CJPME's
Middle East New Deal

A List of Concerns for Candidates in the 2019 Federal Election
Liste de demandes aux candidat(e)s à l'élection fédérale de 2019

Assembled by Canadians for Justice and Peace in the Middle East
Préparé par Canadiens pour la justice et la paix au Moyen-Orient

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CJPME

Preface / Préface

Canadians for Justice and Peace in the Middle East (CJPME) is pleased to offer its "Middle East New Deal" (MEND), a guide to various policy challenges for the 2019 federal election. We have designed this document so that organizations and individuals can better engage Canadian candidates for federal office in discussion on issues in the Middle East, and related issues here in Canada. Although large portions of this guide focus on Canada's foreign policy in the Middle East, the guide also seeks to ensure a better future for people of Middle Eastern origin in Canada.

Upon his election in 2015, Prime Minister Trudeau affirmed to Canadians that Canada was "back" on the international stage. Further, he promised that under his direction, Canada would regain its compassionate and constructive voice in the world.[1] After four years in office, the Trudeau government's record on foreign policy and related issues is spotty, and there remains vast room for improvement. It is imperative that Canada work to revamp its foreign policy objectives in the Middle East, while simultaneously forging a stronger relationship with Arab and Muslim communities in Canada.

This guide is divided into **five** sections, with each section representing a different issue area. The first three sections are dedicated to different aspects of Canada's foreign affairs strategy. The discussions presented in these first three sections map the way toward a re-imagined role for Canada in the Middle East, particularly in Israel-Palestine. The fourth section of the MEND – Citizenship and Immigration – explores ways in which Canada's immigration and refugee laws can be improved for people of Middle East origin. The last section encompasses policy issues related to

Les Canadiens pour la Justice et la Paix au Moyen-Orient (CJPMO) sont fiers de vous présenter son « Middle East New Deal » (MEND), un guide sur les divers défis stratégiques pour l'élection fédérale de 2019. Nous avons conçu ce document de manière à ce que les organisations et les particuliers puissent défier les candidats canadiens aux élections fédérales sur les enjeux du Moyen-Orient et les questions connexes ici au Canada. Bien qu'une grande partie de ce guide porte sur la politique étrangère du Canada au Moyen-Orient, il vise également à assurer un meilleur avenir aux personnes originaires du Moyen-Orient au Canada.

Lors de son élection en 2015, le premier ministre Trudeau a affirmé aux Canadiens que le Canada était « de retour » sur la scène internationale. De plus, il a promis que sous sa direction, le Canada retrouverait sa voix compatissante et constructive dans le monde. Après quatre ans au pouvoir, le bilan du gouvernement Trudeau en matière de politique étrangère et de questions connexes est mitigé, et il y a encore beaucoup à améliorer. Il est impératif que le Canada s'efforce de revoir ses objectifs en matière de politique étrangère au Moyen-Orient, tout en renforçant ses relations avec les communautés arabes et musulmanes du Canada.

Le présent guide est divisé en **cinq** sections, chacune d'elles représentant un domaine d'intérêt différent. Les premières trois sections sont consacrées à différents aspects de la stratégie du Canada en matière d'affaires étrangères. Les discussions présentées dans ces trois premières sections tracent la voie vers une réimagination du rôle du Canada au Moyen-Orient, en particulier concernant Israël et la Palestine. La quatrième section du MEND

"National Security" and civil liberties, highlighting the need to improve the checks and balances among Canada's national security institutions to ensure the protection of the civil liberties of all Canadians.

Although the scope of this document can appear broad, all the discussions tie back to a single objective: to promote justice, development and peace, in both the Middle East and in Canada.

Canadians expect their representatives to adopt a principled and balanced approach to foreign policy in the Middle East. It is important that election candidates be sensitized to these concerns, and be ready to address them once in office. This document provides information to make candidates more cognizant of the issues, and enable them to contribute constructively to improve human rights and security in both the Middle East and Canada.

CJPME is a grassroots, secular, non-partisan organization working to empower Canadians of all backgrounds to promote justice, development and peace in the Middle East. As a non-partisan organization, the discussion points proposed in this document are recommended for all Canadian candidates for federal office.

CJPME's three policy pillars are 1) respect for international law; 2) the belief that all parties in a conflict should be held to the same standard; and 3) the belief that violence is not a solution. These principles – among others – have guided the development of content for this document. For more information about CJPME, please visit our website at www.cjpme.org.

- Citoyenneté et immigration – examine comment les lois canadiennes sur l'immigration et la protection des réfugiés peuvent être améliorées pour les personnes originaires du Moyen-Orient. La dernière section porte sur les questions de politique liées à la « sécurité nationale » et aux libertés civiles, soulignant la nécessité d'améliorer l'équilibre des pouvoirs entre les institutions de sécurité nationale du Canada pour assurer la protection des libertés civiles de tous les Canadiens.

Bien que la portée de ce document puisse paraître large, toutes les discussions se rattachent à un seul objectif : promouvoir la justice, le développement et la paix, tant au Moyen-Orient qu'au Canada.

Les Canadiens s'attendent à ce que leurs représentants adoptent une approche équilibrée et fondée sur des principes en matière de politique étrangère au Moyen-Orient. Il est important que les candidats aux élections soient sensibilisés à ces préoccupations et qu'ils soient prêts à y répondre une fois au pouvoir. Le présent document fournit des renseignements qui permettront aux candidats de mieux connaître les enjeux et de contribuer de façon constructive à l'amélioration des droits de la personne et de la sécurité au Moyen-Orient et au Canada.

CJPMO est une organisation communautaire, laïque et non partisane qui travaille à donner aux Canadiens de tous horizons les moyens de promouvoir la justice, le développent et la paix au Moyen-Orient. En tant qu'organisation non partisane, les points de discussion proposés dans le présent document sont recommandés pour tous les candidats canadiens à une charge fédérale.

Les trois piliers de la politique de CJPMO sont : 1) Le respect du droit international; 2) La conviction que toutes les parties à un conflit

devraient être tenues aux mêmes normes; et 3) La conviction que la violence ne constitue pas une solution. Ces principes, entre autres, ont guidé l'élaboration du contenu du présent document. Pour plus d'informations sur CJPMO, rendez-vous sur notre site web : https://fr-cjpme.nationbuilder.com/

Table of Contents

HOW TO USE THIS GUIDE / COMMENT UTILISER CE GUIDE 1

1 FOREIGN DIPLOMACY 3

1.1 Pressure Israel Economically 3
1.2 Oppose Israel's Illegal "Settlements" 6
1.3 Balance Canada's Voting Record at the UN 8
1.4 Improve Canadian Arms Control Regime 10
1.5 Join the Treaty Banning Nuclear Weapons 13
1.6 Balance Canada's Use of Sanctions 16
1.7 Oppose Trump's Biased "Deal of the Century" 18

2 ARMS IN THE MIDDLE EAST 22

2.1 Oppose all Illegal Use of Force in the Middle East – Esp. Yemen 22
2.2 Oppose Israeli and US Assassinations in the Middle East 24
2.3 Impose an Arms Embargo on Israel 26
2.4 Cease Arms Sales to Autocratic Governments 29
2.5 Make the Middle East a Nuclear-Free Zone 32

3 HUMANITARIAN INTERVENTIONS 35

3.1 Support Tarek Loubani's Project for Gaza Hospital 35
3.2 Provide more Canadian Funding to Palestinian Refugees 37
3.3 Commit $600 Million of Humanitarian Aid to the Rohingya Crisis 39

4 CITIZENSHIP AND IMMIGRATION 41

4.1 Make January 29TH a National Day of Remembrance and Action 41
4.2 Support Electoral Reform 44
4.3 Resolve Accreditation Issues for Foreign-Born Professionals 46
4.4 End "Safe Third Country Agreement" with the US 48

5 NATIONAL SECURITY 51

5.1 Reform Canada's National Security Law 51
5.2 Reform Canada's Extradition Laws 55
5.3 Reform Canada's Security Cooperation Framework 59
5.4 Improve Management of Canada's "Terror List" 62

How to Use This Guide / Comment utiliser ce guide

This guide should be used by individuals and organizations alike to screen candidates in the lead-up to the 2019 Federal Election, and also to engage them in discussion on important issues affecting the Middle East and Canada. It is important to get candidates thinking about the situation in the Middle East, and to garner their support for the principles presented here. Candidates should understand that these points are important to many Canadians. Therefore, if they wish to gain public support, they must commit to action on these issues.

This document contains twenty-three different policy positions, each one structured in a similar fashion:

- Every point includes an **Overview** section, which provides necessary context and background information. This section will allow you to be well-informed and well-versed when engaging in conversation with candidates.
- The **Questions for Federal Candidates** portion outlines some questions that you may use should you encounter pushback from candidates. This section also includes some questions that may be used to push for commitments from candidates, should they be elected. Candidates' answers to these questions will also help you determine whether or not they are serious about supporting human rights and justice in the Middle East, as well as here at home.
- Following this section, you will find our **Supporting Points**, which should help you

Ce guide devrait être utilisé par les particuliers et les organisations pour présélectionner les candidats à l'approche des élections fédérales de 2019, et aussi pour les engager dans des discussions sur des questions importantes touchant le Moyen-Orient et le Canada. Il est important d'amener les candidats à réfléchir à la situation au Moyen-Orient et à rallier leur soutien aux principes présentés ici. Les candidats doivent comprendre que ces enjeux sont importants pour de nombreux Canadiens. Par conséquent, s'ils veulent obtenir l'appui du public, ils doivent s'engager à agir sur ces questions.

Ce document contient vingt-trois positions politiques différentes, chacune structurée de la même manière :

- Chaque position comprend une section « Vue d'ensemble », qui fournit le contexte et les informations générales nécessaires. Cette section vous permettra d'être bien informé afin de pouvoir discuter avec les candidats.
- La section « Questions à l'intention des candidats fédéraux » donne un aperçu de certaines questions que vous pouvez utiliser si vous rencontrez des objections de la part des candidats. Cette section inclue également quelques questions qui peuvent être utilisées pour inciter les candidats à s'engager, s'ils sont élus. Les réponses des candidats à ces questions vous aideront également à déterminer s'ils sont sérieux ou non à soutenir les

validate and substantiate your claims throughout your conversation. This section outlines how a given policy position is supported by international law, UN resolutions, or other credible sources. It also delineates Canada's official foreign policy in relation to this issue, and how government practices often contradict this policy.

- The final section, **Recommendations for Canada**, puts forth some suggestions for ways that Canada's foreign policy may be reoriented and improved.

As you move through this document, feel free to pick and choose the points in this guide that resonate most with you.

In reading this guide, you will come to see that the Canadian government's current practices often do not match its stated foreign policy objectives. If this frustrates you, we encourage you to challenge candidates and take action. Our hope is that this document inspires both the candidates and the electorate to get vocal, get organized and make a difference.

droits de la personne et la justice au Moyen-Orient, ainsi qu'ici au Canada.

- À la suite de cette section, vous trouverez nos « Points d'appui », qui devraient vous aider à valider et à justifier vos réclamations tout au long de votre conversation. Cette section décrit comment la position politique donnée est soutenue par le droit international, les résolutions de l'ONU ou d'autres sources crédibles. Elle décrit également la politique étrangère officielle du Canada sur le sujet et la façon dont les pratiques gouvernementales contredisent souvent cette politique.
- La section finale, « Recommandations pour le Canada », propose des moyens de réorienter et d'améliorer la politique étrangère du Canada.

Au fur et à mesure que vous parcourez le document, n'hésitez pas à choisir les positions de ce guide qui vous intéressent le plus.

En lisant ce guide, vous constaterez que les pratiques actuelles du gouvernement canadien ne correspondent pas toujours aux objectifs de sa politique étrangère. Si cela vous frustre, nous vous encourageons à défier les candidats et à agir. Nous espérons que ce document inspirera les candidats et l'électorat à se faire entendre, à s'organiser et à faire une différence.

1 Foreign Diplomacy

1.1 Pressure Israel Economically

Overview

During the 1967 war, Israel invaded and militarily occupied the West Bank and Gaza. Over 50 years later, Israel continues to occupy and colonize the West Bank and East Jerusalem, while imposing a land, sea and air blockade on Gaza.[2] This 50-year occupation has involved systematic human rights abuses, including collective punishment, routine use of excessive force, and regular demolition of Palestinian homes. Meanwhile, Israel's illegal blockade on Gaza has severely restricted freedom of movement and the supply of goods, while creating a devastating humanitarian crisis.[3]

Many have suggested that economic pressure may be a way to prompt Israel to curtail its human rights abuses against Palestinians. There are many ways to accomplish this, including 1) labelling of Israeli settlement products, 2) the exclusion of settlement products from free trade agreements, 3) a prohibition of products from Israeli settlements, or 4) restrictions on trade with Israel itself. Another approach is that suggested by the international Boycott, Divestment and Sanctions (BDS) movement, launched in 2005 by Palestinian civil society organizations to apply economic pressure on Israel.[4] Canada has failed to impose any economic pressure on Israel to improve its human rights record. Rather, in 2018, the Canadian government introduced a modernized version of the Canada-Israel Free Trade Agreement, prolonging preferential trade agreements with Israel.

Questions for Federal Candidates

- Do you believe Canadians should be free to criticize the Israeli government like any other government?
- Do you believe that Canada should be free to sanction Israel or Israeli actors just as it might sanction other countries or their leaders?
- Given that all diplomatic attempts to get Israel to respect Palestinian human rights have failed for 50 years, do you see any alternative to economic pressure?
- Do you support Canadians' right to express themselves through boycott action?

If elected:

- Will you work within your caucus to defuse false criticisms of economic pressure on Israel, and to raise awareness of the various mechanisms to put economic pressure on Israel?
- Will you consider making a statement in the House in support of economic pressure on Israel?

Supporting Points

- **International Law and the UN Position.** There is no international law against using economic pressure to affect political or social change. With the BDS movement, for example, each of its three demands align fully with international law. Economic boycotts and sanctions are an effective and non-violent means of pressuring Israel to comply with international law. With the BDS movement, once Israel ends its occupation and recognizes the fundamental rights of Palestinians, the movement will come to an end. This is the exact type of economic pressure called for by Resolution 2334, passed by the UN General Assembly in 2016. The Resolution calls upon all states to distinguish, in their relevant dealings, between the territory of the State of Israel and the territories occupied since 1967.[5]
- **Actions by Canadian Allies.** Economic pressure mechanisms have come to be an increasingly popular tool of foreign policy, with many countries putting forth bills to ban settlement-made products. The European Commission, for example, requires that Israeli producers explicitly label goods that come from Israeli "settlements" if they are to be sold in the EU.[6] Ireland has gone even further, and passed a bill that would ban the purchase of all goods and services from Israel's West Bank settlements.[7]
- **Canada's Official Position.** The Canadian government has long used economic sanctions as a means of punishing states which have violated international law. Economic sanctions have been used to advance a range of foreign policy goals, such as conflict resolution and the promotion of democracy and human rights. Canada currently has economic sanctions on nineteen different states and/or their citizens.[8] For example, the government imposed strict economic sanctions on Russia following its illegal annexation of Crimea in 2014. In this case, Russia's violation of Ukraine's sovereignty and territorial integrity warranted the imposition of economic sanctions. Canada, however, has *never* imposed economic sanctions against Israel for its illegal annexation and occupation of the West Bank, Gaza Strip, Golan Heights, and East Jerusalem. Furthermore, the newly-negotiated Canada-Israel Free Trade Agreement (CIFTA) allows for the application of preferential tariffs on Israeli products produced in the occupied Palestinian territories. This treatment confers *de facto* legitimacy to Israeli "settlements," enables their economic growth, and contributes to their permanence – all contrary to official Canadian policy on Israeli "settlements." CIFTA also fails to require the proper labeling of Israeli products made in the occupied Palestinian territories.

Recommendations for Canada

- Canadian leaders should consider imposing economic sanctions on Israel until Palestinian human rights are respected. Such an initiative could begin with the labelling of "settlement" products, and move to progressively harsher steps if Israel continues to refuse to respect the rights of Palestinians.

- The Canadian government should condition free trade with Israel on 1) the improvement of Israel's human rights record in the occupied Palestinian territories, and 2) the equal rights and civil liberties of minorities in Israel itself.
- Canadian leaders should refrain from disparaging the use of economic pressure tactics against Israel, and should instead reflect on the movements' grassroots popularity and successes.

1.2 Oppose Israel's Illegal "Settlements"

Overview

During the 1967 war, Israel invaded and militarily occupied the West Bank and Gaza. Over 50 years later, Israel still maintains a permanent occupation in the West Bank, including East Jerusalem, and a *de facto* occupation of Gaza. Since 1967, in violation of international law, Israel has been colonizing the West Bank and East Jerusalem with Jewish Israelis. Israel calls these colonies "settlements," and to date, there are now 620,000 Jewish Israelis in the West Bank and East Jerusalem.[9] Some of these colonies are small cities: for example, the settlement of Ariel has 20,000 residents, a university and an industrial zone.[10] Despite international condemnation, Israel's settlement enterprise has gone on continuously since 1967.

