



Policy Recommendations for Canada

In the ten months following Israel's assault on Gaza last winter, numerous different human rights reports were commissioned and completed. Of all the reports, however, the most prominent and comprehensive report was the "Goldstone Report," a fact finding mission commissioned by the UN Human Rights Council, led by Justice Richard Goldstone, issued on Sept. 25th, 2009. For this reason, CJPME's positions below have, to a large extent, been framed around the work and recommendations of the Goldstone Report.

- A. Canada's diplomatic actions must support the recommendations provided in the Goldstone Report. Canada is a member of numerous international bodies which will either respect, or obstruct the findings of the Goldstone and other human rights reports on Israel's war on Gaza. Canada must use its votes on these international bodies wisely, and ensure that the rule of law, and international humanitarian and human rights law is respected. Canada has also been a strong friend to Israel in recent years, and must leverage the goodwill of this relationship to encourage Israel to be more accountable to international rights standards and the universal values they represent.
- B. Canada must heed Goldstone's recommendation to the international community. The Goldstone Report makes several recommendations for members of the international community – especially those in a position to provide aid – that Canada should respond to. First, the Goldstone Report calls for countries to start criminal investigations on Israel's war on Gaza. Such investigations would take place in national courts, using universal jurisdiction where there is evidence of war crimes. In addition, the Report calls for support from the international community in three other basic areas: 1) support for certain humanitarian and developmental needs in Gaza, 2) support for efficient and accountable reconstruction efforts in Gaza, and 3) support for peace initiatives which have a hope of bringing change on the ground.

A: Canada's diplomatic actions should support Goldstone's findings

1. Canada's voting in international bodies should support the human rights concerns highlighted by Goldstone. If it's willing to do so, Canada has a role to play with the Goldstone Report on the diplomatic world stage. By being serious in its expectation of respect for international law, Canada protects itself against that day in which a more powerful neighbour may infringe on Canadian rights. Canada's UN voting needs to start reflecting more concern for violations of international law.
 - Canada is a member of the UN Human Rights Council (UNHRC), but was sadly the only member (out of 47) on the UNHRC to vote in January, 2009 against the commissioning of the fact finding mission. Canada also opposed the UNHRC endorsement of the report on Oct. 16.
 - Canada is also a member of the UN General Assembly (UNGA), but was sadly only one of 18 countries (out of 176) which voted against the adoption of the Goldstone Report's findings on Nov. 5, 2009. Canada may need to vote again if another Goldstone recommendation – a compensation fund for Palestinians in Gaza – is brought to vote in the UNGA.
 - Canada is a signatory to the Fourth Geneva Convention, and the Goldstone Report recommends that Switzerland convene the signatories to discuss ways to help enforce humanitarian law in Israel-Palestine. Canada must act constructively in its role.
 - Canada is currently lobbying internationally for a rotation on the UN Security Council (UNSC), to which it is expected that the Report will be referred.
2. Canada must encourage Israel and the Palestinians to launch their own independent investigations of war crimes. The Goldstone Report recommends that Israel launch independent investigations into the violation of human and humanitarian rights documented by the fact finding mission. Canada must encourage credible, good-faith investigations into war crimes by Israel and the Palestinians which could ultimately be a more timely way to bring perpetrators to justice.

3. Canada must leverage its relationship with Israel to encourage greater accountability. Whether appropriate under the circumstances or not, over the past several years Canada has strengthened its relationship with Israel, e.g. through numerous bi-lateral agreements and other initiatives. Just as it does with other countries (e.g. China, etc.) Canada must modulate its relationship with Israel to promote respect for international law. The Goldstone Report also makes a number of other recommendations for Israel, all of them actions that Canada could encourage, e.g.:
 - Cessation of the land and sea blockade of Gaza
 - Review of the Israeli military's rules of engagement and standard operating procedures
 - Freedom of movement for all Palestinians, to comply with international human rights law, and existing negotiated agreements between Palestine and Israel
 - Cessation of interference in national political processes in Palestine, beginning with the release of all the Israeli-detained members of the Palestinian Legislative Council

B: Canada must heed Goldstone recommendations for int'l community

1. Canada must ponder the possibility of criminal investigations regarding Israel's assault on Gaza. In Montreal, in Oct. 2009, Rwandan Desire Munyaneza was sentenced to life in prison following his conviction on seven charges dating from the Rwandan massacres of 1994, including genocide, crimes against humanity and war crimes. Munyaneza was tried under Canada's seven-year-old War Crimes Act which allows people in Canada to be tried for crimes committed abroad. Canada's War Crimes act could provide a vehicle for prosecution of perpetrators of heinous acts committed by Israelis during Israel's war on Gaza.
2. Canada must respond to Goldstone's recommendations for special investment in Gaza. While the needs in Gaza are overwhelming, Goldstone made recommendations for the international community for certain overlooked sectors. These recommendations included:
 - Given their importance, investment to continue the monitoring of rights abuses in Gaza.
 - Investment in psychological and mental health services to the 1.5 million Palestinians of Gaza, to deal with their extremely difficult circumstances.
 - Investment in studies to monitor the environmental damage and health impacts stemming from Israel's extensive use of new munitions in Gaza (e.g. monitoring the effects of heavy metals, white phosphorus, and tungsten micro-shrapnel in the population and environment.)
 - Investment in programs to help Palestinians with disabilities (esp. amputees), and women, ensuring their access to compensation, legal assistance, and economic security.
3. Other roles in the international community to which Canada must aspire. The Goldstone Report made other recommendations to the international community which are "out of reach" for Canada, given its present stance in the Middle East. CJPME recommends that Canada reconsider the diplomatic dead-end it has chosen for itself on several fronts:
 - Despite a Canadian tradition of building bridges diplomatically, the current Canadian government refuses to engage with the elected representative of the Palestinians (i.e. Hamas) at any level. As such, it can not help implement more efficient and accountable aid programs to Palestinian on the ground in Gaza.
 - Despite the respect of many parties in the Middle East at one time, Canada is in no way positioned to play any constructive role in negotiated agreements in the Middle East today. The Goldstone Report recommended the negotiated agreements put more of an emphasis on respect for international law in the future. Regrettably, Canada is no longer viewed either as a model of respect for international law, or as a fair broker on Middle East issues.

For more Information...

For more information, visit the CJPME Website at <http://www.cjpme.org> or call (514) 745-8491.