



## **Position Paper: Israel's Crimes of Apartheid and Canada's Arms Trade**

### **A. Problem: Israel's practices against the Palestinians have increasingly been acknowledged by UN experts and NGOs as amounting to the crime against humanity of apartheid, but Canadian officials have been dismissive of these reports.**

- **Amnesty Report on Apartheid in Israel:** In February 2022, Amnesty International published a 280-page report titled "Israel's Apartheid Against Palestinians." It concluded that Israel has established an institutionalized regime of oppression and domination against the Palestinian people, and that its policies amount to the crime against humanity of apartheid, as defined in the Rome Statue of 1998 and the 1973 Apartheid Convention.<sup>1</sup>
- **Report of Special Rapporteur on Apartheid in Israel:** Amnesty's report was followed in April 2022 by a report from Michael Lynk, UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which concluded that Israel's fifty-five-year occupation amounts to apartheid.
- **Other Human Rights Assessments:** In recent years, similar conclusions have been presented by Human Rights Watch, B'Tselem, Yesh Din, Al-Haq, and many other Palestinian, Israeli, and international organizations.<sup>2</sup>
- **Canada's Inaction:** Canada has failed to engage with the substance of these serious allegations. Instead, Canadian officials have repeatedly rejected the apartheid analysis,<sup>3</sup> dismissing out of hand the expertise of virtually the entire human rights sector. This places Canada in an antagonistic relationship towards all of those who are monitoring the human rights situation on the ground.

### **Recommendation:**

#### **Canada must engage with the growing consensus among human rights organizations that Israel is committing the crime of apartheid, as defined under international law.**

1. Canada should acknowledge the rigorous analysis of human rights organizations on the ground, and publicly condemn the Israeli government for its crimes of apartheid.
2. Canada must take action to hold Israeli officials accountable. To this end, Canada should:
  - a) Suspend military trade with Israel (see more below);
  - b) Ban trade with illegal Israeli settlements in occupied Palestinian territory;
  - c) Bring perpetrators of the crimes of apartheid to justice, including by exercising universal jurisdiction and supporting an investigation by the International Criminal Court;
  - d) Support the re-establishment of the United Nations Special Committee against Apartheid;
  - e) Review and revise all bilateral agreements and activities with Israel to ensure that these are not contributing to maintaining the system of apartheid. Agreements requiring review would include:
    - i. The Canada-Israel Free Trade Agreement (CIFTA);
    - ii. The Canada-Israel Agreement on Bilateral Cooperation in Industrial Research and Development (CIIRDF);

**B. Problem: The value of Canada's arms exports to Israel has been trending upwards despite extensive documentation of Israeli human rights abuses, including apartheid.**

- Canada's arms exports to Israel are increasing: According to a recent analysis by CJPME, the value of Canada's arms exports to Israel is at the highest level since 1987, and this upwards trend has been accelerating since the mid-2000s. About one quarter of exports over the past several years have been categorized as explosives or related components, and this may include bombs and missiles.<sup>4</sup>
- Israel repeatedly violates international law: Israel's military occupation, repeated military offensives, and crimes against humanity of apartheid, present a situation of extreme risk in which Canadian exports may be contributing to violence against civilians and breaches of international law. This is inconsistent with Canada's obligations under the Arms Trade Treaty (ATT).<sup>5</sup>
- Canada is buying arms from Israeli weapons companies: Within the last two years, Canada has also awarded contracts for military technology to Elbit Systems, one of Israel's largest weapons companies. This includes \$36m for a surveillance drone which is suitable for both military and civilian purposes, and another \$8m for "battle management" technology. These same weapons have been used by Israel against Palestinians, including during the most recent military offensive in Gaza in 2021.<sup>6</sup>
- There is a recent historical precedent for restricting military trade with Israel over human rights concerns:
  - From 1988 to 1995, Canada imposed a ban on most military trade due to Israel's use of violence against Palestinian protestors during the first Intifada.<sup>7</sup>
  - These restrictions were lifted in parallel with the finalization of the Canada-Israel Free Trade Agreement (CIFTA). The resumption of sales was intended to encourage Israel's participation in the peace process.<sup>8</sup>
  - More than 25 years later, the optimism of the Oslo Accords is long gone. Since the resumption of Canada's arms exports, settlement growth has tripled<sup>9</sup> and more than 10,000 Palestinians have been killed.<sup>10</sup> By no reasonable measure can Canada's transfer of weapons to Israel be viewed as an incentive for peace.
- The International Arms Trade Treaty (ATT) disallows arms sales to human rights violators: The ATT and Canada's accession to it in 2019 give Canada the justification and tools it needs to restrict its arms trade with Israel. One of many proponents of the ATT, Amnesty International states, "[Signatories] must obey strict rules on international arms transfers. The Treaty was designed to stop deadly weapons from getting into the hands of people who will use them to commit human rights violations, including genocide, crimes against humanity and war crimes."<sup>11</sup>