According to the UN, the West Bank and Gaza should be the basis for a future Palestinian state. Of course, the presence and continued expansion of Israeli settlements represent a serious obstacle to achieving a comprehensive, just and lasting peace between Israelis and Palestinians. Canada's official policy on Israel-Palestine states that the "settlements" constitute a serious obstacle to peace. That being said, the Canadian government rarely condemns Israel's illegal settlements, and even has a free trade agreement with Israel which encompasses Israel's settlements.

Questions for Federal Candidates

- Do you believe that Palestinians should enjoy the same human rights as other peoples?
- Do you believe that Canada should speak out in support of its own official foreign policy positions?
- Do you believe that Israel should be held to its obligations as a signatory to the Fourth Geneva Convention?

If elected:

- Will you consider making a statement in the House condemning Israeli settlements in the occupied Palestinian territories?
- Will you work within caucus to raise awareness of the human rights abuses suffered by Palestinians under Israeli occupation?

Supporting Points

- **International Law and the UN Position.** There is wide international consensus within the international community that Israeli settlements are illegal and constitute a flagrant violation of international law. Legally, the Palestinian territories are considered "occupied territory," and are thus subject to the stipulations of the Fourth Geneva Convention. Article 49 of the Convention states that an occupier may not transfer parts of its own civilian population into the occupied territory. This view has been supported by the International Court of Justice (ICJ), numerous UN Resolutions, and reiterated by

several UN bodies. For example, UN Security Council Resolutions 446 (1979) and 465 (1980) both state that Israeli settlements in the occupied territories are a violation of the Fourth Geneva Convention. In 2016, the Security Council passed Resolution 2334, which reiterated its demand that Israel immediately cease all settlement activity in the occupied Palestinian territories.[11] The International Court of Justice, also concluded that Israel violated its obligations under international law by constructing settlements and a barrier wall in the occupied territories.[12] The UN High Commissioner for Human Rights has also called for an immediate cessation and reversal of all Israeli settlements in the illegally occupied territories.

- **Canada's Official Position.** In keeping with the principles of international law, Canada does not recognize permanent Israeli control over the Golan Heights, the West Bank, Gaza Strip or East Jerusalem. The Canadian government recognizes the application of the Fourth Geneva Convention in the occupied Palestinian territories, and acknowledges Israel's obligations as an occupying power. Official government policy states clearly that the illegal settlements represent an obstacle to a comprehensive, just and lasting peace in the Middle East.[13]
- **The Need for Urgency.** Many international leaders have suggested that, as a result of Israel's illegal settlement activities, the "two state solution" is no longer a viable option in Israel-Palestine. Data collected by Peace Now in 2018 revealed the highest level of settlement planning by Israel seen since 2013.[14]

Recommendations for Canada

- Canadian leaders must do their part to oppose the construction of illegal Israeli settlements on Palestinian land. Canadian politicians must loudly condemn the settlement enterprise, and underscore that these settlements are a major impediment to peace.
- In the absence of leadership from Washington, Canada should take initiative and work with allies to facilitate a just peace in Israel-Palestine.

1.3 Balance Canada's Voting Record at the UN

Overview

The General Assembly is the main policymaking organ of the United Nations, in which all 193 UN member states participate in multilateral discussions of international issues. The question of Palestine and related issues have been the subject of numerous resolutions adopted by the Assembly. In fact, every year, there are at least 16 General Assembly resolutions passed on the question of Palestine. These resolutions seek to affirm the right of Palestinians to self-determination, their sovereignty over natural resources, the illegality of Israeli settlements, and so forth.

In addition to these 16 recurrent resolutions, the General Assembly also occasionally votes on other issues pertaining to Palestine. For example, in 2012, the General Assembly voted in favour of a resolution to accord Palestine non-member observer state status in the UN.[15] Additionally, in 2017, following a decision by the United States to recognize Jerusalem as Israel's capital, an emergency session at the General Assembly was held. Member nations voted overwhelmingly in favor of a resolution reiterating that Jerusalem is a final status issue to be resolved through negotiations.[16] Especially since 2011, Canada's voting at the UN seems intended to shield Israel from criticism for its human rights abuses against Palestinians. This pattern runs counter to Canada's own official policy on Israel-Palestine. This pattern also puts Canada in a small losing minority at the UN.

Questions for Federal Candidates

- Do you believe that it is important for Canada to promote human rights at the UN?
- Do you believe that UN General Assembly resolutions are significant to the Israel-Palestine peace process?
- Do you believe that Canada should vote in the General Assembly in accordance with its own official foreign policy?
- Do you believe that the international community has a shared responsibility to advance peace in Israel-Palestine?

If elected:

- Will you consider encouraging Canada's Permanent Mission to adopt a more balanced and defensible approach to the Question of Palestine at the UN?
- Will you work within caucus to raise awareness of Canada's contradictory voting record in the UN General Assembly?

Supporting Points

- **International Law and the UN Position.** Each of the resolutions on Palestine passed annually by the General Assembly are rooted in international law. These resolutions frequently cite key pieces of international law, including the Geneva Conventions and

the Universal Declaration of Human Rights. For example, every year the General Assembly votes on a resolution affirming the permanent sovereignty of the Palestinian people over their natural resources. In demanding that Israel cease the exploitation and endangerment of natural resources in the occupied Palestinian territories, this resolution points to the protections outlined in the International Covenant on Civil and Political Rights. It also refers to Israel's obligations as an Occupying Power under the Fourth Geneva Convention.[17] In addition to referencing important pieces of international law, these resolutions also frequently reiterate recommendations made by other UN bodies. For example, a resolution is voted on annually by the General Assembly to condemn Israeli practices affecting the human rights of the Palestinian people. This declaration is merely a reiteration of numerous Security Council resolutions, Human Rights Council resolutions, and UN Fact-finding Mission reports.[18] Lastly, the mere fact that these resolutions are passed, year after year, by an overwhelming majority in the General Assembly demonstrates the growing international consensus surrounding these issues.

- **Canada's Official Position.** Canada's voting record in the General Assembly runs counter to its own official foreign policy. Despite officially recognizing the Palestinian right to self-determination, Canada has consistently voted against the General Assembly's annual resolution affirming Palestinians' right to self-determination. Furthermore, although Canada does not recognize Israeli control over the occupied Palestinian territories, it continues to vote against UN resolutions condemning illegal Israeli "settlements." In all, since 2011, Canada has either voted against or abstained on every resolution supporting the rights of Palestinians. It is well-known that the Harper government, while in power from 2006 to 2015, firmly embraced a pro-Israel position. Trudeau has sought to soften some of the rhetorical rough edges around Harper's approach, but continues the UN voting pattern of his predecessor.
- **Action Taken by Canadian Allies.** Canada find itself in a small minority with its voting record on Israel-Palestine, a group including Israel, the US and a handful of Pacific island nations beholden to the US. Canada's Western European allies, however, have taken a more balanced approach rooted in international law. France, Germany, the UK, and other EU nations regularly vote in favor of resolutions on Palestinian human rights.

Recommendations for Canada

- Canada should adjust its voting in the UN General Assembly so as to bring it in line with its own official policy on Israel-Palestine. It should begin by supporting resolutions which 1) condemn illegal Israeli "settlements," 2) support the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, and 3) oppose the illegal annexation of Jerusalem.
- Canadian leaders should work with allies within the UN to advance the Israel-Palestine peace process, rather than counter important resolutions.

1.4 Improve Canadian Arms Control Regime

Overview

The Arms Trade Treaty, which entered into force in December 2014, is the first global, legally binding instrument to regulate the international trade in conventional arms. It seeks to eradicate the illicit trade of conventional arms, as well as prevent their diversion to unauthorized actors. As of February 2019, 130 states have signed on to the Treaty. These member states have committed to restricting the flow of conventional weapons to conflict zones and countries where there is a risk of human rights violations.

In April 2017, the Trudeau government introduced legislation to enable Canada to join the ATT. Bill C-47, the proposed legislation, set out amendments to the existing *Export and Import Permits Act (EIPA)* in order to bring Canada into compliance with the Treaty. The Bill received royal assent in December 2018, allowing Canada to become party to the treaty. While joining the ATT is a positive step for Canada, Bill C-47 is deeply flawed and fails to comply with the treaty's essential objective to "establish the highest possible common international standards" for regulating the arms trade. Without stronger arms controls in place, Canada is acceding to the ATT in name only.

Questions for Federal Candidates

- Do you believe that it is important to restrict the flow of Canadian-made conventional weapons to conflict zones?
- Do you believe that Canada should prevent arms sales to countries with poor human rights records?
- Do you agree with the Canadian government's decision to maintain its $15 billion sale of arms to Saudi Arabia, despite signing on to the ATT?
- Do you believe Canada should be an international leader in assuring the responsible sale and use of conventional arms?

If elected:

- Will you work within caucus to raise awareness of the need to strengthen Canadian arms controls?
- Will you work with your caucus to develop a bill to amend Canada's Export and Import Permits Act (EIPA) to bring Canada's arms controls in line with the ATT standards?
- Will you work to promote accountability, responsibility, and transparency in Canada's arms trade?

Supporting Points

- **International Law and the UN Position.** The first draft of the ATT was introduced at the United Nations in 2009 by the President of Costa Rica. Following several working group sessions, the official text of the Treaty was re-introduced to the UN General Assembly in

2013. The ATT was then adopted in April 2013 with 154 votes in favour, 3 votes against, and 23 abstentions.[19] Seeing as the ATT is an international treaty, it is considered a piece of international law. States who are party to the treaty are prohibited from transferring conventional arms if the transfer would violate UN arms embargoes or any other international agreements. These states are also prohibited from transferring conventional arms if there exists a possibility of these weapons being used to commit genocide, crimes against humanity, or other war crimes as defined by international law.[20] The ATT requires that states take necessary measures to prevent the diversion of arms to unauthorized users, and to ensure that all exports and imports are accounted for through diligent record-keeping.[21] The ATT, essentially, is designed to enforce fundamental rules of customary international law by denying arms to states that breach international human rights law or international humanitarian law.

- **Canada's Official Policy.** Bill C-47, *An Act to amend the Export and Import Permits Act and the Criminal Code*, is the Liberal government's implementing legislation for the Arms Trade Treaty. The Canadian government claims that with Bill C-47 in place, Canada's arms controls meet the Treaty's thresholds. However, as it stands, Bill C-47 fails to bring Canada into full compliance with the ATT. For example, under Bill C-47, Canada's military exports to the United States will remain largely unregulated and unreported. This is due to the fact that, under Canadian export laws, most military goods exported from Canada to the US do not require export permits. This is a significant loophole that undercuts Canada's ability to know and control where its military equipment ends up. It also puts Canada in violation of Section 5 of the ATT, which requires that the Treaty be implemented in a consistent and non-discriminatory manner.[22] Furthermore, the EIPA currently grants broad powers to the cabinet, notably the power to exempt any person, organization or good from the provisions of the act. Bill C-47 does not alter this part of the EIPA, and this provision would allow Cabinet to violate the ATT.[23] These are just some of the ways in which Bill C-47 falls short of the letter and spirit of the ATT.
- **Actions by Canadian Allies.** Canada's accession to the ATT was long overdue. In fact, Canada was the last member of NATO to sign the ATT.[24] While it is true that many of Canada's allies have adopted weaker implementing legislation or not ratified the treaty at all, other allies have provided an example to follow. Sweden, for example, passed legislation to strengthen Swedish arms export controls by adding a "democracy criterion." This law requires that the proposed recipient state's democratic status be a central condition in the evaluation of export license applications. [25]

Recommendations for Canada

- Seeing as Bill C-47 has already received royal assent, Canada must ensure that its export controls are strengthened through regulations and practice. The words of the ATT must be given their full and intended effect. For example, Canada must ensure that arms exports to the United States are adequately recorded, even though this is not required

under current export laws. If the government sincerely wishes to comply with the ATT, it will have to adapt its export practices in order to close the many loopholes that remain after Bill C-47.

- Canada must cancel the Saudi Arms deal. It is standard practice for countries to comply with the rules of treaties once they make it clear they intend to ratify or accede to them. Upon ratification of the ATT, Canada should be in full compliance with the Treaty's requirements. The Canadian government has already stated that its $15 billion arms deal with Saudi Arabia, a persistent violator of human rights, will be exempt from the provisions of the ATT.[26] The Saudi Arms deal is exactly the type of transaction that the ATT aims to prevent. In maintaining this contract, the Canadian government will already be in violation of the Treaty's provisions upon ratification. Furthermore, Bill C-47, with its numerous shortcomings, does not prevent a similarly unethical arms deal from being signed in the future.
- The Canadian government cannot ignore civil society concerns. Many organizations, including CJPME, voiced concerns about Bill C-47 in government consultations, only for these concerns to be ignored.

1.5 Join the Treaty Banning Nuclear Weapons

Overview

The Treaty on the Prohibition of Nuclear Weapons (TPNW) is the first legally binding international agreement that seeks to comprehensively prohibit nuclear weapons. The treaty, which opened for signature in September 2017, prohibits signatory states from developing, testing, producing, acquiring, possessing or using nuclear weapons. The treaty also forbids signatories from assisting another state with any of these prohibited activities.[27] The TPNW is set to enter into force 90 days after 50 countries have ratified or acceded to the treaty. As of February 2019, 70 states had signed on to the treaty, and 22 of these states had ratified it.

Canada is a non-nuclear weapon state and has never had its own nuclear weapons program. In 1963, Canada signed a cooperation agreement with the U.S. to obtain nuclear warheads, and also agreed to hold U.S. nuclear weapons on its soil. In 1969, Canada signed the Nuclear Non-Proliferation Treaty (NPT), a treaty where non-nuclear weapons states agree to not develop such weapons, and where nuclear weapons states agree to retire their nuclear weapons. As a non-nuclear weapon signatory to the NPT, Canada gradually terminated its nuclear weapons cooperation with the US.[28] In addition to being party to the NPT, Canada has also ratified the Comprehensive Nuclear-Test-Ban Treaty, and prioritized the negotiation of a Fissile Material Cut-Off Treaty.[29] However, despite being a key player in the global non-proliferation and disarmament regime, Canada has refused to sign the TPNW.

Questions for Federal Candidates

- Do you believe that it is important for Canada to play a leadership role in the nuclear non-proliferation and disarmament regime?
- Do you believe that enough progress has been made toward global nuclear disarmament since the NPT entered into force in 1970?
- Given that nuclear weapon states are not fulfilling their commitments under the NPT, do you believe that a new instrument is needed to further non-proliferation and disarmament objectives?

If elected:

- Will you work to raise awareness of the need for progress on nuclear disarmament, and the imminent threat posed by nuclear weapons?
- Will you work within caucus to raise awareness of the need for Canada to sign and ratify the Treaty on the Prohibition of Nuclear Weapons?

Supporting Points

- **International Law.** As it stands, there is no unequivocal or explicit rule under international law against the possession of nuclear weapons. That being said, international law does place very heavy restrictions on their use. For example, under the 1977 Additional Protocol I to the Geneva Conventions, it is illegal to use a weapon that

may strike military objectives and civilians without distinction. [30] It is also illegal under these Conventions to deploy means of warfare that cause superfluous injury and unnecessary suffering. [31] Given their fundamental properties, nuclear weapons are extremely difficult to use without causing collateral harm to civilians or unnecessary suffering. Therefore, international humanitarian law would prohibit the use of nuclear weapons in almost all conceivable situations.

- **UN Treaties.** The Non-Proliferation Treaty (NPT), which came into force in 1970, is also a piece of international law that limits the potential for the use of nuclear weapons. This global treaty prohibits states from obtaining nuclear weapons, except for the 5 states that had them as of January 1, 1967.[32] While the NPT has been important in curbing nuclear proliferation, it has been less effective with regard to disarmament. The TPNW, therefore, is the only international treaty that seeks to prohibit nuclear weapons under international law in a comprehensive and universal manner.[33] The treaty was born out of a UN General Assembly resolution calling for a legally binding instrument to prohibit nuclear weapons. Negotiations on the treaty began in March 2017, with the final text being adopted at a UN conference in July 2017. In the final vote on the treaty, 122 states were in favor, one voted against (Netherlands), and one abstained (Singapore).[34] In all, 69 member states did not vote, among them all of the nuclear weapon states and all NATO members, except the Netherlands.

