

POSITION PAPER: CANADIAN FOREIGN POLICY, ISRAELI COLONIES, AND CIFTA



Recommendations for Canadian Policy

1. Canada should pass private member's Bill C-326 applying to the Canada-Israel Free Trade Agreement (CIFTA), "*An Act to amend the CIFTA Implementation Act*"
2. Establish an active diplomatic mechanism to elicit Israeli compliance with international law. This mechanism should continue to operate as long as Israel is unwilling to stop and reverse colony and "outpost" development in the Israeli-occupied Palestinian and Syrian territories.
3. Canada should consider applying positive pressure on Israel via several other possible mechanisms under international trade, for example:
 - a. Via the suspension of funding of, and participation in the Canada-Israel Industrial Research and Development Foundation.
 - b. Other mechanisms, e.g. academic boycotts, limitations on economic and security cooperation, etc.

Key Points about Canadian Policy on Israel's Colonies

Canadian foreign policy is unequivocal on the following key points:

1. Canada does not recognize permanent Israeli control over the Occupied Palestinian Territories (OPT.).
2. Canada opposes the creation of colonies in the OPT.
3. The Fourth Geneva Convention applies to the Israeli occupation of the OPT.
4. The colonies are a serious obstacle to peace
5. Canada opposes Israel's unilateral annexation of East Jerusalem
6. Canada supports Palestinian self-determination

Israeli Colonies are Illegal under International Law

There are many legal instruments that address the legality of Israeli colonies in the OPT:

1. Fourth Geneva Convention, Article 49, states (p. 6) that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies." (Note also Article 47, which addresses outright – and illegal – annexation of occupied territory, as would apply in East Jerusalem.)
2. UN Security Council Resolution 242 (1967), affirms the UN Charter by asking for the "(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict; and "(ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;"
3. UN Security Council Resolution 465 (1980) "Determines that all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a

comprehensive, just and lasting peace in the Middle East; [and] 6. Strongly deplores the continuation and persistence of Israel in pursuing those policies and practices and calls upon the Government and people of Israel to rescind those measures, to dismantle the existing settlements and in particular to cease, on an urgent basis, the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem;...”

4. The Oslo Accords (1993) and Quartet Road Map Peace Plan (2002) each called for the freezing of Israeli colony growth in the Israeli-occupied Palestinian and Syrian territories. No freeze occurred. In fact, the Israeli colony population in the occupied territories (including Jerusalem) more than doubled from 1993 to 2002.

Bill C-326: to Amend the CIFTA Implementation Act

Bill C-326 recommends that the CIFTA Implementation Act be amended to include the following sentence: “The Minister shall undertake consultations with the Government of the State of Israel for the purpose of having the Agreement amended to exclude goods originating in the settlements from the list of goods entitled to preferential tariff treatment.”

Bill C-326 applies the following reasoning:

1. Canada and Israel have shared a free trade agreement since 1997
2. The European Union, in its free trade agreement with Israel, no longer applies preferential treatment to goods originating from Israeli colonies in the West Bank, East Jerusalem, or the Golan Heights.
3. Canada should seek to have a similarly international law-based commercial policy, which aligns its trade policy with its foreign policy.

For more Information...

For more information and background on Canadian foreign policy, Israeli colonial policies in the occupied territories, Israeli colonies analyzed under international law, and other topics, please refer to the CJPME document entitled “Leveraging CIFTA to support Canadian Middle East Policy” (2005.) Or call CJPME at 514/745-8491.

For more information concerning Canada’s policies vis-à-vis the Israeli colonies and related topics, please see the following Web page on the Canadian Foreign Affairs Website:

http://dfait-maeci.gc.ca/middle_east/can_policy-en.asp