**Recommendation:**

**Canadian officials should take immediate and proactive measures to eliminate the risks associated with its arms exports to Israel.**

1. Canada should suspend all military trade with Israel until it ends the military occupation,

dismantles its apartheid policies, and complies with international law.

2. Parliament's Standing Committee on Foreign Affairs and International Development (FAAE) should launch a study of Canada's arms exports to Israel. This should determine whether past and current exports have been used against civilians in the OPT or in airstrikes on Gaza, and to determine the risk that current and future exports may likewise be used in such contexts.
3. Canada should cancel its existing contracts with Israeli weapons company Elbit Systems.

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<sup>1</sup> Amnesty International, "Israel's Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity," February 2022.

<sup>2</sup> Human Rights Watch, "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution," April 27, 2021; B'Tselem, "A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid," January 2021; Yesh Din, "The Occupation of the West Bank and the Crime of Apartheid: Legal Opinion," June 2020; Al-Haq et al., "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination," November 2019. For an updated list, see CJPME, "Who is Talking About Israeli Apartheid?," [https://www.cjpme.org/apartheid\\_list](https://www.cjpme.org/apartheid_list).

<sup>3</sup> Following the report by Human Rights Watch in 2021, then-Foreign Affairs Minister Marc Garneau said that "the position of the Liberal government is extremely clear on the question of the apartheid label. We reject it categorically. It is not part of our approach with respect to Israel or the Jewish community." June 11, 2021, Open Parliament, <https://openparliament.ca/debates/2021/6/11/marc-garneau-3/>. Following the report by Amnesty International in 2022, Foreign Affairs Minister Mélanie Joly said that Amnesty's report "stated that Israel's actions constitute apartheid. We reject that view." When pushed by NDP MP Heather McPherson to "provide a rationale" for that rejection, Joly declined to do so. March 24, 2022, Open Parliament, <https://openparliament.ca/committees/foreign-affairs/44-1/11/melanie-joly-17/>.

<sup>4</sup> CJPME, "Arming Apartheid: Canada's Arms Exports to Israel," April 2022, [https://www.cjpme.org/arming\\_apartheid](https://www.cjpme.org/arming_apartheid).

<sup>5</sup> CJPME, "Arming Apartheid: Canada's Arms Exports to Israel," April 2022, [https://www.cjpme.org/arming\\_apartheid](https://www.cjpme.org/arming_apartheid).

<sup>6</sup> See CJPME, "More Info: Elbit Systems and Canada," [https://www.cjpme.org/stop\\_elbit\\_drone\\_about](https://www.cjpme.org/stop_elbit_drone_about).

<sup>7</sup> CJPME, "Arming Apartheid: Canada's Arms Exports to Israel," April 2022, [https://www.cjpme.org/arming\\_apartheid](https://www.cjpme.org/arming_apartheid).

<sup>8</sup> CJPME, "Arming Apartheid: Canada's Arms Exports to Israel," April 2022, [https://www.cjpme.org/arming\\_apartheid](https://www.cjpme.org/arming_apartheid).

<sup>9</sup> At the end of 2019, there were 441,600 settlers living illegally in the West Bank, and 228,437 living in East Jerusalem. Peace Now Israel, "Settlement Watch," <https://peacenow.org.il/en/category/settlement-watch>.

<sup>10</sup> According to B'Tselem's database of casualties, Israeli forces have killed 10,157 Palestinians (including 2,183 children) between the start of the Second Intifada in September 2000 and the end of 2021. Accessed February 20, 2022, <https://statistics.btselem.org/en/intro/fatalities>.

<sup>11</sup> "Arms Control," Amnesty International, Accessed May 2, 2022, <https://www.amnesty.org/en/what-we-do/arms-control>.