- **Canada's Official Position.** The Canadian government's historic policy on non-proliferation and disarmament is built around the NPT, and is reinforced by other related treaties and initiatives. Officially, the Canadian government advocates for a step-by-step approach to disarmament. This approach includes having all countries join the NPT, bringing the Comprehensive Nuclear-Test-Ban Treaty into force, and negotiating a Fissile Material Cut-Off Treaty.[35] Despite being a strong proponent of nuclear non-proliferation and disarmament, the Trudeau government refused to sign the TPNW. In fact, during the initial treaty negotiations, the Liberals aligned Canada with nuclear-weapons states and boycotted the conferences altogether.[36] In defence of its position, the Trudeau government suggested that the TPNW contributes to division within the international community. This discord, it argued, will have potentially adverse consequences for regional and global security, and may disrupt the current review cycle of the NPT.[37] Further, the Liberal government argued that the treaty will likely only engage states that are already bound by the NPT, without any mechanism to ensure new treaty obligations are being fulfilled.[38] It is likely that Canada took this position under pressure from the US, and the Liberals' reasoning makes little sense if nuclear disarmament is the ultimate goal. The Standing Committee on National Defence published a report in which it recommended that Canada take on a leadership role within NATO in order to create the conditions for a world free of nuclear weapons.[39] For their part, both the NDP and Green Party have called upon the Liberal government to sign the treaty.[40] [41]

- **Actions by Canadian Allies.** As of May 2018, of Canada's Western allies, Austria has both signed and ratified the Treaty on the Prohibition of Nuclear Weapons. Austria has been an important actor in the nuclear disarmament regime, even hosting a conference on the humanitarian impacts of nuclear weapons in 2014.[42] Ireland has also signed the TPNW, but has yet to ratify it.[43]

Recommendations for Canada

- Canada should affirm its own official policy on non-proliferation and disarmament by signing and ratifying the TPNW. As a non-nuclear weapon state, Canada has nothing to lose by ratifying this treaty. If Canada is truly committed to the elimination of nuclear weapons, it cannot abstain from signing this treaty.
- Canada should encourage its allies, especially the five permanent members of the UN Security Council, to sign the TPNW and take legitimate steps toward disarmament. These allies have all signed the NPT, and therefore have an obligation under Article VI to pursue negotiations in good faith toward nuclear disarmament. In seeking to retain and even modernize their nuclear weapons, these states are making a mockery of the commitments they made under the NPT. Canada should not aid them in abdicating their responsibility.

1.6 Balance Canada's Use of Sanctions

Overview

Sanctions are limitations that one country or a coalition of countries place on another country and, occasionally, on specific individuals. States typically use sanctions as a means of signaling their disapproval of another state or individual's behavior or policies. Canada currently has sanctions placed on 19 different countries, two organizations, and 70 individuals.[44] The sanctions imposed by Global Affairs on these parties encompass a variety of measures, including trade restrictions, technical assistance prohibitions, asset freezes, and arms embargoes.

Canadian sanctions legislation allows the government to apply sanctions in response to international crises, violations of peace and security, and gross violations of human rights. Prior to 2006, all of the sanctions applied by Canada were UN-mandated. In the past decade, the Canadian government has become progressively more proactive in its use of sanctions. Since then, Canada has increasingly used sanctions as a foreign policy tool, unilaterally (and sometimes selectively) applying them to states or individuals for violations of international law.

It is true that sanctions are an effective means of supporting and reinforcing foreign policy initiatives, but Canada's use of sanctions has been inconsistent and even hypocritical. In looking at the list of countries and individuals that Canada sanctions, it is evident that Canada does not hold all states to a common standard. The Canadian government must be consistent and disciplined in the application of its sanctions strategy, and should not pick and choose who it holds accountable.

Questions for Federal Candidates

- Do you believe that Canada should hold all states to a common standard?
- Do you believe that sanctions are an effective means of changing state behavior?
- Are there any other states that you believe the Canadian government should target with sanctions of any kind?

If elected:

- Will you work within caucus to raise awareness of Canada's inconsistent sanctions strategy?
- Will you work within caucus to propose ways to bring greater coherency to Canada's existing sanctions and sanctions policy?
- Will you work within caucus to raise awareness of the need to apply sanctions to gross human rights violators, like Israel and Saudi Arabia?

Supporting Points

- **Sanctions in International Law.** There is no international law forbidding states from sanctioning countries, organizations, or individuals as they deem necessary. Therefore,

states may choose to unilaterally impose sanctions on countries or individuals if it is in their interest to do so. States are, however, obliged to comply with sanctions imposed by the UN Security Council. According to Article 41 of the UN Charter, the UN Security Council may take action in order to maintain or restore international peace and security.[45] Sanctions measures are just one way in which the Security Council may fulfill this mandate. UN member states are then obliged to comply with this sanctions order.

- **Sanctions in Domestic Law.** There are numerous legislative instruments that the Canadian government may use to impose sanctions on a rogue state, organization or individual. The *United Nations Act* enables the Canadian government to give effect to decisions passed by the UN Security Council.[46] Absent a UNSC resolution, the Canadian government may also impose sanctions through the *Special Economic Measures Act*. This Act allows Canada to apply sanctions in any of the following situations: 1) an international organization to which Canada belongs has called for sanctions; 2) a grave breach of international peace and security has occurred; 3) gross violations of human rights have occurred in a foreign state; and 4) a national of a foreign state is found to be corrupt.[47] In addition to this, the *Justice for Victims of Corrupt Foreign Officials Act* allows Canada to impose an asset freeze and dealings prohibition against individuals who are responsible for or complicit in gross human rights violations or acts of significant corruption.[48] Aside from these three Acts, the Canadian government may also impose sanctions under the *Criminal Code*, the *Exports and Imports Permit Act*, and the *Freezing Assets of Corrupt Foreign Officials Act*.
- **Canada's Sanctions Strategy.** In 2017, the Parliamentary Standing Committee on Foreign Affairs and International Development put forth a report which recommended extensive changes to Canada's sanctions regime. In response, Global Affairs established a new Sanctions Policy and Operations Coordination Division. Amongst other priorities, the Division was tasked with ensuring that Canadian sanctions are imposed in a complementary and coherent manner, and reviewing the effectiveness of current sanctions.[49] Despite a clear commitment to developing an effective and cohesive sanctions regime, the Canadian government has yet to advance a consistent and defensible sanctions strategy. According to Global Affairs, Canada uses autonomous sanctions as a "discretionary tool of foreign policy to influence behavior, with the object of addressing international peace and security concerns, human rights violations, and corruption." [50] However, this policy is not applied in a cohesive and consistent manner. Global Affairs does not hold every party to a common standard, and the decision to sanction a state or an individual is often politically-motivated, rather than motivated by an impartial desire to uphold human rights or international peace. If sanctions were truly motivated by these objectives, Canada would have targeted Saudi Arabia and Egypt long ago. Furthermore, the fact that no sanctions have been applied to Israel is also evidence of an inconsistent strategy. In 2014, Canada imposed numerous sanctions on Russia for its illegal annexation of Crimea. It also imposed an asset freeze on several Russian nationals.[51] However, the Canadian government has never imposed any

sanctions on Israel for its intended illegal annexation of East Jerusalem and the Golan Heights, or for its occupation of the West Bank and Gaza.

- **Actions Taken by Canadian Allies.** Canada has largely applied sanctions in concert with its allies, specifically the EU and the US That being said, the EU has, in some instances, been more proactive in its application of sanctions. For example, the EU has maintained its asset freeze on certain Egyptian nationals, while Canada repealed its own sanctions in 2018 without explanation.[52] The EU has also applied numerous sanctions to Iran in direct response to serious human rights violations carried out by the state. Canada, meanwhile, continues to sanction Iran solely for its nuclear program, despite Iran fulfilling its commitments under the Joint Comprehensive Plan of Action.[53]

Recommendations for Canada

- Canada must take initiative to consistently impose sanctions on states who repeatedly violate human rights and threaten international security. The unique impact of Canadian sanctions may be limited, but the symbolism of Canadian participation is extremely important. Canada should not wait upon the EU or the US to apply sanctions, nor should it necessarily ape the US' or EU's sanctions.
- Canada purportedly uses sanctions to respond to international crises, violations of peace and security, and gross violations of human rights. It must apply this policy equitably, without bias. Canada must not penalize some states' behavior (e.g. Russia, Iran), while ignoring others (e.g. Israel, Egypt and Saudi Arabia.)

1.7 Oppose Trump's Biased "Deal of the Century"

Overview

For the past two years, President Trump has been touting the release of his Middle East peace plan, which he has dubbed the 'Deal of the Century.' Trump has brazenly promoted this

agreement as the blueprint to end the conflict between the Israelis and the Palestinians. Frustrated with Trump's pro-Israel bias, the Palestinian leadership withdrew from talks in 2017, but that did not deter the Trump administration and the Israelis from foraging ahead. [54] In early May 2019, details of the supposed 'Deal of the Century' were leaked in a report by *Israel Hayom,* an Israeli newspaper. In all respects, the leaked document paints a bleak picture of what is to come in the Israeli-Palestinian peace process.

First and foremost, the document proposes the creation of a new Palestinian entity, which would be called "New Palestine."[55] According to the supposed leak, all Israel's illegal settlements in the West Bank would be annexed to Israel under the deal. New Palestine would therefore exist as a series of solitary cantons, surrounded by a sea of Israeli settlements.[56] The new Palestinian "state"—if we can call it such—would operate as a series of disconnected municipalities. If this is true, the deal would effectively approve the creation of a Greater Israel comprising 88 percent of historic Palestine.[57] The document also describes how the US, Europe, and Gulf states are expected to provide $30 billion over five years to help New Palestine set up.[58] This short-term stipend, however, does not change the fact that the small cantons of land awarded to the Palestinians are the most resource-poor areas. This virtually guarantees that Palestine will remain dependent on aid in perpetuity. The leaked document also outlines how Gaza would be opened to the neighboring Sinai territory. [59] This land would be leased from Egypt, and would provide space for an airport and an industrial zone. A land corridor would also be built to connect Gaza to the West Bank—a project that would be partially financed by Canada.[60]

Regardless of how accurate these leaked details are, the plan's contours are easy to imagine. Over the past year, both Israel and the US have not-so-quietly laid down the foundation for this deal. Israel, for one, has entrenched its apartheid rule over the Palestinians. Just prior to the April 2019 elections, Netanyahu vowed to annex Israel's West Bank settlements if elected.[61] He also attempted to introduce the Greater Jerusalem Bill, which would have manipulated the borders of Jerusalem so as to annex illegal Israeli settlements, while simultaneously excluding some 100,000 Palestinian residents.[62] Israel has also embarked on the largest settlement construction binge in years, a practice that has resulted in massive illegal demolitions of Palestinian homes, as well as mass displacement.[63]

Meanwhile, the Trump administration has also set the stage for the unveiling of this deal – and, in doing so, it has proven that it is not an impartial mediator. This is made evident through Trump's complete abandonment of UNRWA in August 2018[64], as well as his punitive defunding of the Palestinian Authority.[65] The Trump administration also moved the US embassy to Jerusalem[66], ordered the closure of the PLO office in Washington[67], and recognized Israeli sovereignty over the Israeli-occupied Golan Heights.[68] Meanwhile, the main architect of the deal, Trump's son-in-law Jared Kushner, has openly questioned Palestinians' ability to self-govern.[69] Kushner, it should be noted, is also the former co-director of a group that funds the creation of illegal Israeli settlements in the West Bank.[70]

Given this context, it is safe to assume that Trump's 'Deal of the Century' will be a complete capitulation to Israeli designs for the region. This plan will do nothing to end Israel's ongoing violations of international law. It also fails to live up to the long-quoted promise of a two-state solution: two states with contiguous borders, and peace and security for both Israelis and Palestinians. For this reason, it is important that the Canadian government take a principled stance against this deal, if and when it is released. Officially, Canada is committed to the goal of a comprehensive, just and lasting peace in the Middle East as per a two-state solution.. It is imperative that Canada stand by these policies.

Questions for Federal Candidates

- Do you believe that it is possible to have a two-state solution that would be acceptable to the Palestinians without the establishment of a contiguous Palestinian state?
- Given the Trump administration's demonstrated bias in support of Israeli interests, do you believe his "Deal of the Century" should be given legitimacy by the international community?
- Do you believe that the US is capable of acting as a mediator between Israelis and Palestinians? Would you recommend a role for other countries? For Canada?

If elected:

- Will you work within caucus to ensure that the Canadian government takes a principled stand against this deal, if and when it is released?
- Will you work within caucus to discourage the Canadian government from taking part in negotiations or conferences surrounding the implementation of this agreement?
- Will you work within caucus to strengthen support for increased humanitarian and development aid to Palestinians?

Supporting Points

- **International Law and the UN Position.** In December 2016, the UN Security Council passed Resolution 2334, which, among other things, called for the intensification and acceleration of diplomatic efforts aimed at achieving a just and lasting peace in the Middle East.[71] Building on this, the General Assembly passed resolution A/73/L.32 in November 2018. This resolution reaffirmed the need to realize a two-state solution in Israel-Palestine, and called for the intensification of negotiations towards the conclusion of a final peace settlement.[72] As evidenced by these two resolutions, the UN has repeatedly called for the negotiation of a just peace agreement in Israel-Palestine. Whatever shape this deal may take, however, it must respect international law and UN resolutions. Accordingly, there are a few major stipulations that can be made regarding a potential peace deal. First, the agreement cannot grant Israeli sovereignty over the illegal settlements. The Palestinian territories are considered "occupied territory" under international law, and the Fourth Geneva Convention stipulates that it is illegal to transfer population to an occupied territory.[73] As a result, Israel's settlements in the

occupied territories are illegal under international law. This view has been supported by the International Court of Justice and numerous UN Resolutions, such as UNSC Resolution 446 (1979) and UNSC Resolution 465 (1980).[74] In this same vein, UNSC Resolution 242 (1967) should form the basis of any negotiations between the Israelis and Palestinians. This resolution, passed in the wake of the 1967 War, calls upon Israel to withdraw from the territories it illegally occupied in 1967—this includes the Golan Heights, the West Bank, East Jerusalem, and the Gaza Strip.[75] In keeping with UNSC Resolution 242, and the countless other resolutions that echo it, any negotiated peace deal must be built upon Israel's complete withdrawal from the territories it has occupied since 1967. The peace deal must also include a plan to terminate the blockade on Gaza. Israel's continued blockade on the Gaza Strip, which restricts the movement of foodstuffs and aid, violates the Fourth Geneva Convention.[76] Any peace agreement that maintains this blockade would therefore be in violation of international humanitarian law. The brokered agreement must also respect Palestinians' Right of Return, which is protected under Article 13 of the Universal Declaration of Human Rights. [77] The Right of Return is an inalienable and binding universal right, which has been repeatedly affirmed by the UN.[78] Lastly, the negotiated peace deal cannot uphold the apartheid system that exists today in Israel. As it stands, Palestinians living in Israel proper do not enjoy the same rights and freedoms as Jewish Israelis. Any negotiated settlement that does not dismantle this two-tiered system is therefore in violation of countless international conventions on human rights and civil liberties.

- **Canada's Official Position.** It should be assumed that in order for Canada to support a peace settlement, the proposed agreement would have to align with its policy on Israel-Palestine. Officially, Canada is committed to the goal of a comprehensive, just and lasting peace that includes the creation of a contiguous and sovereign Palestinian state.[79] In keeping with international law, Canada does not recognize permanent Israeli control over the territories it has illegally occupied since 1967.[80] It also recognizes that Israeli settlements in the occupied territories are a violation of the Fourth Geneva Convention, and are thus illegal. Furthermore, Canada does not recognize Israel's unilateral annexation of East Jerusalem, and affirms that the status of Jerusalem can only be resolved as part of a general settlement of the Palestinian-Israeli dispute.[81] Given the bias already displayed by the Trump administration, it is difficult to imagine a scenario in which the 'Deal of the Century' would align with Canada's policy on Israel-Palestine.

Recommendations for Canada

- It is imperative that Canada hold firm on its official policy positions regarding Israel-Palestine. Canada must loudly condemn Trump's biased deal, if and when it is released. Canada should also encourage its allies to denounce the agreement.
- Canada must refrain from financing any of the deal's initiatives, or from partaking in conferences associated with the deal.

2 Arms in the Middle East

2.1 Oppose all Illegal Use of Force in the Middle East – Esp. Yemen

Overview

The UN Charter prohibits the "threat or use of force against the territorial integrity or political independence of any state." Exceptions are made only when the UN security council (UNSC) authorizes military action or when it is in self-defence. Although some countries talk about eliminating a threat before it manifests itself – "anticipatory self-defence" – this is only justified "when danger posed is instant, overwhelming, leaving no choice of means, and no moment for deliberation."[82] The Saudi-led intervention in Yemen – with US and UK support – does not have the necessary UNSC authorization for military force; nor was it justified by anticipatory self-defence. Canada is indirectly supporting the Saudi intervention in Yemen by providing arms to Saudi Arabia, and by refusing to condemn the intervention. Canada also failed to condemn the illegal US intervention in Iraq in 2003.

Canada ought to be vocally critical of its allies' illegal actions within the region. The Responsibility to Protect (R2P) Doctrine is sometimes cited to justify military intervention, but just like the UN Charter, such intervention is only permissible under certain conditions and the use of the force still must be authorized by the UNSC. Since R2P was passed at the UN World Summit in 2005, it has been legally invoked only in specific cases.[83] Canada ought to be vocally skeptical of allies' use of R2P principles to justify use of force in the Middle East.

