



Position Paper: Consistent Application of Measures to Uphold International Law – Israel and Russia

In response to Russia's invasion of Ukraine following February 24, 2022, Canadian authorities responded immediately to the crisis by implementing a broad set of mechanisms to uphold international law. However, similar or identical measures have been dismissed by Canadian officials as options to address related Israeli acts of aggression, occupation, and the annexation of Palestinian territory.

In this Position Paper, CJPME notes the discrepancy in Canadian measures as applied to Russia and Israel, and urges their consistent application in all cases of violations of international law.

A. Targeted sanctions against officials in response to military aggression

Russia	Israel
Canada has imposed targeted sanctions against Russian officials. These include: <ul style="list-style-type: none">• Asset freezes;• A prohibition on dealing with prohibited persons and entities;• A travel ban.	Canada has not imposed any targeted sanctions on Israeli officials.

- **Recommendation: Canada must consider targeted sanctions on Israeli officials deemed responsible for acts of military aggression, violence against civilians, and violations of international law.**
 1. Canada should develop a list of prohibited Israeli officials deemed most responsible for violations of human rights and international law;
 2. Canada should impose an asset freeze on prohibited officials;
 3. Canada should prohibit all business and financial dealings with prohibited officials.
 4. Canada should ban prohibited officials from entering the country.

B. Sanctions related to occupied territory

Russia	Israel
Canada has imposed sanctions on individuals and businesses involved in Russia's occupation and/or annexation of Crimea, Donetsk, and Luhansk. This includes: <ul style="list-style-type: none">• Asset freezes and prohibition on dealing with prohibited persons and entities;• Prohibitions on trade (imports and exports), investment, services, and assistance with these regions.	Canada has not imposed any sanctions related to Israeli-occupied territory. <ul style="list-style-type: none">• On the contrary, Canada extends free trade benefits under the Canada-Israel Free Trade Agreement (CIFTA) to businesses operating in the settlements, despite their illegality under international law.

- **Recommendation: Canada must consider measures to discourage economic relations with Israel's settlement enterprise in the Occupied Palestinian Territory (OPT).**
 1. Canada should adopt a policy of differentiation between Israel and its settlements and exclude businesses originating in settlements from all bilateral agreements, including CIFTA;
 2. Canada should impose asset freezes and prohibit dealings with individuals and entities involved in Israel's settlement enterprise in the OPT;

3. Canada should prohibit trade and all dealings with businesses and entities related to Israeli settlements in the OPT.

C. International Criminal Court (ICC)

Russia	Israel
<p>Canada supports an ICC investigation into alleged Russian war crimes and crimes against humanity.</p> <ul style="list-style-type: none"> • Canada joined 40 other states in referring this case to the ICC for investigation. • Canada pledged to send 10 highly trained RCMP investigators to Ukraine to assist the ICC in collecting evidence and interviewing witnesses. 	<p>Canada is opposed to an ICC investigation of alleged war crimes by Israeli officials and Palestinian militant groups in the OPT, and has urged the ICC to drop its inquiry.</p>

- **Recommendation: Canada must support the International Criminal Court investigation into alleged war crimes by Israeli officials and Palestinian militant groups in the OPT.**
 1. Canada should assist the work of the ICC in its investigation, including in the gathering of evidence;
 2. Canada must participate in the enforcement of the ICC verdict, including by exercising universal jurisdiction against any individuals convicted.

D. United Nations General Assembly (UNGA) Resolutions

Russia	Israel
<p>Canada voted with the overwhelming majority in the UNGA to condemn Russian aggression in Ukraine (passed 141 to 5).</p> <ul style="list-style-type: none"> • Canada also voted to expel Russia from the UN Human Rights Council (passed 93 to 58). 	<p>Canada routinely votes against most resolutions that condemn Israel's actions. In doing so, Canada aligns itself with a tiny minority of countries.</p> <ul style="list-style-type: none"> • This policy was explained by Foreign Affairs Minister Mélanie Joly: "We are opposed to any initiative, within the United Nations and other multilateral forums, that is specifically aimed at criticizing only Israel, since we believe in a much more holistic approach. We therefore reject any unilateral resolutions from these forums that would politicize these issues."¹

- **Recommendation: Canada must utilize international forums such as the United Nations to criticize Israeli violations of human rights and international law, and stop attempting to shield Israel from criticism.**
 1. Canada must vote in favour of all UNGA resolutions which uphold the human rights and well-being of Palestinians.
 2. Canada should oppose future attempts by Israel to seek membership on the UN Human Rights Council and related bodies, as long as human rights issues remain.

