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CANADIANS FOR JUSTICE AND PEACE IN THE MIDDLE EAST

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Canadians for Justice and Peace in the Middle East (CJPME)

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Report at a glance

CJPME has obtained documents from Global Affairs Canada, released via Access to Information legislation, for the period leading up to Canada's 2019 decision to resume its support for Palestinian self-determination at the United Nations. The documents show what Canada's career foreign affairs officials really think about Canada's staunchly pro-Israel voting record at the UN.

Key revelations:

- Canadian officials say that Canada's votes in opposition to resolutions supporting
 Palestinian rights at the United Nations General Assembly (UNGA) are not based in
 "merit," and that such votes are inconsistent with Canada's own "values, interests,
 and standard positions."
- 2. Canadian officials say that Canada's uniformly pro-Israel voting record is a liability to its international reputation.
- 3. Canadian officials working on UN issues, including Canada's representatives to the UN in New York, wanted Canada to adopt an entirely merit-based approach to resolutions on Palestine and Israel, rather than changing only a single vote on Palestinian self-determination.
- 4. Canadian officials had been pushing the Trudeau government to change its approach since 2016, but their advice apparently went ignored.
- In drafting public communications around the vote, GAC officials initially incorporated indirect criticism of Israel, but this was eventually dropped.
- 6. Canada's 2019 decision to change its single vote was not confirmed until the last minute.

Since its change of the single vote in 2019, Canada has not otherwise changed its voting pattern on these annual resolutions. This means that the Trudeau government has continued to vote against resolutions which its career foreign affairs officials have identified as consistent with Canada's foreign policy.



Background

In 2019, the Canadian government created a minor stir when it decided to vote in favour of a resolution on Palestinian self-determination at the United Nations General Assembly (UNGA), which it had voted against for the previous 8 years.

There are 10-16 standing resolutions on Palestinian human rights which are considered by the UNGA each year. Although in the early 2000s Canada voted in support of nearly all of them, this approach radically changed under Prime Minister Stephen Harper, who in 2011 began voting against nearly every one of these resolutions as a package. Foreign Affairs Minister John Baird explained this shift as a response to the "unbalanced" and "generally one-sided" nature of the resolutions which, in his opinion, unfairly disfavoured Israel. He said that Canada's "No" votes would serve as an expression of Canada's "discontent with the process." In other words, Canada's voting on these resolutions became political – related to a presumed anti-Israel bias – and not related to their specific content.

After the 2015 election, Prime Minister Justin Trudeau did not revert to Canada's position from the pre-Harper era. Instead, Trudeau largely maintained Harper's radical pro-Israel approach, voting universally against all resolutions that affirm Palestinian rights for three consecutive years. In 2019, Canada made a small shift by resuming its vote in favour of a single resolution – on Palestinian self-determination – and has repeated this vote every year since. When this change was made, Canada's Explanation of Vote (EOV) said that Canada supported the resolution "as it addresses the core issue of the Israeli-Palestinian conflict," and that the vote should be understood as "a reflection of [Canada's] longstanding commitment" to the creation of a Palestinian state.⁴

Despite this symbolic shift, Canada continued to vote "No" against almost every other resolution which aims to support Palestinian human rights, with Trudeau himself promising to "continue to stand strongly against the singling out of Israel at the UN." In 2021, Foreign Affairs Minister Mélanie Joly explained:

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.⁶

Minister Joly's comments echo Harper-era explanations and do not hold up to basic scrutiny. One of the resolutions, for example, condemns Israel's settlement building in the West Bank and East Jerusalem, which is universally understood to be a violation of international law. Israel



alone carries out this nefarious and illegal practice, and it would be impossible to draft the resolution in a way which implicates anyone but Israel. In general, the resolutions go to great lengths to acknowledge the complexity of the situation and keep the focus on international law.

At the same time, and despite Joly's pledge to oppose all resolutions which chiefly criticize Israel, Canada's public foreign policy page has claimed since at least 2018⁷ that Canada "assesses each resolution on its merits and consistency with our principles," and says that "Canada will continue to examine carefully each of these resolutions as they come forward." This gives the impression that Canada is actively evaluating UN resolutions for merit and consistency with Canadian foreign policy and suggests that Canada could support a resolution which criticizes Israel if it meets these criteria.

Canadians for Justice and Peace in the Middle East (CJPME) has argued for years that Canada's UN voting on these resolutions is in fact inconsistent with Canadian policy, and that Canada should show leadership in human rights by voting in support of these resolutions, all of which adhere to international law. Recently, CJPME has obtained documents released under the Access to Information Act which reveal the internal discussions of Canadian officials leading up to Canada's change of vote in 2019. As it turns out, Canadian officials working on these issues recognize that Canada's uniformly pro-Israel approach at the UN results in votes which contradict its own stated values and positions, damaging Canada's international reputation.