Questions for Federal Candidates

- Do you believe that Canada should oppose all illegal interventions in the Middle East?
- Do you believe that Canada should do more to avert armed conflict and promote diplomatic solutions to conflicts in the Middle East?
- Do you believe that Canada is critical enough of its allies' foreign policy in the Middle East?

If elected:

- Will you work within your caucus to critically debate military interventions in the Middle East, and to oppose illegal interventions?
- Will you work within your caucus to discuss the need for a stronger international framework to minimise the depredations of war in the Middle East?

Supporting Points

- **UN Charter.** International law prohibits the use of force unless authorised by the UNSC. The UNSC has not passed the necessary resolution to authorize armed force in Yemen.

- **Laws of War.** Two basic principles under the laws of war are "civilian immunity" and "distinction" which require that civilians may never be the deliberate target of attacks and that parties to a conflict must always distinguish between combatants and civilians. In addition to being illegal under the UN Charter, Saudi led-military action in Yemen is breaking the Fourth Geneva Convention by failing to respect civilian immunity and protect Yemeni civilians. Worse, there are reports that the Saudi-led coalition even fails to consult its own "no-strike list" of more than 30,000 civilian sites in Yemen; including refugee camps and hospitals.[84] There is little evidence of any attempt by any party in the conflict to minimise civilian causalities.
- **Responsibility to Protect.** The R2P was adopted to protect populations from genocide, war crimes, crimes against humanity and ethnic cleansing. The R2P has developed out of the need for a clean and coherent framework to respond to the inconsistent and uncoordinated way the UN and the international community exercise the right to humanitarian intervention.[85] Like UNSC-authorized interventions, the R2P can only be sanctioned multi-laterally and was not invoked in 2015 for Yemen.

Recommendations for Canada

- Canada must guide the international community away from illegal military actions by ending its indirect and/or implicit support for such actions.
- Canada should encourage and support better international cooperation to minimise armed conflict and its inevitable civilian causalities.

2.2 Oppose Israeli and US Assassinations in the Middle East

Overview

An extrajudicial killing – sometimes referred to as "targeted killing" or "assassination" – is defined as "a killing of a person by government authorities or individuals without the sanction of any judicial proceeding or legal process."[86] An extrajudicial killing may amount to a crime against humanity in specific contexts, and even genocide if they are a part of a collective practice. The right to life is protected under several international treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (UDHR). The ICCPR protects the "right to life" and prohibits "any arbitrary killing."[87] The UDHR, for its part, guarantees the right to a trial, stating, "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."[88]

Extrajudicial killings usually occur when governments target individuals via airstrikes, missile strikes, drone strikes or other mechanisms without attention to those individuals' legal rights. Often carried out as part of a targeted killing campaign against non-state militant actors, such strikes disregard all due process and frequently kill non-militant civilians out of reckless disregard. Canada has allies which regularly carry out extrajudicial killings: the US carries them out in Yemen, Syria, Afghanistan and Pakistan, and Israel carries them out against Palestinians in the West Bank and Gaza. In 2004, for example, an Israeli drone strike killed 8 non-militant Palestinians while seeking to kill a member of Hamas without trial.[89] Other than one incident in 2004, Canada has not condemned extrajudicial killings in the Middle East whether by the US, UK, Israel or other allies.

Questions for Federal Candidates

- Do you believe that even non-state actors have the right to life and judicial due process?
- Do you believe Canada should oppose extrajudicial killings in the Middle East and elsewhere in the world?
- Do you believe that Canada is critical enough of allies' targeted killings?

If elected:

- Will you work within your caucus to advocate developing an international ban on targeted killings?
- Will you be critically vocal of allies' extrajudicial killings in violation of international law?
- Will you be outspoken for the right to life and judicial due process for all individuals?

Supporting Points

- **International Law – Individual Rights.** The UDHR enshrines fair trial rights by the presumption of innocence while the ICCPR further ensures "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal

established by law."[90] Israeli extrajudicial executions in Palestinian territories are in violation of the right to life and the right to a fair trial.

- **International Law – International Aggression.** In several situations, US and UK targeted killings in the Middle East are in violation of the UN Charter prohibition against unauthorized use of force in sovereign territory. Notably, US targeted killings in Iraq, Syria and Yemen violate the UN Charter. US and UK military personnel could be prosecuted for killing civilians and risk complicity in alleged war crimes committed in these countries.[91]
- **Human Rights Organizations Response.** Israel has a pattern of extrajudicial executions and a disregard for human life. For example, In 2014 Amnesty International documented 19 unlawful targeted killings by Israel in the West Bank.[92] American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR) have filed a lawsuit challenging the US government's targeting killing of three US citizens by drone strikes in Yemen far away from any armed conflict zone.[93] From 2001 to 2013 there has been at least 8 wedding parties in the Middle East that have been targeted by Western allies drone strikes leaving a high number of civilian casualties.[94]

Recommendations for Canada

- Canada ought to vocally condemn the use of targeted killings by allies.
- Canada should consider developing an international ban on targeted killings, whether by drones, airstrikes, or missile strikes.
- Canada should establish strict guidelines on the use of drones prior to obtaining its own fleet of drones – slated for 2025.

2.3 Impose an Arms Embargo on Israel

Overview

In 2011, the Palestinian BDS National Committee issued a call for a comprehensive military embargo on Israel. The National Committee pointed out that international corporations and governments enable Israel's attacks on Palestinians by supporting its military industry and research facilities.[95] Therefore, it called upon governments and other institutions to support ending the exchange of weapons and military technology to and from Israel. This call for an arms embargo has since been supported by major international human rights organizations, like Amnesty International, as well as numerous trade unions and political parties from around the globe.

Israel's military-security industry relies heavily on trade and research collaboration with foreign governments. In fact, the Israeli state is the fifth largest arms producer in the world, and exports approximately 70% of the military goods it produces.[96] This means that Israel's ruthless model of securitization and militarized repression is being exported far beyond the borders of Israel-Palestine. Israel also imports a vast amount of weapons and technology from allies abroad. These imported military goods, along with domestically-produced weapons, are then used to commit grave human rights abuses in the occupied Palestinian territories. For example, US-manufactured sniper rifles were used against unarmed Palestinians demonstrating in Gaza.[97] There are also numerous reports of Israeli military companies using attacks on Palestinians to test new weapons and technology. These weapons are then marketed as "field-tested" and sold to foreign governments.[98] Despite all of this, Canada continues to exchange weapons and military technology with Israel. In 2017, Canada exported $10 million in weapons and technology to Israel, representing 0.97% of the country's total military exports.[99]

Questions for Federal Candidates

- Do you believe that it is acceptable for Canada to export arms to a country that consistently violates international law?
- Do you believe that an arms embargo is an effective means of changing a state's behavior?
- Do you believe that purchasing "field-tested" military equipment from a human rights violator inappropriately rewards and legitimizes such violations?

If elected:

- Will you work within caucus to encourage party support for a comprehensive arms embargo on Israel?
- Will you consider making a statement in the House expressing the need for Canada to cease all military and security research cooperation with Israel?

- Will you work within caucus to raise awareness of how Canadian arms transfers contribute to the perpetuation of human rights abuses in the occupied Palestinian territories?

Supporting Points

- **International Law and the UN Position.** There is no international law against using an arms embargo as a means of sanctioning a state. An arms embargo may be applied unilaterally by individual states, or multilaterally through regional and international organizations.[100] The United Nations Security Council (UNSC), under Chapter VII of the UN Charter, has the capacity to impose military embargoes upon states in order to restore international peace and security.[101] States are legally obliged to comply with the mandatory embargoes imposed by the Security Council. Since the end of the Cold War, the Security Council has imposed mandatory arms embargoes in more than 20 states.[102] To date, no UNSC resolution has called for an embargo on Israel for its violations of international law. Other UN bodies, however, have encouraged states to impose an arms embargo on Israel. For example, UN General Assembly resolution ES-9/1 (1982) called upon all member states to refrain from supplying or acquiring any weapons from Israel.[103] UN General Assembly resolution 3414 (1975) requested that all states desist from supplying Israel with any military aid as long as it continues to occupy Arab territories and deny the Palestinian people their rights.[104] The UN Human Rights Council also adopted a resolution in 2018 which called upon all states to ensure that they were not providing arms that could be used by Israel to commit serious violations of international human rights law.[105]
- **Canada's Official Position.** Within Canada, an arms embargo may be imposed under the *United Nations Act* or the *Special Economic Measures Act*. The former enables the government to apply embargoes passed by the United Nations Security Council. Absent a UNSC resolution, the *Special Economic Measures Act* allows Canada to unilaterally impose sanctions on a foreign state. This Act dictates that an embargo may be imposed on a state in which there are gross and systematic human rights violations being committed, or where a grave breach of international peace and security has occurred.[106] Despite ample evidence of gross and systematic human rights violations against Palestinians, the Canadian government has never imposed an arms embargo on Israel under the *Special Measures Act*. Currently, Canada applies a military embargo to 14 different countries. Four of these embargoes are imposed unilaterally by Canada, whereas the rest are UN-mandated.[107] The Green Party of Canada is the only political party whose official platform supports the imposition of an arms embargo on Israel.[108]
- **Canada's Allies Take Action.** Political parties and representatives in other Western countries have been considerably more vocal about the need for an arms embargo on Israel. Britain's main opposition, the Labour Party, passed a party resolution in 2018 pledging to halt all weapon sales to Israel if they are elected.[109] The City of Barcelona, as

well as the City of Dublin, both endorsed the call for a comprehensive military embargo on Israel.[110] In late 2018, Ireland's Minister of State and fifty other lawmakers published a letter calling on the Irish government to end its arms sales to Israel.[111]

Recommendations for Canada

- Canadian leaders should consider imposing an arms embargo on Israel under the *Special Economic Measures Act* until Palestinian human rights are respected and it ends its illegal occupation of the Palestinian territories. Until then, Canada should not be providing Israel with weapons or military technology, for this merely implicates Canada in the perpetuation of Israel's human rights abuses. (Canada's arms exports to Israel account for only 0.97% of Canada's overall military exports.) In this same vein, the Canadian government should not purchase military goods from Israel, for this amounts to economic support of their occupation forces.
- Canadian leaders should work closely with Western allies to impose an arms embargo. As was seen with the UN-mandated sanctions on South Africa in the 1970s, a multilateral arms embargo is more effective than a unilateral embargo.

2.4 Cease Arms Sales to Autocratic Governments

Overview

In recent years, Canada has soared in global rankings to become the second largest arms dealer to the Middle East. Its position as such is largely owed to its $15-billion arms deal with Saudi Arabia—the largest military contract in Canadian history.[112] Aside from Saudi Arabia, Canada also sells a considerable amount annually in defence and security equipment to Egypt ($2.8 million in 2017), Algeria ($2.9 million in 2017), and the United Arab Emirates ($6.3 million in 2017).[113] Each of these countries has been deemed "not free" by watchdog organization Freedom House, with Saudi Arabia ranking among the worst of the worst on human rights.[114]

Amnesty International has repeatedly called upon the international community to cease arms sales to the repressive regimes in Saudi Arabia and Egypt. Nonetheless, the Canadian government has continued to sell weapons and military technology to these autocratic regimes. Meanwhile, a poll conducted in 2016 by Nanos Research showed that a strong majority of Canadians object to the Canadian government's sale of military goods to countries with poor human rights records.[115] Another survey conducted by Angus Reid in 2018 found that nine out of 10 Canadians do not want any future arms deals with Saudi Arabia.[116] Evidently, Canadians do not support their government propping up dictatorial regimes.

Questions for Federal Candidates

- Do you believe that it is acceptable for Canada to sell arms to autocratic regimes?
- How do you think the government should tighten arms controls to prevent arms deals like the one with Saudi Arabia from going ahead?
- Do you believe that it is possible for Canada to defend human rights while selling arms to known human rights violators?

If elected:

- Will you work within caucus to raise awareness of the contradiction between promoting human rights while selling arms to autocratic states?
- Will you work within caucus to encourage party support for an arms embargo on autocratic regimes in the Middle East?
- Will you work within caucus to raise awareness of the need to prevent sales like the Saudi arms deal?

Supporting Points

- **International Law and the UN Position.** There is no international law against using an arms embargo as a means of sanctioning an autocratic state. States have the right to choose which countries they would like to sell weapons to. They also have the right to unilaterally impose an arms embargo on another state if they disagree with that state's policies or practices. In fact, under international law, states have an *obligation* to cease

arms transfers to governments whose practices violate international law. More specifically, states have a responsibility to exercise due diligence to prevent the transfer of arms to states who may use these weapons to violate international human rights law or international humanitarian law.[117] This principle of state responsibility is outlined in numerous pieces of international law, such as the *Convention on the Prevention and Punishment of the Crime of Genocide* and the International Law Commission's *Articles on State Responsibility*. The Arms Trade Treaty, which entered into force in 2014, also prohibits states from transferring conventional arms if there exists a possibility of these weapons being used to commit genocide, crimes against humanity, or other war crimes as defined by international law.[118] In sum, if an autocratic state is breaking international law or committing human rights violations, states not only have a right, but also an obligation under international law, to cease transferring weapons to them.

- **Canada's Official Position.** Canada's export assessment criteria are set out in a 1986 Cabinet policy. This policy states that Canada will closely control arms exports to countries with a persistent record of serious human rights violations, unless it can be demonstrated that there is no reasonable risk of these weapons being used against the civilian population.[119] In 2018, the Liberal government sought to strengthen these export assessment criteria in order to accede to the Arms Trade Treaty. The Liberals introduced Bill C-47, which amended certain provisions of the existing Export and Import Permits Act. Included in the Bill is a clause which requires the Minister of Foreign Affairs to deny an export permit if there exists a substantial risk of those arms being used in a way that violates international human rights law, international humanitarian law, or any international conventions.[120] Despite these seemingly strict export controls, Canada continues to sell arms to numerous repressive regimes in the Middle East. For example, the Liberal government has maintained a $15 billion arms deal with Saudi Arabia, despite innumerable reports by international organizations detailing how Saudi authorities severely restrict basic rights and freedoms. Reports have even surfaced of Canadian arms being used to crush demonstrations in Saudi Arabia's Eastern Province.[121] The Liberals also continue to sell arms to Egypt's authoritarian government, despite that regime's violent crackdown on activists. Not only do these arms sales violate Canadian export regulations, but they also run counter to Canada's stated priorities in the Middle East. According to Global Affairs, Canada's official priorities for the MENA region include the advancement of democratic practices and institutions, and the promotion of human rights.[122] Arms sales to repressive Middle East autocracies completely undermine these goals. Both the NDP and the Green Party have called for a ban on arms exports to Saudi Arabia.
- **Actions Taken by Canadian Allies.** In August 2013, the EU Foreign Affairs Council issued a Council Conclusion calling upon all EU states to place an arms embargo on Egypt.[123] This Conclusion is in keeping with the European Union's 2008 Common Position, which requires all EU states to deny an export license if there is a clear risk that the arms being exported could be used for internal repression.[124] In November 2018, the European

Parliament also passed a nonbinding resolution calling for an arms embargo on Saudi Arabia.[125] Since then, the Netherlands has ceased all arms exports to both Egypt and Saudi Arabia, while Germany, Denmark, Finland, Austria, Belgium, and Switzerland have all stopped weapons sales to Saudi Arabia.[126] [127]

Recommendations for Canada

- If Canada is to maintain any sort of credibility when it conducts its foreign policy and calls for the protection of human rights around the world, it must end its arms sales to autocratic governments in the Middle East and North Africa. Arms deals are not merely a financial transaction; they are a powerful expression of political support and partnership between two governments. Therefore, Canada ought to be considerably more cognizant of how these arms sales are enabling and supporting the continuation of autocratic regimes in the MENA region.
- In order to comply fully with the requirements outlined in the Arms Trade Treaty, Canada must cancel what is left of its $15 billion arms deal with Saudi Arabia. The Liberal Party cannot condemn Saudi Arabia's human rights abuses while simultaneously arming the very same regime.