E. United Nations Human Rights Council (UNHRC) Commission of Inquiry (CoI)

Russia	Israel
Canada supports the decision of the United Nations Human Rights Council (UNHRC) to establish a Commission of Inquiry to investigate alleged Russian human rights violations related to the invasion of Ukraine.	Canada does not support the UNHRC's Commission of Inquiry into rights violations in the OPT and Israel, which was established following Israel's military operation in Gaza in 2021. <ul style="list-style-type: none">• In December 2021, Canada abstained on an Israeli amendment to defund the inquiry, noting "significant concerns" with the inquiry related to Canada's "long-standing opposition to the disproportionate focus on Israel."²

- **Recommendation: Canada must give its support to the UNHRC Commission of Inquiry into human rights violations in the OPT and Israel.**
 1. Canada should assist the work of the Commission of Inquiry in its investigation, including in the gathering of evidence;
 2. Canada must support the findings of the Commission of Inquiry and urge all parties to abide by its recommendations.

F. International Court of Justice (ICJ)

Russia	Israel
Canada supports Ukraine's application to the International Court of Justice (ICJ), which seeks a ruling against Russia over its justifications for invasion.	Canada has not supported previous rulings by the ICJ related to Israel. <ul style="list-style-type: none">• In 2004, the UN General Assembly voted 150-6 that Israel should respect the ICJ's decision on the illegality of the wall. Canada abstained from that vote.

- **Recommendation: Canada must urge Israel to comply with 2004 ICJ decision by taking steps to dismantle its illegal wall, and by compensating Palestinians.**

G. Consumer boycotts

Russia	Israel
Canada ordered a ban on imports of Russian vodka, and other luxury consumer goods including diamonds and caviar. <ul style="list-style-type: none">• Earlier, provincial governments across the country ordered the removal of Russian products from store shelves.	Liquor agencies continue to carry Israeli products, including wine produced in illegal Israeli settlements in occupied Palestinian territory.

- **Recommendation: Canada must support a boycott of Israeli products, and especially of products originating in illegal settlements.**
 1. Canada should direct the Canadian Food Inspection Agency (CFIA) to correctly identify products originating from Israeli settlements;
 2. Canada should prohibit the importation of goods produced in Israeli settlements;
 3. Canada should encourage provincial liquor agencies to remove all Israeli products from their shelves until Israel complies with international law.

H. Academic boycotts

Russia	Israel
Canada has ordered its federal granting agencies to implement an academic boycott against Russia. Granting agencies were ordered to: <ul style="list-style-type: none">• Refrain from entering partnerships with Russian research institutions;• Stop funding collaborations with Russian industry;• “Ensure that no new collaborations with individual Russian researchers are established in areas that advance the interests of Vladimir Putin’s regime.”	During this same period, Canada signed a deal to strengthen collaboration between Canadian and Israeli researchers and industry, including sectors that have close ties to Israel’s defense industry.

- **Recommendation: Canada must support the academic boycott of Israeli institutions which are complicit in the oppression of Palestinians.**
 1. Canada should direct federal granting agencies not to fund projects if they are linked to the Israeli state, defense industry, or other sectors complicit in the oppression of Palestinians.
 2. Following the guidelines of the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), this academic boycott should target only complicit institutions, not individual researchers.

I. Cultural boycotts

Russia	Israel
Canada has ordered arts bodies to suspend any cultural activities which are linked to the Russian or Belarusian governments, or else risk losing their federal funding. Arts bodies were instructed to cancel: <ul style="list-style-type: none">• Co-productions• Program partnerships• Direct and indirect financing of tours• Participation in festivals.	No such policies exist to restrict funding for cultural activities linked to the Israeli state. The Israeli embassy is a regular co-sponsor of cultural events and festivals in Canada.

- **Recommendation: Canada must support the cultural boycott of Israeli institutions which are complicit in the oppression of Palestinians.**
 1. Canada should direct arts bodies not to fund cultural activities if they are linked to the Israeli state or other complicit Israeli institutions.
 2. Canada should encourage arts bodies which receive federal funding to refuse all sponsorships from the Israeli government and its representatives.
 3. Following the guidelines of the Palestinian Campaign for the Academic and Cultural Boycott of Israel (PACBI), this cultural boycott should target only complicit institutions, not individual artists.

¹ Foreign Affairs Minister Mélanie Joly, December 7, 2021. House of Commons Hansard #12 of the 44th Parliament, 1st Session.

² UNGA, Fifth Committee, December 23, 2021, <https://digitallibrary.un.org/record/3959273?ln=en>