Canada assesses each resolution on its merits and consistency with our principles. We support resolutions that are consistent with Canadian policy on the Middle East [and] are rooted in international law ... Canada will continue to examine carefully each of these resolutions as they come forward."

- Government of Canada website, since at least 2018 until the present



In 2011, Canada changed its approach to these resolutions, focusing on them as a package that unfairly targets Israel, without considering the specific merits of each resolution. This led Canada to significantly change its voting pattern, voting "no" on almost every resolution."

- Global Affairs Canada memos, 2018 and 2019



Key revelations from ATIP documents

1. Canadian officials say that Canada's votes in opposition to resolutions supporting Palestinian rights at the United Nations General Assembly (UNGA) are not based in "merit," and that such votes are inconsistent with Canada's own "values, interests, and standard positions."

For years, Canadian officials have been aware that Canada's approach to Palestine-related resolutions at the UN is not "merit-based," and that this has led Canada to vote against resolutions despite their alignment with "Canadian values, interests, and standard positions."

In October 2019, nearing the vote at the UNGA, Canadian officials in the Israel, West Bank and Gaza Division of Global Affairs Canada (GAC) circulated a draft memorandum for action which recommended that Canada change its approach at the UN, and which was classified as "SECRET // CANADIAN EYES ONLY." It was indicated on the memo that it was drafted by Wilson Leite, GAC's Senior Desk Officer (Israel), that diplomatic staff in Tel Aviv and Ramallah had been consulted, and that it was approved by the Assistant Deputy Minister Europe, Arctic, Middle East and Maghreb (EGM).8

The memo explained that Canada was voting against all Israel-related motions as a package "without considering the specific merits of each resolution," but based on the perception that Israel was being unfairly targeted with too many resolutions in general.⁹ In fact, the memo noted that "a number of the resolutions" which were being debated by the UN (and which Canada was routinely voting against) actually "reflect Canada's longstanding position on the Middle East Peace and align with Canadian values, including Canada's support for international law and the rules-based international order."¹⁰



In recent years, Canada voted against some resolutions (e.g. Palestinian right to self-determination and the ECOSOC resolution on Situation of and Assistance to Palestinian Women), despite their alignment with Canadian values, interests, and standard positions."

- Global Affairs Canada memo, October 2019

Consequently, the memo said that Canada was voting against some of these resolutions "despite their alignment with Canadian values, interests, and standard positions." 11

In contrast, the memo raised the possibility of returning to a "merit-based approach," in which Canada's voting would be "based on [an] assessment of the merits of each resolution." Given



the deteriorating prospects for a two-state solution – which the memo partially blames on Israel's annexation threats and US President Trump's recognition of Jerusalem as Israel's capital – the memo suggested it was an "appropriate moment to reassess Canada's voting pattern and to potentially move away from a package approach to all of the resolutions." ¹³

In the memo and attached documents, bureaucrats identified at least seven votes that would likely change if Canada returned to a merit-based approach. The memo suggested that in the ongoing session of the UN General Assembly, Canada could change the following votes:

- 1. The right of the Palestinian people to self-determination (from No to Yes);
- 2. Jerusalem (from No to Yes);
- 3. Assistance to Palestine refugees (from Abstain to Yes);
- 4. Persons displaced as a result of the June 1967 and subsequent hostilities (from No to Abstain):
- 5. Palestine refugees' properties and their revenues (from No to Yes);
- 6. Applicability of the Geneva Convention ... to the Occupied Territory (from No to Abstain);
- 7. Israeli settlements in the Occupied Palestinian Territory (from No to Abstain). 14

GAC officials went as far as to draft "explanations of vote" (EOV) statements for two approaching UNGA resolutions which were the "most likely" to change, in the anticipation that they may receive last-minute direction from the Minister to vote for them:



Today's resolution is consistent with Canada's support for a positive outcome to the Palestinian refugee issue, which must be negotiated directly between the parties concerned in the context of a final peace agreement. We are pleased to vote in favour of this resolution.



Canada voted in support of this resolution as we have repeatedly indicated our commitment to Palestinian refugees and support UNRWA, as demonstrated by our \$110M funding commitment ... Canada's vote today is a reflection of this longstanding commitment.

Draft explanations of vote (EOVs) for two UN resolutions on Palestinian refugees, which GAC officials anticipated could receive Canada's support in November 2019. However, Canada voted against both resolutions.