2.5 Make the Middle East a Nuclear-Free Zone

Overview

The proposal for the establishment of a nuclear weapons-free zone (NWFZ) in the Middle East was formally introduced by Iran and Egypt in a resolution submitted to the UN General Assembly in 1974[128]. This UN resolution initiated the global push for nuclear disarmament in the region. In 1995, the Nuclear Non-Proliferation Treaty (NPT) Review Conference adopted a resolution which called upon states to take the necessary measures to ensure the establishment of a NWFZ in the Middle East.[129] This resolution was subsequently reaffirmed at the 2010 NPT Review Conference, where states also called for a regional conference to be held on this matter in 2012. The 2012 conference, however, was postponed indefinitely due to a lack of consensus on the agenda. [130] The 2015 NPT Review Conference proved to be much of the same: no consensus could be reached on the conference's Final Document, which included provisions for a NWFZ in the Middle East. The UN First Committee, which deals with disarmament, finally adopted a resolution in 2018 which vowed to convene a conference on the Middle East NWFZ in 2019.[131]

Israel's policy of nuclear ambiguity, along with regional tensions stemming from the Arab-Israel conflict, have made the negotiations towards a NWFZ incredibly challenging. Western governments have also failed to uphold their commitments toward the establishment of a NWFZ, often blocking proposals brought forward by Middle East states. Despite officially supporting the creation of a NWFZ in the Middle East, Canada has consistently voted against resolutions that call upon Israel to sign the NPT and dismantle its nuclear weapons program. It has also repeatedly blocked resolutions calling for a regional conference on the establishment of a NWFZ.

Questions for Federal Candidates

- Do you believe that Canada should work toward the establishment of a NWFZ in the Middle East?
- Do you believe that it is reasonable for Canada to vote down UN resolutions on the Middle East NWFZ simply because they condemn Israel's nuclear program?
- As a signatory of the NPT, do you believe Canada has a responsibility to advance disarmament negotiations globally?

If elected:

- Will you work within caucus to raise awareness of Canada's inconsistent record on the establishment of a NWFZ in the Middle East?
- Will you consider encouraging Canada's Permanent Mission to the UN to adopt a more balanced and principled approach to resolutions on the NWFZ?

Supporting Points

- **International Law.** The nuclear disarmament regime is largely governed by the Non-Proliferation Treaty, an international agreement whose objective is to prevent the spread of nuclear weapons. As a global treaty, the NPT is considered a piece of international law. The NPT is the most widely-ratified disarmament agreement, with every state in the Middle East—except Israel—having signed the Treaty. Article VI of the NPT requires that states pursue negotiations in good faith towards nuclear disarmament. Article VII, in turn, affirms states' right to conclude regional treaties in order to eliminate nuclear weapons in their respective regions.[132] Therefore, not only do states have the right to establish nuclear weapons-free zones, but they also have a responsibility under this treaty to work toward global disarmament. It is for this reason many regions around the world have pursued negotiations towards the establishment of nuclear weapons-free zones. For example, the Treaty of Pelindaba established a nuclear weapons-free zone in Africa. If a similar treaty were negotiated in the Middle East, this would mean that the international community recognized this region as nuclear weapons-free, and states in the region would be legally bound by that treaty under international law.
- **The UN Position.** As aforementioned, the notion of a nuclear weapons-free zone in the Middle East was first introduced to the UN General Assembly (UNGA) in 1974. The resolution, presented by Egypt and Iran, called simply for the creation of a NWFZ in the Middle East.[133] Since then, this same resolution has been re-introduced and passed in the General Assembly on an annual basis. In 1994, a resolution was introduced to the UNGA which went a little further; it demanded that all states in the Middle East sign the NPT and terminate any existing nuclear weapons programs. This resolution also specifically called upon Israel to sign and adhere to the NPT.[134] The 1994 resolution, like the one presented in 1974, has been re-introduced and passed in the UNGA annually. In addition to these recurring resolutions, the UNGA also frequently passes resolutions on UN First Committee reports, which often call for the creation of a NWFZ in the Middle East. NPT Review Conferences, which are hosted by the UN Office for Disarmament Affairs, also serve as a forum for discussion on the creation of a Middle East NWFZ. Since 1995, every Review Conference has included a resolution endorsing a NWFZ in the Middle East. The Final Documents produced at these Review Conferences consistently call upon countries in the Middle East to convene a regional conference in order to carry forward this initiative.[135]
- **Canada's Official Position.** Canada's official non-proliferation and disarmament policy is built around the NPT and other related initiatives and treaties. Its main objective is to prevent states from acquiring nuclear weapons, and to work towards the elimination of nuclear weapons worldwide.[136] In keeping with this policy, Canada voted in favor of UNGA Resolution 3263 (1974), which called for the establishment of a NWFZ in the Middle East.[137] Since then, it has continued to vote in favor of this resolution annually.

Canada has, however, consistently voted against or abstained from the other annual resolution, which was first introduced in 1994. Prior to Prime Minister Stephen Harper, Canada regularly voted in favor of the 1994 resolution. The Harper government, however, chose to vote against or abstain from the resolution year after year. This negative voting record has continued under the current Liberal government. Why does Canada vote in favor of the 1974 resolution, but vote against the 1994 resolution? Both resolutions affirm the need to establish a NWFZ in the Middle East; however, the 1994 resolution includes a clause specifically calling on Israel to dismantle its nuclear weapons program. Therefore, despite purportedly supporting the creation of a NWFZ in the Middle East, Canada consistently votes against the 1994 resolution simply because of the language pertaining to Israel. Canada has carried this contradictory approach to the NPT review process, as well. For example, at the 2015 NPT Review Conference, Canada outright rejected the proposal in the draft Final Document relating to a NWFZ in the Middle East.[138] [139] The draft document called for the UN to hold a disarmament conference on the Middle East by 2016. Such a conference could have obliged Israel to publicly acknowledge that it is a nuclear power—something that it has never done. Canada, therefore, rejected this proposal, citing Israel's security concerns. This move, which was met with praise by Israel's Prime Minister, effectively blocked disarmament negotiations in the region until the next Review Conference in 2020.[140] [141] Paradoxically, in a report submitted to the Preparatory Committee ahead of the 2020 Conference, Canada continued to affirm its commitment to the establishment of a NWFZ in the Middle East.[142]

- **Actions Taken by Canadian Allies.** Canada's voting record at the UNGA and at NPT Review Conferences puts it in a small camp with the U.S., Israel and a few Pacific Island nations. Most of Canada's European allies have been more consistent in their support for the establishment of a NWFZ in the Middle East. Ireland, Sweden, Switzerland, and Portugal are just some of the European states that have consistently voted in favor of key resolutions on a NWFZ in the Middle East.

Recommendations for Canada

- Canada must do everything in its power to prevent a nuclear arms race in the Middle East. In order to do so, it must adopt a more principled and consistent approach at the UN and at NPT Conferences. If Canada truly support the creation of a NWFZ in the Middle East, it must be clear in its condemnation of *all* states in the region who have nuclear ambitions. Canada must stop prioritizing the security concerns of a non-NPT member state (Israel) over those of all the other member states combined.
- Canada should play a more active role in advancing negotiations on a NWFZ in the Middle East. Instead of blocking attempts to convene a conference on this matter, Canada should lead the push for disarmament in the region. Canada should leverage its relationship with Israel in order to encourage its participation in disarmament negotiations.

3 Humanitarian Interventions

3.1 Support Tarek Loubani's Project for Gaza Hospital

Overview

Palestinian-Canadian Dr. Tarek Loubani was shot in both legs by an Israeli sniper in June 2018 while treating Palestinian victims of Israeli sniper fire during demonstrations in Gaza. Dr. Loubani often travels to Gaza to provide medical services. After his recovery and return to Canada, he met with Prime Minister Trudeau and other MPs. In these meetings, Loubani asked for $15 million from the Canadian government to support an initiative to install solar panels on the roofs of hospitals and medical clinics in Gaza to provide emergency power for public health facilities.

Because of Israel's withholding of fuel, the population of Gaza endures frequent and lengthy power outages, often lasting more than 16 hours a day. Patients in hospitals are especially vulnerable, where the availability of power can mean the difference between life and death. The "EmpowerGAZA" project – a joint initiative of the United Nations Development Programme (UNDP) and Islamic Relief Canada – has already saved lives by providing solar panels to hospitals in Gaza. A Canadian contribution of $15 million will provide reliable and green energy much more broadly, 24 hours a day to emergency rooms, intensive care units, and operating theatres.[143] Solar power could make hospitals self-reliant and would provide power to Gaza hospitals in an environmentally sustainable way.

Questions for Federal Candidates

- Do you believe that the Palestinians of Gaza have the right to health?
- Do you believe that Israel has the right to prevent fuel from getting to electric generators in Gaza?
- Do you believe that Canada should do more to assist civilians living in Gaza to become self-sufficient?

If elected:

- Will you work within your caucus to generate support for Dr. Loubani's solar panel project?
- Will you encourage the government to support the $15 million proposal to fund the solar panel project?
- Will you promote discussion within your caucus on the need for a long-term solution to end the Israeli military occupation of the Palestinian territories.

Supporting Points

- **The EmpowerGAZA Pilot Project.** Beginning in 2015, the EmpowerGAZA pilot project was launched to bring solar power to four Gaza hospitals. The project has proven highly

effective, outfitting the al-Shifa Hospital – Gaza's largest healthcare facility – with the required solar panels. According to Dr. Loubani, what makes the project special is that "it is by Palestinians and for Palestinians, to ensure that they are able to meet the needs of Gaza's sickest patients."[144]

- **International Law.** Israel's blockade of Gaza has been declared "collective punishment" – illegal under international law – by United Nations High Commissioner for Human Rights.[145] While many in the international community have condemned Israel's illegal blockade[146], in place since 2006, it continues unabated and average Palestinians are forced to cope with limited fuel, food, medicine, supplies and mobility. The solar panel project requested by Loubani will not end Israel's human rights abuses, but it will help the most vulnerable of Gaza's population.
- **Canada's Commitment.** Canada's ministry of Foreign Affairs states that the Fourth Geneva Convention applies in the occupied territories, and that Israel must ensure the humane treatment of Palestinians in Gaza.[147] By blockading and damaging Gaza health infrastructure, Israel violates the Fourth Geneva Convention which requires that civilians be allowed access to medical care. As a signatory to the Convention, Canada should provide the requested humanitarian assistance to give Palestinians access to health care.

Recommendations for Canada

- As long as Israel maintains its military occupation of Palestinian territory, Canada should contribute to humanitarian initiatives which protect the most vulnerable Palestinians.
- Canada must be vocal in calling for a cessation to the Israeli blockade of Gaza to allow the flow of medical supplies, aid shipments, and infrastructure supplies into Gaza.
- Canada should make clear its long-term commitment to the millions of Palestinians living under military occupation for more than 50 years.

3.2 Provide more Canadian Funding to Palestinian Refugees

Overview

The UN aid agency for Palestinian refugees (UNRWA) was created in 1949 to accommodate the 750,000 Palestinians expelled from their homes by Israel between 1947 and 1949. In the absence of a negotiated settlement between Israel and the Palestinians, generations of Palestinian refugees have been born stateless and still live their lives in limbo today. UNRWA currently serves over 5.4 million Palestinian refugees in Jordan, Lebanon, Syria, the West Bank, Gaza and elsewhere in the Middle East. UNRWA's budget of $1.2 billion[148] goes to running schools (54%), health services (17%), and social and support services (25%).

UNRWA provides hope and basic services to millions of refugees whose needs would otherwise be unmet. In 2018, the Trump administration ended its support for UNRWA which had historically accounted for about 1/3 of UNRWA's budget. The UN has asked member states to fill the critical funding gap. While the Harper government stopped all funding to UNRWA in 2009, the Trudeau government restarted annual contributions in 2016, and has also responded to UNRWA's recent pleas for emergency.

Questions for Federal Candidates

- Do you believe that Palestinians refugees should enjoy the same human protections and rights as other refugees around the world?
- Do you believe that Canada should join its allies in helping bridge the funding gap for UNRWA?
- Do you believe that Canada should provide leadership in global humanitarian crises?

If elected:

- Will you support additional Canadian funding for UNRWA?
- Will you work within your caucus to raise awareness of the vulnerability of Palestinian refugees?
- Will you join the Canada-Palestine Parliamentary Friendship Association?

Supporting Points

- **Humanitarian Concern.** Trump's decision to end US funding to UNRWA risks leaving the most vulnerable Palestinians without support for their basic needs. Without greater international support, UNRWA will be unable to cover the cost to keep schools open as well as providing healthcare and food aid for over 5.4 million Palestinian refugees. Trump's decision creates an unprecedented politicisation of aid which risks worsening a dire situation for Palestinian refugees.
- **Canada's Funding Record.** In 2009 the Harper government stopped all funding for UNRWA until the Trudeau government restored funding in 2016. In 2009, Canada was 11th on the donor list for UNRWA; donating a total of $18 million.[149] With the Trudeau

government UNRWA contributions of $25 million CAD starting in 2016 puts Canada back at 11th on the donor list.[150] In 2018, the Minister of International development, Marie-Claude Bibeau, announced $50 million CAD over two years for UNWRA[151]. However, the funds are not growing with the need to fill the critical funding gap created by the Trump administration.

- **Canada's Potential for Leadership.** Canada is the longstanding gavel-holder for the Refugee Working Group. Therefore, Canada has an international responsibility to lead the effort to find a long-term solution for Palestinian refugees and to ensure Palestinians refugees do not become destitute in the interim. Palestinian refugees constitute the world's largest and most long-standing refugee population.[152]

Recommendations for Canada

- In the absence of leadership from the U.S., Canada should join allies to address the urgent humanitarian needs of Palestinian refugees.
- The Canadian government should join its allies and increase its UNRWA funding to help fill the organization's funding gap.
- As the gavel-holder for the Refugee Working Group, Canada should work with its allies to initiate practical discussions about long- and short-term solutions for Palestinian refugees.

3.3 Commit $600 Million of Humanitarian Aid to the Rohingya Crisis

Overview

Since, August 25th, 2017 over 700,000 Rohingya refugees have fled from ethnic persecution by Myanmar security forces.[153] The atrocities committed by Myanmar security forces include mass killings, sexual violence, and widespread arson, amounting to ethnic cleansing and crimes against humanity.[154]

Canada has tried to address the humanitarian crisis faced by the Rohingya in various ways. The House of Commons has voted to declare the Rohingya crisis as a genocide.[155] In addition, Canada has also imposed sanctions on eight Myanmar nationals involved in military operations.[156] The Senate has voted to strip Myanmar civilian leader, Aung San Suu Kyi's honorary Canadian citizenship; she is the first person to be stripped of an honorary Canadian citizenship.[157] Even as Canada takes many symbolic steps in addressing the Rohingya crisis, there is still a need to bring meaningful aid to the Rohingya.

Currently, Canada has pledged $300 million over three years in aid to the Rohingya, falling short off the $600 million over four years recommend by Canada's Special Envoy to Myanmar, Bob Rae.[158]

Questions for Federal Candidates

- Do you believe that the Rohingya crisis needs urgent international attention?
- Do you believe Canada can be an international leader in addressing the Rohingya crisis?
- Do you believe that Canada should do more to hold Myanmar accountable for the crimes it has committed against the Rohingya?

If elected:

- Will you work within your caucus to strengthen Canada's humanitarian commitment to the Rohingya people, committing to $600 million in aid over four years?
- Will you work within your caucus to ensure Canadian leadership on the Rohingya file, possibly referring the situation to the International Criminal Court?

Supporting Points

- **Humanitarian Needs.** Despite Canada's commitment of $300, the Rohingya crisis is grossly underfunded. The UN's Joint Response Plan (JRP) for the Rohingya refugee response is underfunded at 69% as of Feb. 28, 2019.[159] The United States' two-year pledge since 2017 was a total of $389 million.[160] The EU Commission's two-year pledge since 2017 was a total of $190 million.[161] Canada has pledged $300 million over the next three years.[162]
- **UN Fact-Finding Mission (FFM).** Canada welcomed the UN independent international FFM on Myanmar.[163] The report's findings and conclusions provided evidence of crimes against humanity committed by Myanmar securities forces. The FFM found that the

crimes themselves and the way they were perpetrated were found to have genocidal intent.[164] The report concluded that rape and sexual violence were part of a deliberate strategy and tactic of war.[165] The report calls on the UN Security Council (UNSC) to refer Myanmar to the International Criminal Court, or to establish an ad hoc international criminal tribunal. The report also targets individuals for sanctions, including travel bans and asset freezes against those responsible.[166]

- **International Legal Pursuit.** Normally, the International Criminal Court (ICC) would be the appropriate venue to try those Myanmar authorities responsible for crimes against the Rohingya people. However, since Myanmar is not a state party to the ICC, the court cannot exercise its jurisdiction unless the UNSC refers the crimes to the ICC.[167] Another option would be to have Bangladesh bring the case to the ICC, since Bangladesh is a state party to the ICC and some of Myanmar's crimes occurred on Bangladeshi territory.[168] The ICC has opened a preliminary examination as of Sept. 18th 2018.[169] In addition, the UNSC could invoke the UN convention on Genocide by establishing an ad hoc tribunal to investigate and try crimes perpetrated against the Rohingya people.[170] Myanmar is a state party to the UN convention on Genocide.

Recommendations for Canada

- Canada should take a leadership role in responding to the crisis by committing to the humanitarian aid recommendation of $600 million over four years.
- Canada ought to support expanding sanctions to individuals responsible for atrocities against the Rohingya by freezing assets and placing travel bans on not just military leaders but civilian leaders as well; e.g., Aung San Suu Kyi.
- Canada must agitate within the UN to ensure that the UNSC refers the situation in Myanmar to the ICC or establishes an ad hoc tribunal to ensure that those responsible are held accountable.

