestinian village had its case thrown out on questions of jurisdiction. In order for the Act to truly uphold the Statute of Rome, victims must a) have the right to plead their case before the courts, b) have the right to legal representation during proceedings, c) have the right to access to Canadian documentation on corporations and charities allegedly involved in settlement enterprise, and d) have the right to appeal decisions.

4. **Canada should explore the possibility of outlawing actions by Canadians that encourage or benefit from the “settlement enterprise.”** Canada should consider passing legislation making the following actions illegal:
   - The purchase by Canadians (including those with dual Canadian-Israeli citizenship) of housing units in a “settlement.” Canadian individuals should not be buying housing built on illegally confiscated land from which Palestinians have been evicted;
   - The purchase or operation of businesses in the settlements by Canadians;
   - Investments in Israeli companies and banks engaged in settlement activities by Canadians;
   - Contributions to Israeli charitable organizations involved in “settlement” activities;
• Contributions by Canadians or Canadian NGOs to Israeli organizations involved in “settlement” activities or in promotion of settlement activities

**C: Canada must denounce “settler” violence and the actions by Israeli authorities that enable and exacerbate such violence**

1. **Canada must speak out domestically and internationally against all acts of intimidation and violence perpetrated by “settlers.”** US and European leaders have become more vocal about “settler” violence. On Friday, August 17, 2012, the US State Department condemned “in the strongest possible terms” the firebombing of a Palestinian taxi near Bethlehem, in which six people, including four-year-old twins, were injured. Canada has remained largely silent, except for brief vaguely-worded statements condemning three attacks on mosques.

2. **Canada’s Parliament should invite credible human rights organizations to testify on the Israeli settlements.** Organizations knowledgeable about “settler” violence (and other elements of Israel’s “settlement regime”) should be invited to appear before the Foreign Affairs Committee. Israeli human rights organizations such as B’tselem, Peace Now Israel, as well as international organizations like Amnesty International, Al Haq and Human Rights Watch should be consulted as credible sources of information on settler violence.

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

1. **Canada has a sufficiently strong relationship with Israel to ask it to respect international law.** With its friendly relationship with Israel, Canada has a responsibility to the country 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 and consistently 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* (i.e. deciding that Canada was not the appropriate forum for such a case.) Nevertheless, 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 settlement products from its free trade “association agreement” with Israel. At a minimum, Canada must amend its free trade agreement with Israel in a similar fashion. Canada could also bar settlement products from the Canadian market outright. In this way, Canada would deny important economic advantages and/or access to settlement 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.

**E: Canada must address the devastating impacts of Israeli settlement growth**

1. **Canadian Middle East policy must highlight the negative impacts of Israeli settlements.** Canada’s policy regarding settlements does not go far enough in recognizing the disastrous impact that settlements have had. Canadian policy on Israeli settlements should state:

   • *Israel’s settlement activity has effectively stalled the negotiations process.* Palestinian leader Mahmoud Abbas refuses to negotiate with Israel on how to “divide the pizza,” as long as Israel insists on “eating the pizza” while talks drag on. Israel’s strategy of creating facts on
the ground sabotages negotiations and contradicts any commitment to resolving the decades-old conflict.

- **Illegal Israeli settlements fragment Palestinian communities and life.** 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. This serves to *de facto* prevent the creation of a viable Palestinian state and lay the groundwork for Israel to annex as much land as possible.

- **The settlements greatly undermine Palestinian socio-economic development,** by limiting, and at times even prohibiting, access to key agricultural and water resources. As well, Israel consistently violates negotiated agreements on “movement and access” as it limits Palestinian travel into/out of/and within the occupied Palestinian territories.

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

2. **Canada must recognize and address the Palestinian economic and social crisis resulting from Israel’s colonization.** While Israel expands its colonist infrastructure – often monopolizing precious resources like water and arable land – Palestinians are increasingly marginalized in isolated, underdeveloped enclaves and denied access to resources that rightfully belong to them. Canada’s policy regarding Israeli colonies rarely addresses the enormous impact that Israeli colonies have had on the Palestinian economic life and society. 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 development.

**For more Information...**

For more information, please consult CJPME Website (www.cjpme.org) or call CJPME at 438-380-5410.