- In a draft EOV for the motion titled *Assistance to Palestine refugees*, GAC officials argued that a YES vote is consistent with, and a reflection of, Canada's financial commitments to UNRWA, the UN agency for Palestinian refugees. ¹⁵
- In a draft EOV for the motion titled *Palestine refugees' properties and their revenues*, GAC officials said that a YES vote "is consistent with Canada's support for a positive outcome to the Palestinian refugee issue." ¹⁶

These draft EOVs were said to be approved by the Deputy Minister of Foreign Affairs,¹⁷ but they were never used. Canada once again abstained on the first and voted "No" on the second, despite the resolutions' apparent alignment with Canadian positions.

2. Canadian officials say that Canada's uniformly pro-Israel voting record is a liability to its international reputation.

The GAC memo explained that "Canada has been the only Western country since 2011 to vote with the United States and Israel on almost all of the Israeli-Palestinian conflict resolutions," and warned that this voting pattern "has set us apart from like-minded countries." Even the UK and Australia, despite shifting their votes in a more pro-Israel direction in recent years, "remain far from Canada's voting record," the memo stated. 19



Canada's voting pattern since 2011 has set us apart from like-minded countries. Canada continues to be the only Western country since 2011 to vote with the United States and Israel on almost all of the Israeli-Palestinian conflict resolutions."

- Global Affairs Canada memo, October 2019

The memo explained that this had become a liability for Canada's international reputation. "Voting against the majority of these resolutions, while welcomed by Israel and the United States, has been perceived as unbalanced by the Palestinians, the Arab group, and the G77+China among others." If Canada was to maintain its current approach, it "would leave Canada vulnerable to criticism from a large number of UN member states," including "some Western countries who have voiced concern regarding Canada's perceived lack of objectivity on these resolutions since 2011." 21

Going further, the memo said that maintaining Canada's current approach "could be interpreted as a signal that Canada is not serious about playing a distinct role on the Israeli-Palestinian conflict – something that is already expected internationally, in the region, and in



Canada – and does not recognize the concerns of the Palestinians especially at a time of shifting balances in the conflict."²²

In contrast, the memo presented the idea of adjusting Canada's votes as "a significant way to signal that Canada can play an objective role in relation to the Israeli-Palestinian conflict" and show that "Canada recognizes the concerns of both sides of the Israeli-Palestinian consensus." The memo said that "even a limited adjustment to the voting pattern would send a message that Canada defends the broad international consensus."

3. Canadian officials working on UN issues, including Canada's representatives to the UN in New York, wanted Canada to adopt an entirely merit-based approach to resolutions on Palestine and Israel, rather than changing only a single vote on Palestinian selfdetermination.

In its recommendations to the Minister of Foreign Affairs, the memo offered three options for Canada's voting at the UN:

- Change Canada's vote on a single resolution (Palestinian self-determination) from
 No to Yes "as it relates to the most basic principle of the Israeli-Palestinian conflict,"
 but continue to vote against the others as a package as they aim to "single out
 Israel";
- 2. "Adjust voting pattern, assessing each resolution on its merits"; or
- 3. Maintain voting pattern.²⁶

Ultimately, despite detailing the clear benefits and consistency of Option 2, the GAC memo recommended that Canada undertake Option 1, arguing that this would be a "relatively small adjustment" to Canada's position but would be a positive and well-received signal of Canada's commitments to a two-state solution.²⁷ It also said that this approach "would allow Canada to keep its rationale from previous years, namely that there are too many resolutions" criticizing Israel.²⁸ This is the approach that was ultimately adopted by the Canadian government that year.

However, Canadian officials whose work related specially to the United Nations pushed to recommend that Canada go even further than changing a single vote.



"

For Option 1, can we recommend both shift to making a decision on the merits and only change one vote? ... It may be beneficial to get agreement on reverting to a merit-based approach this year ... and then have a clearer mandate for the resolution-by-resolution evaluation next year.

- Permanent Mission of Canada to the United Nations in New York City, October 2019 After receiving the memo from GAC's Israel, West Bank and Gaza division, Kristin Janson sent a response on behalf of the Permanent Mission of Canada to the United Nations in New York City (PRMNY), Canada's representatives to the UN. Janson made a request to modify Option 1, arguing that the memo should recommend both: Canada should start with a single changed vote in 2019, but this should be accompanied by a broader shift to a "merit-based approach" in the following year: "It may be beneficial to get agreement on reverting to a merit-based approach this year (with the recommended shift on one resolution so as to not disrupt

US/Israel relations) and then have a clearer mandate for the resolution-by-resolution evaluation next year."²⁹

Janson's email indicated that this recommendation for a broader change to Canada's policy had been "reviewed" with "Ambassador [Richard] Arbeiter" (Deputy Permanent Representative of Canada to the UN), but that Marc-André Blanchard, Ambassador and Permanent Representative, had not yet sent in his own comments.³⁰