4 Citizenship and Immigration

4.1 Make January 29th a National Day of Remembrance and Action

Overview

On January 29, 2017, a lone gunman entered a mosque in Quebec City and opened fire on dozens of Muslim Canadians during a prayer service. By the time the shooting had ended, six worshippers had been killed, and 19 more injured. The killer, Alexandre Bissonette, idolized right-wing commentators, mass shooters, and white supremacist leaders. He regularly expressed views that were ultraconservative, racist, and Islamophobic on forums and Facebook pages. During his police interrogation, Bissonnette told interrogators that his attack was set off by Prime Minister Trudeau's message of welcome to refugees in the face of Trump's entry ban.

In October 2018, the Canadian Muslim Forum (CMF) and Canadians for Justice and Peace in the Middle East (CJPME) and the launched a campaign for the federal government to recognize January 29th as a "National Day of Remembrance and Action on Islamophobia and other forms of religious discrimination." Despite the existence of broad-based grassroots support for recognizing January 29th the Liberal government has failed to take action. Meanwhile, there has been a marked rise in Islamophobic incidents both domestically and internationally. Given this context, it is imperative that the Canadian government take immediate action to address the rise of Islamophobia by adopting January 29th as a National Day of Remembrance and Action on Islamophobia.

Questions for Federal Candidates

- Do you believe that the federal government has a responsibility to combat the rise of Islamophobia in Canada?
- Do you believe that all forms of discrimination should be condemned by the Canadian government?
- Do you believe that designating specific days and months for remembrance and commemoration can be helpful for Canada to overcome historic biases? (e.g. February as Black History Month; or Nov 9th as International Day Against Fascism and Antisemitism)

If elected:

- Will you work within caucus to garner support for a parliamentary resolution recognizing January 29th as a National day of Remembrance and Action on Islamophobia and other forms of religious discrimination?
- Will you work within caucus to raise awareness of the urgent need to combat Islamophobia and other forms of racial and religious discrimination in Canada?
- Will you work in Parliament to adopt other measures recommended by Parliament's Heritage Committee to combat Islamophobia and other forms of religious discrimination?

Supporting Points

- **Statistics on Growing Islamophobia.** Since the Quebec mosque attack, there has only been a rise in Islamophobic incidents, both domestically and internationally. In 2017 alone, hate crimes targeting Muslims increased by 151% in Canada.[171] In Quebec specifically, hate crimes against Muslims tripled over the 2016-2017 period, largely due to a spike in incidents following the Quebec City mosque massacre.[172] These statistics are congruent with the findings of a November 2017 survey on Islamophobia and religious discrimination jointly commissioned by the CMF and CJPME.[173] The survey revealed that religious discrimination, especially Islamophobia, stands as an ongoing challenge to Canada's multicultural society. These polls confirm that Islamophobia is on the rise in Canada, and Canadians expect their government to take measures to oppose this trend. Elected officials, however, are often part of the problem rather than the solution. There are numerous examples of Canadian politicians at various levels of government advancing Islamophobic rhetoric. For example, in February 2019, Quebec's minister responsible for the status of women faced criticism after saying a hijab is a symbol of oppression. Meanwhile, in March 2019, a Montreal city councillor was expelled from caucus after posting Islamophobic comments on her Facebook page.
- **Widespread Support for the Campaign.** The campaign to mark January 29th as a "National Day of Remembrance and Action on Islamophobia" has widespread support amongst grassroots organizations. As of April 2019, the campaign has already been endorsed by 138 organizations, as well as 79 academics.[174] Meanwhile, the cities of Markham, Toronto, Hamilton, London, and Windsor have already designated January 29th as a National Day of Remembrance and Action on Islamophobia. An EKOS Research Survey released in February 2018 also found that a majority of Canadians believe that the government should take action to combat Islamophobia. [175]
- **Parliament's Heritage Committee Report.** Following the Quebec mosque attack, Prime Minister Trudeau promised to support Muslims in Canada, asserting, "We will defend you… and we will stand up for you." Two months after this statement was made, Parliament passed M-103, a non-binding motion which called on the government to condemn Islamophobia. The motion, which was originally introduced in December 2016, had additional symbolic significance given the emotional aftermath of the January 29th massacre. M-103 also called on the Heritage Committee to develop a government-wide approach for reducing and eliminating systemic racism and religious discrimination in Canada, including Islamophobia.[176] As directed, a study was launched by the Standing Committee on Canadian Heritage, which released its final report in February 2018. The report put forth numerous recommendations, including Recommendation #30 which called for January 29th to be designated as a "National Day of Remembrance and Action on Islamophobia and other forms of religious discrimination."

  The Liberal government, however, has largely ignored this recommendation, and has yet to commemorate January 29th. Not only has the government disregarded the

Committee's recommendation, but it is has also ignored the important historical precedents that exists. December 6 is designated as a National Day of Remembrance and Action on Violence against Women in Canada in commemoration of the 14 young women murdered during the Polytechnique shooting. Status of Women Canada declares, "They died because they were women." In the same way, the six men who died in the Quebec City mosque shooting "died because they were Muslim." As such, January 29th should serve as a reminder and motivation to act against any similar act of Islamophobia or religious discrimination. The NDP is the only political party that officially supports the January 29th campaign.

Recommendations for Canada

- The Canadian government should designate January 29th as a National Day of Remembrance and Action on Islamophobia and other forms of religious discrimination. This can be achieved in various ways:
    - By Parliamentary Resolution: Parliament can pass a resolution recognizing January 29th, as it did when it recognized the Armenian Genocide in April 2004.
    - By Proclamation: Canada's Governor-General, at the recommendation of the government cabinet, can make a Proclamation recognizing January 29th, as it did when it recognized June 21 as National Aboriginal Day in July 1996.
    - By Order-in-Council: Canada's Governor General can make an "order" and therefore approve a statement on January 29th formulated by the government cabinet, as it did in June 2005 when it designated June 23 as a National Day of Remembrance for Victims of Terrorism.
- The government must understand that if it is serious about its commitment to combatting Islamophobia, recognizing January 29th is a simple first step. If the government is unwilling to support this largely symbolic initiative, it cannot claim to defend and support Muslim Canadians.
- The government must take concrete action on the other recommendations put forth by Parliament's Heritage Committee to combat Islamophobia and other forms of religious discrimination.

4.2 Support Electoral Reform

Overview

In 2015, Liberal leader Justin Trudeau committed to replacing Canada's existing first-past-the-post (FPTP) electoral system as an election campaign promise. His campaign's first speech promised action on electoral reform, promising that 2015 would be the last federal election under the FPTP electoral system. The 2016 Federal budget provided up to $10.7 million over four years to conduct outreach, raise awareness, and encourage the participation of Canadians in consultations on voting system reform.[177]

An all-party Parliamentary committee completed a national consultation in Dec. 2016 and published its findings in "The Report of the Special Committee on Electoral Reform."[178] In the end, each party represented in the committee preferred a different type of electoral system. However, the committee found that among Canadians who wanted electoral reform, the majority preferred "proportional representation" (PR) – a system allocating Parliamentary seats based on overall vote percentages. The committee also recommended that no new system be implemented without a national referendum.

To the consternation of many, however, the Liberal government dropped its initiative on electoral reform in February 2017.[179] Trudeau's explanation for dropping the initiative was that he felt there was not a clear preference for a new electoral system. Nevertheless, opponents pointed out that there was broad support for electoral reform across Canada as a whole. In fact, a December 2015 survey indicated that 83% of Canadians wanted to change the way Parliament is elected[180]. Of those who wanted change, about half of them wanted either a major change or a complete overhaul.

In February 2018, Trudeau announced that he has no plans to resurrect the campaign promise on electoral reform unless other political parties agree to a system other than PR.[181]

Questions for Federal Candidates

- Do you believe Canada's Parliament should be reflective of the wishes of voters as per the relative vote percentages in an election?
- Do you believe that it is fair that a party can win a majority government with only 40% of the votes?
- Do you believe that the electoral system needs to be reformed to reflect the wishes of Canadians?

If elected:

- Will you work within your caucus to support an electoral reform system that ensures that votes are not effectively ignored?
- Will you work in Parliament to support changes to our federal elections process that bring improved representation?

- Will you work within your riding to engage citizens in the discussion on alternatives to our current FPTP system?

Supporting Points

- **Academic Studies.** In December 2015, the Broadbent Institute published the results of a survey on Canadian Electoral Reform, "Public Opinion on Possible Alternatives." According to the survey, most Canadians think that Canada's voting system needs to be changed by almost a two to one margin.[182] In addition, those who want change are more likely to favour a system that produces more proportional results. This would result in a system that ensures that the number of seats held by a party more closely represents their actual level of support throughout the country.
- **EKOS Survey.** In Nov. 2016 EKOS published the results of a survey entitled, "Public Outlook on Electoral Reform and Democratic Renewal." One of the questions asked was on the fairness of FPTP electoral system where 61% felt "it is unfair that a party can hold a majority of the seats in the House of Commons with less than 40**%** of the vote."[183] The survey also revealed that 47% of Canadians would want any electoral change to be subject to a national referendum.[184]

Recommendations for Canada

- Canada should abandon its existing FPTP system for electing Parliamentarians and work toward an electoral system that ensures better representation of all voters.
- Canada ought to have an electoral system that respects the wishes of voters; one that is confirmed via a national referendum.

4.3 Resolve Accreditation Issues for Foreign-Born Professionals

Overview

Education and work experience are among the valuable assets new immigrants bring to Canada. Yet, immigrants face systematic employment barriers as their foreign-earned credentials and work experience are often not recognized in Canada. This may be because foreign education and certifications are unrecognized by Canadian professional societies; unfamiliarity or lack of trust of foreign degrees among employers; or Canada's decentralized accreditation system with each province having distinct standards for evaluating degrees.[185] Non-recognition of foreign credentials and work experience by professional societies or employers can lead to an underutilization of the 'human capital' of many immigrants; and can be discouraging and overwhelming to the individuals involved.

Data released by Statistics Canada in 2015, showed a persistent wage gap between racialized Canadians and those who are white; confirming the discrimination in employment that leads to income inequality and disparities for many first and second generation immigrants.[186] What is needed is for federal and provincial government to make concrete commitments to implementing policies that will address issues related to the comparability of education and credentials obtained outside of Canada. The Canadian Heritage committee published the report, *Taking Action Against Systematic Racism and Religious Discrimination including Islamophobia,* which recommended the Government of Canada work with the provinces and territories to facilitate mechanisms to recognize education and credentials obtained outside of Canada.[187]

Questions for Federal Candidates

- Do you believe doctors and other professionals trained abroad should be encourage to pursue their vocations in Canada?
- If so, how do you propose to make it easier for foreign-trained professionals to have their credentials recognized in Canada?
- Do you believe the government can and should do more to address systemic barriers to employment for immigrants to Canada?

If elected:

- Will you work within your caucus to address the barriers to foreign-trained professionals to practicing their vocation in Canada?
- Will you work within your caucus to push for the government to follow through on the Heritage Committee's recommendation to address the problem of non-recognition of education and credentials obtain outside of Canada?
- Will you work within your caucus to hold the government accountable to developing policies that will reduce income inequality facing immigrants.

Supporting Points

- **2017 Heritage Committee Report.** In the *Taking Action Against Systematic Racism and Religious Discrimination including Islamophobia* report, Parliament's Heritage Committee proposed that the Canadian Government eliminate employment barriers by devising a national strategy on labour market integration. Witnesses before the committee suggested that cooperation between the federal, provincial and territorial governments is necessary to eliminate employment barriers. The report also recommended that the Government follow Ontario and Manitoba's lead and establish provincial Fairness Commissioners to ensure that immigrants with professional credentials from foreign countries have easier access to professional labour markets.
- **Toronto Region Immigrant Employment Council (TRIEC).** [188] TRIEC released a *State of Immigrant Inclusion* report, which found that many employers do not recognize or see international skills and credentials as an asset to their businesses. TRIEC recommends educating employers on how to understand international credentials through a cross-sector collaboration to create systemic change. The report found that the unemployment gap is narrowing in the greater Toronto area (GTA). However, the unemployment rate for university-educated immigrants is still twice the rate of native-born Canadians. In addition, the report found that female immigrants in the GTA who have a university degree earn on average half the amount of their Canadian-born female counterparts. The report recommended that immigrants not be forced to earn another degree to gain access to the Canadian job market. Instead, they recommended bridging programs, professional certificates, or certification courses to reduce employment barriers for foreign-trained professionals.
- **Employment and Social Development Canada (ESDC).**[189] ESDC studied ways to eliminate employment barriers to foreign-trained professionals, and recommended: easier access to language training; vocational bridging programs; and skill upgrade programs for foreign-trained professionals. In addition, the ESDC recommended cultural competency training for employers to highlight the benefits of hiring immigrants. The ESDC also recommended greater sharing and dialogue among service providers to identify employment barriers, and to share referral opportunities.

Recommendations for Canada

- Canada needs to adopt a consistent and holistic framework to enable foreign-trained professionals to quickly enter the Canadian workforce. Such a program should eliminate province-specific barriers and ensure that foreign-trained professionals have easy access to certification programs.
- More broadly, Canada must eliminate employment barriers faced by immigrants when their foreign qualifications are not recognized.
- Canada should do more to encourage employers to find ways to integrate immigrants into their workforce.

4.4 End "Safe Third Country Agreement" with the US

Overview

Canada and the United States (US) signed the "safe third country agreement" (STCA) in 2002, an agreement that came into effect in 2004. Under the agreement, refugees seeking asylum are required to request refugee protection in the first safe country they arrive in, unless they qualify for an exception.[190] To date, the US is the only country that is designated as a "safe third country" by Canada under the *Immigration and Refugee Protection Act* (IRPA). As such, an individual who has applied for asylum in the US cannot subsequently apply for asylum in Canada. From the beginning, the agreement has been controversial since it assumes that Canada and the US treat asylum seekers equivalently even though both countries have different refugee polices. Under Canadian law, only countries that respect human rights and offer a high degree of protection to asylum seekers can be designated as a safe third countries. In addition, the IRPA requires a continual review of all countries designated as safe third countries.

Many believe that the US' refugee policies and practices no longer comply with the *1951 Convention Relating to the Status of Refugees* and violate the human rights of refugees. The call to end the STCA did not start with the Trump administration; immigration lawyers, professors and advocates in Canada have been campaigning for the suspension or repeal of the agreement since it was first signed in 2002.[191] According to the STCA, "either party may terminate this agreement upon six months written notice to the other party" or can suspend the agreement for three month periods.[192]

There is a loophole in the agreement created by the fact that would-be refugees crossing into Canada from the US are barred from making asylum claims only at official border crossings. As such, from 2016-2019, many would-be refugees were being accepted as refugees in Canada because they were coming through "irregular" border points.[193] Crossing the border irregularly to avoid getting sent back to the US is more dangerous to refugee claimants due to the potentially dangerous physical conditions. To prevent refugees at "irregular" border points, in early 2019, the Minister of Border Security, Bill Blair sought to amend the STCA.[194] Blair wanted RCMP officers to transport "irregular" border crossers to the nearest legal port of entry to be processed under the STCA, so they can be returned to the US. Blair believed closing this loophole would discourage people from using "irregular" border crossings and would make the agreement workable while still protecting refugee claimants.

In April of 2019, Trudeau proposed amendments to the IRPA buried in a 392 page budget bill.[195] These proposed amendments would change would-be refugee ineligibility to make an asylum claim if they have already done so in another country that the federal government considers "safe" for migrants and that shares intelligence with Canada. These countries include the 'Five Eyes' security partners; the UK, the US, New Zealand and Australia.[196] The proposal of these amendments is to halt this so called "asylum shopping."

Questions for Federal Candidates

- Do you believe that under the Trump administration, the US should be considered a "safe third country" that respects human rights and offers a high degree of protection to asylum seekers?
- Even if you believe that the US is still a "safe third country," would you agree with a formal review of the US as a "safe third country"?
- What do you believe should be done about refugees crossing the border at "irregular" border points?
- Do you believe any amendments to the STCA are necessary?

If elected:

- Will you work within your caucus to call on the government to review the designation of the US as a "safe third country?"
- Will you work within your caucus to address the practical challenges posed by the STCA?
- Will you work within your caucus to help protect asylum seekers coming from the US?

Supporting Points

- **1951 Refugee convention.** Article 31 of the 1951 Convention relating to the status of refugees' states that "a refugee should not be punished for illegally entering a country if they are arriving directly from a country where they were under threat."[197] The Trump administration's "zero tolerance" immigration policy and practice continues to incarcerate virtually all asylum seekers without exception[198]; therefore, it is in direct violation of the Convention. The Convention specifies that governments can incarcerate would-be refugees only for legitimate reasons and only on a case-by-case basis. The Trump administration treats virtually all asylum seekers as illegal and potentially criminals.

- **Violation of Canadian Charter Rights.** The proposed amendments put forth through Trudeau's omnibus parliament budget bill proposes a pre-removal assessment to see if would-be refugees face any demonstrable or immediate danger if deported; however, this limits the legal right of an asylum seekers' right to a full hearing.[199] Once the bill receives Royal Assent, an asylum seeker can be deported without a hearing, which could violate the Canadian Charter as affirmed by the supreme court case *Singh v. Canada*. The supreme court determined that Charter rights extend to everyone physically on Canadian soil.[200] The Canadian Council for Refugees warned that these provisions would place would-be refugees at a greater risk of being sent back to their countries of origin where they could face persecution.[201]

- **Inhumane and discriminatory US practices.** On several occasions, the Trump administration has sought to impose inhumane and discriminatory practices on refugees that reflect grave disrespect for human rights. In early 2017, Trump issued an executive order for a travel ban for seven Muslim-majority countries, which left many stranded at

ports of entry around the world.[202] In late 2017, Trump ended a "temporary protection status" which affected 330,000 immigrants to America.[203] In mid-2018, Attorney General Jeff Sessions cancelled an immigration policy accepting asylum seekers who feared for their lives on the basis of domestic and gang violence.[204] Also in 2018, the US practiced a policy of separating families at the border who were seeking asylum.[205]

- **Campaign to end STCA.** Refugee and immigration advocates including Amnesty International Canada, the Canadian Council for Refugees, and the Canadian Council of Churches have called on Canada to rescind the STCA. In 2007, Federal Court of Canada judge Michael Phelan struck down the STCA because he believed it violated *Canada's Charter of Rights and Freedoms*, the *1951 Geneva Convention on Refugees*, and the *Convention Against Torture*.[206] However, the federal court of appeal reversed the decision because the non-profit organizations who launched the lawsuit were not considered to have legal standing. However, in 2017 the Federal Court granted the organizations public interest standing. The lawsuit is still in the preliminary stages and a hearing is scheduled for early 2019.[207]

Recommendations for Canada

- Canada ought to review the legal grounds of the US as a "safe third country."
- Canada must condemn the Trump administration's anti-immigration policies and inhumane treatment of asylum seekers, and adapt its own policies in adherence with international refugee law.
- Canada has a moral and legal obligation to grant "safe third country" status only to countries which properly respect the rights of asylum seekers.

5 National Security

5.1 Reform Canada's National Security Law

Overview

In 2015, the Harper government passed the Anti-terrorism Act, also known as Bill C-51. This bill introduced sweeping changes to Canada's national security legislation in an attempt to deal with the Conservative government's perceived security concerns. Bill C-51 was barely a month old before it faced its first constitutional challenge, filed by the Canadian Civil Liberties Association. Many journalists, scholars and security experts also questioned the constitutionality of the Bill, arguing that it jeopardized many of our most basic rights and freedoms and undermined our democracy.[208]

Bill C-51 granted the Canadian government greater freedom in combatting national security threats by introducing numerous changes to existing legislation. However, legal experts criticized the bill's vague language, arguing that it risked compromising Canadians' freedoms and privacy. For example, C-51 introduced an amendment to the Criminal Code that created an offence for "knowingly advocating or promoting the commission of terrorism offences in general."[209] The term *terrorism offences*, however, was nowhere defined in the Criminal Code. This created a highly subjective test for courts to apply in determining whether an individual's speech or actions promoted "terrorist offences in general." Such vague and overly broad language risked criminalizing dissent and placed an unjustifiable limit on the Charter's guarantee of freedom of expression.[210] C-51 also introduced an amendment to Canada's privacy laws in order to allow for increased information sharing among government agencies. Under C-51, private information could be legally shared among 17 different government agencies. Legal experts noted that this was an unwarranted breach of Canadians' privacy, and also pointed to the unnerving possibility of this information being shared with governments abroad.[211] This legislation also gave the Canadian Security Intelligence Service (CSIS) a new set of "threat disruption powers." Prior to C-51, CSIS could merely *collect* intelligence—law enforcement was left to the RCMP. Bill C-51, however, granted CSIS the right to act on its own intelligence and intervene in a perceived security threat.[212] There were few limits placed on these "threat disruption powers," which alarmed many legal experts. Bill C-51 also introduced the Secure Air Travel Act, which codified the way people are put on the no-fly list, and the process by which they can appeal this listing. Under this bill, both the listing process and the appeal process remained completely secret, undermining individuals' right to due process.

During the 2015 federal election, the Liberals campaigned on a promise to repeal the problematic aspects of Bill C-51. Having formed government, the Liberals introduced Bill C-59 in an attempt to fix the unconstitutional changes brought in by C-51. This proposed legislation is long and complex, and contains a wide array of changes—some of which are improvements, while others are extremely disquieting. Overall, C-59 improves oversight and accountability, but

also grants a range of troubling new powers for the various intelligence agencies, and fails to address some long-standing problems in Canadian national security law.

Questions for Federal Candidates

- Canada has rarely been attacked by terrorists, and compared to other Western countries, has a much shorter list of perceived terror threats. Do you believe that mass surveillance and information sharing is warranted or fair, given Canadians' Charter-protected right to privacy?
- Given that people listed on Canada's no-fly list have such limited ability to challenge this designation, do you believe that Canada should have a more transparent approach to its no-fly list?
- Between the Conservatives' bill C-51, and the Liberals' bill C-59, the Canadian government has acquired vast new powers of surveillance and control. While not discounting the evolving threats to national security, would you support a review and revamp of Canada's national security legislation?
- Terrorism, whether international or domestic, is usually driven by root-cause grievances. Would you encourage Canada to study and address, when possible, the root causes behind such acts of violence?

If elected:

- Will you work within caucus to raise awareness of the need to introduce greater limits on information sharing and mass surveillance within Canadian national security law?
- Will you work within caucus to raise awareness of the grave need to overhaul the listing process and redress system associated with the no-fly list?

Supporting Points

- **International Law and the UN Position.** States have not only a right, but also a duty to take effective measures to combat threats to national security. In 2001, the UN Security Council adopted Resolution 1373, which called upon all states to take the necessary steps to prevent the commission of terrorist acts and to find ways of intensifying and accelerating the exchange of operational information in pursuit of that goal.[213] Of course, many Security Council members can be strongly criticized for disrespect of civil liberties and human rights both domestically, and in their foreign interventions. And in fulfilling this duty, states are obligated to ensure that any new nation security measures respect international human rights law. For example, there are numerous conventions that protect an individual's right to privacy, including the Universal Declaration of Human Rights (Article 12) and the International Covenant on Civil and Political Rights (Article 17). [214] There are also several UN General Assembly (UNGA) resolutions that reaffirm this right, even within a context of counter-terrorism. UNGA resolution 72/180 (2017) urges states, while countering terrorism, to safeguard the right to privacy in accordance with international law. It also urges states to review their procedures,

practices, and legislation regarding mass surveillance and data collection so as to ensure that these measures do not interfere with the right to privacy.[215] States must also ensure that their counter-terrorism measures do not interfere with the right to freedom of expression, the right to freedom of assembly, and the right to freedom of movement, all of which are protected under the Universal Declaration of Human Rights.[216] Under international law, should states wish to limit these rights, these limitations must be imposed "in pursuance of one or more specific legitimate purposes" and "necessary in a democratic society." They also must be imposed in an indiscriminate fashion and must be prescribed in law.[217]

- **Canada's Current Policy.** Bill C-59 represents the Liberal government's attempt to review and revamp the Conservatives' Bill C-51. C-59 introduces many important changes to Canadian national security law, but simultaneously fails to address some major issues. One positive change is the creation of the National Security and Intelligence Review Agency (NSIRA), which will replace a number of existing bodies. NSIRA will act as a multi-agency review mechanism, charged with assessing and reviewing the actions of each national security agency.[218] Prior to C-59, each agency had different oversight bodies, which could not collaborate with each other. This amendment, therefore, fills a vast gap in Canada's national security oversight and accountability framework. In regard to CSIS, Bill C-59 does not remove the "threat disruption powers" granted in Bill C-51.[219] To understand why this is problematic, one need only look at the history of CSIS. Following the findings of the McDonald Commission in the 1970s, the RCMP was stripped of its intelligence-collecting duties. CSIS was created to handle intelligence work, and the RCMP's mandate was limited strictly to law enforcement matters.[220] This split was born out of the recognition that these two goals sometimes conflict, and that doing both intelligence collection and law enforcement work puts a lot of power in the hands of one fallible agency. Moreover, C-59 facilitates the bulk acquisition of 'publicly available' data. The term 'publicly available' is loosely defined in C-59, creating a very broad opportunity for CSIS to engage in the unnecessary and disproportionate collection of information about innocent individuals.[221] The information that is collected can then be shared between various agencies, as long as the government deems it "reasonably necessary" to do so.[222] Therefore, concerns about privacy remain unresolved. Lastly, C-59 fails to introduce any substantial changes to the no-fly list. As it stands, the thresholds for suspicion that allow the Minister of Public Safety to put someone on the list are too low.[223] Furthermore, individuals who choose to appeal their listing face an opaque and unjust appeal system. The appeals process does not involve the listed person at all. Rather, the appeal takes place entirely behind closed doors. There is no lawyer present to represent the appellant. Furthermore, the appeals process allows for secret evidence to be considered.[224] This completely contravenes the right of the listed person to have a full, fair defence. Additionally, C-59 does nothing to remedy the occurrence of false

positives. There are numerous examples of children being incorrectly flagged as security threats because they have the same name as someone on the no-fly list.[225]

Recommendations for Canada

- The Canadian government must do its best to strike an appropriate balance between national security matters and rights-preservation. In order to do so, it should:
    - limit the amount of information shared between government agencies in order to protect Canadians' right to privacy. This disclosure of information should only occur in exceptional circumstances, and should not become the norm.
    - Adopt stricter rules regarding the bulk acquisition of data. As it stands, any data that is "publicly available" is fair game for collection. Furthermore, dataset provisions make it legal for CSIS to retain this data long after it is necessary. Canadians need to be ensured that their data is not being unnecessarily collected and stored.
- Canada should reform the listing process, as well as the appeal procedures, associated with its no-fly list. The government should adopt stricter criteria for listing, and the decision to list an individual should not be left exclusively to the Minister of Public Safety. Rather, this decision should be made by a committee of high-level security officials in order to ensure greater oversight. Furthermore, there needs to be greater transparency in the appeal process. The Canadian government should allow for appellants to be represented by a "Special Advocate," as is the case in closed-door security certificate proceedings. The government must also introduce a solution for individuals who have been improperly flagged because their name matches that of someone on the list.

5.2 Reform Canada's Extradition Laws

Overview

In October 2008, Hassan Diab, a Canadian citizen, was arrested by the RCMP at the request of French authorities. Diab was extradited to France, where he would stand trial for his alleged involvement in a synagogue bombing that killed four people in France in 1980.[226] Incredibly, the case against him in France collapsed after Diab had already spent three years in French prison. He was finally released in January 2018, after two judges in France dismissed the charges against him due to a lack of evidence.[227]

Diab's case clearly demonstrates the Canadian extradition system is broken and in need of review. The threshold for extradition is simply too low, allowing for Canadian citizens to be extradited to foreign nations on evidence that is often questionable at best. This is mostly because the law requires Canadian courts to treat summaries of evidence provided by foreign nations as "presumptively reliable," even if the evidence has not been tested or even disclosed to the court. [228] In other words, under Canadian law, the judge's role in an extradition hearing is not to determine innocence or guilt, but rather to determine whether there is enough evidence to build a prime facie case against the suspect. [229] This evidence, however, is only tested at trial once the suspect has been extradited. This presumption of reliability is reckless, as it puts a dangerous amount of trust and confidence into a foreign state's justice system.

Furthermore, Canada's extradition laws do not provide any safeguards against political interference. It is important that these laws be reformed so as to block any extradition requests that are politically motivated, and to prevent states from interfering in extradition hearings. For example, it was officials in Canada's Department of Justice who provided France with the "smoking gun" evidence that secured Hassan Diab's extradition.[230] This is deplorable—Canada should not be interfering in order to ensure the extradition of its own citizens. Yet another example can be found in the case of Huawei executive Meng Wanzhou, who is facing extradition to the US. President Trump has openly stated that Meng's case will help him secure a trade deal with China, making it clear that her extradition is politically motivated.[231]

Canada also needs to carefully review the countries with which it has an extradition agreement. Some countries that Canada extradites to do not return the favor. For example, Canada allows extradition to Germany, France, and Switzerland; yet none of these countries make the same commitment to Canada.[232] Such arrangements should be questioned. Canada also has extradition agreements with some countries whose human rights record is highly suspect, including Israel, El Salvador, Thailand, and the Philippines. Put simply, Canada should not be extraditing its citizens to states that repeatedly fail to respect human rights of those under its authority.

Since the Extradition Act was first introduced in 1999, over 1500 extradition requests have been made—and only five of these have been rejected. This arrest-to-extradition ratio reflects the way in which the Act is heavily stacked against those being sought for extradition. The law, as it

stands, offers little protection to Canadian citizens when foreign countries come knocking. Canada has a duty to cooperate with foreign states on extradition; however, first and foremost, it has a duty to protect its citizens and residents. The Extradition Act must be reformed in order to ensure that extradition requests are dealt with in a manner that is consistent with the principles of fundamental justice.

Questions for Federal Candidates

- Hassan Diab's case underscores the immense need to reform Canada's extradition laws—especially in regard to judicial authority in extradition hearings. Do you believe that judges should be given more decisional power in these hearings—such as the ability to test evidence provided by foreign states—before choosing to extradite citizens?
- Since Hassan Diab's return to Canada, numerous unions and human rights groups have called for a public inquiry into his extradition. Given the degree of public interest, do you believe it is important for there to be an independent inquiry into this case?
- The political leadership of countries can bring about important changes in the way a country manages issues of law and order, e.g. Hong Kong, the United States, etc. Would you support a periodic review of Canada's extradition treaties?
- Given the degree of trust that must be afforded to foreign legal systems in extradition cases, do you believe that Canada should enter into extradition agreements with countries that have poor human rights records and/or little judicial independence?

If elected:

- Will you work within caucus to garner support for a thorough, independent inquiry into the Hassan Diab case?
- Will you work within caucus to garner support for an extensive review and reform of Canada's Extradition Act?
- Will you work within caucus to bring about regular review of Canada's extradition treaties?

Supporting Points

- **International Law.** Under international law, states are not obligated to surrender an alleged criminal to a foreign state. This is due to the fact that one principle of state sovereignty is that every state has legal sovereignty over the people within its borders.[233] By enacting laws or concluding treaties, states may determine the conditions under which they will waive that legal sovereignty and entertain or deny extradition requests.[234] For example, in order to become member states of the ICC, states must become party to the Rome Statute. In signing onto this multilateral treaty, states agree to extradite individuals sought by the ICC for genocide, crimes against humanity, and war crimes.[235]
- **The UN Position.** In 1990, the UN General Assembly adopted Resolution 45/116 without vote. This resolution recognized that the establishment of bilateral and multilateral

arrangements for extradition would greatly contribute to the development of more effective international cooperation for the control of crime. Included in this resolution was a Model Treaty on Extradition, which states could use as a reference when negotiating and concluding their own bilateral extradition agreements.[236]

- **The Extradition Process in Canada.** Extradition in Canada is conducted in conformity with the Extradition Act and related bilateral treaties. Canada currently has bilateral treaties with around 50 different states, although approximately 90% of Canadian extradition cases involve the surrender of citizens to the US.[237] The Extradition Act, introduced in 1999, allows Canada to extradite individuals at the request of a foreign state that is an extradition partner under the Act. There are three phases to the extradition process in Canada. First, the foreign country must provide Canada with a formal extradition request and supporting documentation. Upon receiving this request, Canadian authorities may arrest the individual.[238] The Department of Justice must then evaluate the extradition request in order to determine whether the conduct for which extradition is sought is considered criminal in both Canada and the requesting state—this is known as "dual criminality." [239] Once dual criminality is established, the Department of Justice will issue an Authority to Proceed. Second, an extradition hearing is held in the superior court of the province. Here, the presiding judge must determine if the evidence provided by the extradition partner is sufficient. [240] If so, the final decision on extradition is given to the Minister of Justice. In this last step, the Minister is required to consider the requirements of the Extradition Act in order to determine whether to surrender or release the individual. [241] The Minister is required to refuse surrender if doing so would be unjust or oppressive, or if it would infringe upon an individual's right to fundamental justice, as protected under Section 7 of the Charter. [242] The individual facing extradition then has the right to appeal the decision of the extradition judge or apply for judicial review of the Minister's decision in the provincial Court of Appeal.
- **Calls for Reform to Canada's Extradition Law.** There are numerous aspects of the law that ought to be changed in order to ensure that the government adequately balances its obligation to treaty partners with its obligation to protect the Charter rights of its citizens. First, many legal experts have decried the lack of decisional power held by judges in extradition hearings. In 2006, the Supreme Court ruled on a case known as 'Ferras,' calling on provincial courts to stop rubber-stamping extradition requests, and instead start properly weighing evidence in extradition hearings.[243] Despite this ruling, the system of "rubber stamping and buck passing" has continued. This is largely due to the limitations placed on judges presiding over extradition hearings. For one, the judge's role is not to determine guilt or innocence, but rather to determine that the evidence is not "manifestly unreliable." [244] In other words, the judge does not conclude whether the accused is guilty or not; rather, the judge only asks whether the evidence, if believed, could reasonably support an inference of guilt.[245] It is rare that evidence would be deemed "unreliable," because the law requires Canadian courts to treat summaries of evidence provided by foreign states as "presumptively reliable," even if this evidence

has not been tested or even disclosed to Canada or the accused.[246] In fact, the evidence offered by the foreign country does not even need to meet Canadian standards. Evidently, the threshold for evidence to be deemed unreliable is simply too high. [247] This makes it difficult for judges to reject extradition requests, no matter how questionable the evidence presented may be.

- **Actions Taken by Canadian Allies.** Sweden's extradition system is very similar to that of Canada, however, it includes an actual investigation of the case prior to extradition. Requests for extradition are forwarded to the Office of the Prosecutor-General, where a preliminary investigation is conducted. If the accused opposes extradition, it is up to the Supreme Court to examine whether extradition can be legally granted under the existing legal conditions. The Supreme Court's opinion is then delivered to the Government for use in its examination of the case.[248] The Swedish system therefore requires a much broader examination of the evidence prior to a decision on extradition being made.

Recommendations for Canada

- Canada must carry out a thorough and independent inquiry into Hassan Diab's extradition. The government should engage in conversation with groups like the British Columbia Civil Liberties Association (BCCLA) and Amnesty International—both of which have worked closely with Diab in order to develop proposals for reform of Canada's extradition laws.
- Canada must reform its extradition law, given the flaws evident in the Hassan Diab and other cases. Canada should be able to cooperate with partner countries to combat transborder crime without infringing on the rights of Canadians. Evidence provided by foreign states should no longer be treated as "presumptively reliable." Rather, judges should be given the authority to test the evidence provided and determine whether it is strong enough to lead to a conviction. Put simply: if the case is not strong enough to go to trial in Canada, it should not be tried elsewhere.

5.3 Reform Canada's Security Cooperation Framework

Overview

Canada has several agreements with other countries enabling the sharing of Canada's national security information with its security partners. Notably, Canada is a member of the Five Eyes, and Canada also has its own security sharing agreement with Israel. The Five Eyes alliance grew out of the UK-US intelligence cooperation in the Second World War and matured during the Cold War era to included other Western allies. Today, the Five Eyes consist of Canada, Australia, New Zealand, the United Kingdom, and the United States, with Israel as an observer.[249] The Communications Security Establishment Canada (CSEC) is Canada's representative of the Five Eyes alliance. This surveillance alliance works to collect and share mass surveillance data in the joint security interests of participating members. The Five Eyes alliance seeks to enhance national security of members via mass electronic surveillance and information gathering techniques.[250] The Five Eyes alliance is ultra-secretive and member organizations operate with little governmental oversight[251].

According to U.S. National Security Agency (NSA) whistleblower Edward Snowden, he refers to the Five Eyes as a "supra-national intelligence organization that doesn't answer to the known laws of its own countries."[252] The leaked NSA documents exposed how Canada set up spying posts around the world and conducted espionage against trading partners at the request of the NSA.[253] CSEC shares with NSA their unique geographic access to areas unavailable to the US. Much the material collected by Canada is transmitted directly to the NSA and not first processed and analyzed in Canada due to the lack of capacity. Intelligence collected at interception posts are often remitted to NSA for deciphering and analysis.[254] Another, problematic aspect in the CSEC and NSA relationship of sharing information is that the NSA shares raw intelligence with Israel with no legal limits on the use of data by Israelis.[255] With Israel's extremely poor human rights record, many question whether such sharing is appropriate. Therefore, it is critically important that Canada manage who obtains this intelligence data.

In 2014, Canada-Israel signed a Strategic Partnership Memorandum of Understanding which facilitates a deeper cooperation in various areas including security.[256] These close ties between Canadian and Israeli intelligence agencies allows for information sharing between the two countries on counter-terrorism collaboration and border defence relations; even though Canada and Israel do not share a border. Israel is a country that has militarily occupied Palestinian territories for over 50 years, and routinely disregards international law and human rights. It also has no "bill of rights" for its citizens. Sharing sensitive information with other countries that systematically disregard human rights is not ethical. Such sharing could not only endanger individuals under Israeli administration in the Middle East but could also lead to inappropriate bias against people of Middle East origin seeking to immigrate or seek asylum in Canada.

Questions for Federal Candidates

- Would you support a review of Canadian governmental oversight of CSEC?
- Would you support a review of CSEC's involvement with the Five Eyes, and the information sharing that currently goes on?
- Would you support a review of Canada's security sharing with Israel?
- Would you support a review of the Five Eyes security sharing with Israel?

If elected:

- Will you work within your caucus to encourage a review of Canada's security cooperation and sharing relationships, and specifically its involvement with the Five Eyes and Israel?
- Will you work within your caucus to call for a review of the oversight of the CSEC?

Supporting Points

- **The Case of Maher Arar**.[257] The case of Maher Arar, illustrates the human cost when governments misuse "security" information. American authorities detained Syrian-born Canadian Maher Arar while he was travelling through New York City. They eventually shipped him Syria where he was detained and tortured for two years before being released to Canada. Mr. Arar was never charged with a crime, yet it was revealed that American authorities had detained him based on information received from Canadian security agencies. This case demonstrates the need for greater oversight by the Canadian government.

- **Annual report from the oversite commissioners of the CSEC.**[258] Jean-Pierre Plouffe, the commissioner who oversees the CSEC, recommended that the government issue a new directive on how the intelligence agency shares information with the Five Eyes. A 2013 report by the commissioner's office concluded that it was unable to assess the extent to which the Five Eyes security alliance partners follow agreements and protect private communications and information about Canadians.[259] The report also noted that CSEC had to prepare 161 risk assessments over the course of a year where sharing intelligence with its partners-Fives Eyes- could risk in mistreatment of an individual, including 35 cases where that risk was substantial.[260] In 2016,the commissioner revealed how CSEC had illegally and unintentionally shared domestic metadata with the Five-Eyes surveillance alliance.[261] CSEC is technically not allowed to conduct surveillance on Canadians; although it can collect information on anyone inside the country if doing so with Canadian Security Intelligence Service (CSIS). CBC reported, that it is impossible to know how many Canadians had their personal data shared with CSEC. The commissioner expressed his belief that the misuse of sharing information was not accidental but rather a lack of due diligence.[262] In the report, CSEC also disclosed that they did not know how long the problem had existed. The misuse of intelligence shared by CSEC or CSIS could result in the abuse of the civil liberties of Canadian citizens.

- **Report of the Standing Committee on Public Safety and National Security**.[263] In May 2017, the government released *Protecting Canadians and their Rights: A New Road Map for Canada's National Security* report. The Anti Terrorism Act (ATA), 2015 amended the CSIS Act to authorize CSIS, if there are reasonable grounds to believe that a particular activity constitutes "a threat to the security of Canada," to "take measures, within or outside Canada, to reduce the threat." By giving CSIS powers to "disrupt" perceived security threats, the CSIS amendments remove longstanding restrictions on security intelligence agencies. In the report, the Canadian Civil Liberties Association (CCLA) stated that CSIS should be stripped of its disruption powers that could violate the Charter or international human rights obligations. The report recommended that the CSIS Act amendment allowing "disruption powers" be repealed in order to remove the ability to violate the Canadian Charter of Rights and Freedoms. The report also recommended the Government of Canada ensure that protections guaranteed under the Privacy Act are not violated by the Security of Canada Information Sharing Act (SCISA), thus ensuring Canadians' privacy is protected.

Recommendations for Canada

- Canada must reform its own domestic security laws according to the CCLA and Public Safety Committee's 2017 report to ensure that Canadians' civil liberties are not violated via the actions of Canada's security agencies.
- Canada ought to better manage and limit the intelligence data that is shared with security partners to protect against misuse by security partners. .
- Canada should implement better controls on CSEC, its representative to the Five Eyes, to ensure that CSEC operates under greater oversight, and that it respects Canada's laws regarding the privacy of Canadian citizens.
- Canada must ensure careful use of any security data or threat data provided by security partners – especially Israel and the US – to protect against potential political bias against immigrants to, or citizens of Canada.

5.4 Improve Management of Canada's "Terror List"

Overview

In response to the September 11 attacks in 2001, the Canadian government introduced the Anti-Terrorism Act (ATA). This legislation formed a key component of the government's national security framework, as it amended the Criminal Code to create a new chapter dealing specifically with terrorism. In keeping with the ATA, the government has maintained a list of terrorist entities since 2002. Being on the list itself does not constitute a criminal offence, although it is illegal to contribute to or participate in the activities of these listed entities. As of May 2019, there are 55 groups on Canada's terror list. The next review is set for November 2020.[264]

The Canadian government has an established procedure for determining which entities to list as terrorist organizations. This procedure, however, has not been followed in a consistent and nuanced fashion. For example, many international organizations listed as "terrorist" groups represent politically repressed groups, which often see themselves as "freedom fighters." Canada's terror designation may simply align with an ally's designation, without consideration of the focus of the terrorism activities. In addition, Canada's terror designation may ignore the fact that such organizations often have political wings which provide day-to-day social services, which are distinct from their militant wings. Also, regardless of Canada's designation of certain groups, such groups often have an inevitable role to play in regional peace and stability.

Also notable is the fact that there are no white nationalist or far-right extremist groups on this list, despite the obvious threat of right-wing violence, both domestically and internationally. Canada must adopt a more consistent and nuanced approach when determining whether or not to list an entity. It is important that Canada's terror list be reflective of the current threat environment to Canada, and should not be an overly-politicized catalogue of blacklisted groups.

Questions for Federal Candidates

- Terrorism, whether international or domestic, is usually driven by root-cause grievances. Would you encourage Canada to study and address, when possible, the root causes behind such acts of violence?
- Would you support ways to de-politicize the Canadian government's listing of terrorist groups? And would you support a more frequent review of this list?
- Are there any groups currently on Canada's terror list that you believe should not be listed?

If elected:

- Will you work to improve caucus member understanding of regional instability, and the root causes of conflict around the world?
- Will you work within caucus to raise awareness of Canada's inconsistent terrorist group listing practices?

- Will you work within caucus to propose ways to bring greater coherency to Canada's existing listing strategy?

Supporting Points

- **International Law and the UN Position.** There is no international law that requires states to list suspected terrorist entities. That being said, it is not illegal for states to compile such a list. In fact, there are several UN Security Council resolutions that call upon states to take action in the fight against terrorism, and to implement counterterrorism measures. For example, Security Council resolution 1373 (2001) called upon all states to prevent and suppress the financing of terrorist acts, and to criminalize the collection of funds for terrorist acts.[265] Security Council resolution 1566 (2004) called for the establishment of a working group to consider practical measures to be imposed on individuals, groups or entities involved in or associated with terrorist activities.[266] States recognized that in order to comply with these resolutions, they would first have to identify entities associated with terrorism. As a result, many states have compiled a terror list as a means of identifying groups or individuals associated with terrorism, and informing the public. The UN itself does not have a general list of all terrorist organizations, most likely because the international body has yet to agree on a single definition of what terrorism is. There are twelve different international protocols and conventions on the prevention and suppression of terrorism, none of which provide states with a definition of terrorism.
- **Canada's Official Listing Policy.** In response to UN Security Council resolution 1373, the Canadian government introduced the Anti-Terrorism Act in 2001. This act provides measures for the government to create a list of entities that have knowingly carried out or participated in terrorist activity.[267] To be considered 'terrorist activity,' as defined under the Criminal Code, an act must meet two criteria. First, the act must have been committed in whole or in part for a political, religious or ideological purpose, with the intention of intimidating the public, or a segment of the public. Second, the act must have intentionally caused death or serious bodily harm to a person or endangered a person's life.[268] As such, a 'terrorist group' is any entity whose objective is to carry out terrorist acts, or who facilitates terrorist activity.[269] The process of listing a terrorist entity begins with a gathering of intelligence, if there are reasonable grounds to believe that this entity has been involved in terrorist activity.[270] These intelligence reports are then submitted to the Minister of Public Safety for consideration, who may then make a recommendation to the Governor in Council to place the entity on the terror list. If the Governor in Council is satisfied that there are reasonable grounds to list this entity, then they may be placed on Canada's terror list. It is then illegal for institutions and individuals to participate in or contribute to the activities of these listed entities.[271]
- **A Need for Greater Consistency.** Despite having a set listing policy in place, there has been a lack of consistency in how the government has applied its definition of 'terrorist

activity.' An overwhelming number of the groups listed on Canada's terror list are Islamist organizations— 41 out of 55, to be precise.[272] While many of these organizations deserve to be listed, Islamist organizations certainly do not make up ¾ of the world's terror organizations. Absent from Canada's list are any white supremacist or far-right extremist organizations, despite many of these groups meeting the ATA definition of a terrorist group. Globally, there has been a rise in right wing extremism and white nationalism, and Canada has not been immune to this trend. In 2017, Alexandre Bissonette killed six Muslim worshippers at a mosque in Quebec City, motivated by far-right and Islamophobic tendencies. In 2014, Justin Bourque, motivated by far-right extremist views, killed three RCMP officers, and injured two others in New Brunswick. Abroad, the world witnessed the 2019 Christchurch attack on Muslim worshippers and the 2018 Pittsburgh synagogue shooting, both of which were committed by white nationalists. Many of these individual attacks have been tied back to the ideologies and tactics espoused by extremist groups like Identify Evropa, American Identity Movement, Storm Alliance, and Soldiers of Odin.[273] In its 2018 report on the terrorism threat to Canada, Public Safety Canada devoted an entire section to the threat posed by extreme far-right groups. And yet, none of these groups are included on Canada's terror list.

- **A Need for More Nuance.** Canada's listing strategy also lacks nuance—especially in regard to Islamist political organizations. Hezbollah, for one, has been listed as a terrorist entity since 2002, despite being a legitimate and long-time political player in Lebanon's parliamentary democracy. Hezbollah's political party, which currently holds 12 seats in the Lebanese parliament, operates separately from its paramilitary wing, the Jihad Council. The Canadian government, however, does not distinguish between these two wings, and instead lists Hezbollah in its entirety. Hamas is also listed as a terrorist entity, despite being the *de facto* governing authority of the Gaza Strip since 2007. Like Hezbollah, Hamas has both a paramilitary wing and a political wing; however, once again, the Canadian government does not distinguish between these two wings. Seeing as Hamas' political wing is listed as a terrorist entity, aid organizations who collaborate with the government in Gaza are also considered terrorist entities. For example, the International Relief Fund for the Afflicted and Needy (IRFAN – Canada), a Canadian not for profit organization, was listed as a terrorist entity in 2014 for allegedly transferring funds to organizations with links to Hamas. More specifically, IRFAN worked with the Gaza Ministry of Health and Ministry of Telecommunications, which came under Hamas' control after they won the 2006 Palestinian legislative election.[274] Despite providing much-needed aid to orphans across the Middle East, and financing numerous projects for children in the West Bank and Gaza, IRFAN was listed for "facilitating terrorist activity" due to its collaboration with the Hamas-led Gazan government. This is the consequence of failing to distinguish between Hamas' military wing and its political wing.

- **Actions Taken by Canadian Allies.** The German government has refused to blacklist Hezbollah altogether, despite pressure from the United States, Israel, and Saudi Arabia. Germany has repeatedly defended its position, arguing that Hezbollah is a "relevant factor" in Lebanon's complex political landscape.[275] The EU, as well, has chosen to only list Hezbollah's military wing on its own terror list.[276] Meanwhile, the UK has shown some degree of nuance in its own listing process by only listing Hamas' military wing, as opposed to the entire organization.[277]

Recommendations for Canada

- Canada should adopt a more consistent and nuanced approach to listing terrorist entities. This list should properly reflect current threats to Canadian security, and not merely be a list of global Islamist organizations. White nationalist groups and far-right organizations increasingly pose a threat to Canadian security, and this reality should be reflected in our terror list.
- The Canadian government often takes cues from the United States on issues of security. With Donald Trump at the helm, the US is no longer a credible judge of security threats. In April 2019, Trump designated Iran's Revolutionary Guard a terrorist organization, and may soon move to apply this same label to the Muslim Brotherhood. Canada should not follow in these footsteps, and should continuously aim to distinguish between Islamist political organizations and violent terror groups.

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