Going further, Senior Policy Advisor Ashley Lefler responded on behalf of GAC's UN Security Council & Organization of Islamic Cooperation Division [MIX]. Lefler wrote that "MIX' first preference is of course Option 2 [a merit-based approach]," but "we are supportive of PRMNY's suggested amendment to Option 1 to change Canada's position on the self-determination resolution this year and to potentially adjust our voting pattern, assessing each resolution on its merits moving forward." It is worth noting that Canada at this time was in the middle of a campaign for a UN Security Council seat and would have been taking



[Our] first preference is of course Option 2

[a merit-based approach], but we are supportive of PRMNY's suggested amendment ... to change Canada's position on the self-determination resolution this year and to potentially adjust our voting pattern, assessing each resolution on its merits going forward.

 Global Affairs Canada's UN Security Council & Organization of Islamic Cooperation Division, October 2019



into consideration the reputational benefits of this approach.

For unknown reasons, this proposed amendment did not become the memo's final recommendation (the subsequent exchanges are highly redacted in the ATIP release). Nonetheless, this exchange shows that those Canadian officials who were most familiar and responsible for Canada's role at the UN were pushing to drop the wholesale objection to UN resolutions on Palestine, and to evaluate each motion going forward, rather than only changing a single vote. Their views are consistent with the analysis in the memo itself, which was critical of Canada's approach.

4. Canadian officials had been pushing the Trudeau government to change its approach since 2016, but this advice apparently went ignored.

There is evidence that Canadian officials had been pushing the Trudeau government to change its approach at the UN almost since it was first elected.

In one email, GAC's Israel, West Bank and Gaza division forwarded to Canada's UN mission a memo it had prepared the previous year (2018), which appears to share the analysis and recommendations that made it into the 2019 memo. Moreover, it references a 2016 memo which was provided by the Department to the Minister, which is said to have contained three recommendations for UN voting, and says that "in 2017, the Department informed the Minister's office that its analysis and recommendations remained the same."³²

Although these previous documents are heavily redacted, they provide a strong indication that bureaucrats had been repeatedly pushing the government to change its approach since 2016, following the first election of the Trudeau government. Nonetheless, the government appears to have ignored this advice for another three years, and even then, took only a single, symbolic step.

5. In drafting public communications around the vote, GAC officials initially incorporated indirect criticism of Israel, but this was eventually dropped.

The background section of the memo shared by GAC officials identified a number of reasons for why it was an "appropriate moment" for Canada to take a different approach at the United Nations. The memo warned that "a two-state solution" was "under threat," due to "unilateral actions" by US President Trump (the recognition of Israel's annexation of East Jerusalem and the Golan Heights) and by "Israeli threats" to annex parts of the West Bank, as well as increased settlement construction. These actions were enabled by the "backsliding on international



norms that have governed the conflict for decades," and amounted to threats to the "fundamental principles of the rules-based international order and international law."³³

Initially, these points were incorporated into drafts of Canada's Explanation of Vote (EOV) for the resolution on Palestinian self-determination, and into a draft of talking points. The draft EOV explained that "Canada has grown increasingly concerned that the current backsliding on international norms related to the Israeli-Palestinian conflict reduces the feasibility of a two-state solution." However, the final version of the EOV and talking points did not have any of this language, and therefore avoided saying anything that could be read as vaguely critical of Israel or the US. The same incorporated into drafts of Canada's Explanation of Vote (EOV) for the resolution on Palestinian self-determination, and into a draft of talking points. The draft EOV explained that "Canada has grown increasingly concerned that the current backsliding on international norms related to the Israeli-Palestinian conflict reduces the feasibility of a two-state solution."

Canadian officials were also aware that a change to Canada's voting pattern was likely to be received negatively by Israel, and the development of their talking points reflected this. A draft of remarks intended for Israeli interlocuters said: "Canada is and will continue to be one of the strongest supporters of Israel at the UN and in all multilateral fora," and promised "close coordination" with Israel at the UN, "including by continuing to vote alongside Israel against the majority of the annual resolutions at UNGA," and noted that "Canada intends to continue that staunch support for Israel if/ when elected to the Security Council." 36

6. Canada's 2019 decision to change its single vote was not confirmed until the last minute.

The Prime Minister's Office seemed willing to consider a one-vote change at the UN during a meeting on November 1, 2019.³⁷ Despite this, Canada's representatives to the UN did not know how they would be instructed to vote until after 10:00 am on the morning of November 19, the day of the vote.³⁸ Staff even prepared explanations of votes (EOVs) for a short list of additional motions on support for Palestinian refugees, in case they received a last-minute instruction to vote for them (see above).

Conclusion

These documents show that Canadian career foreign affairs officials are aware of the problems with Canada's staunchly pro-Israel voting at the UN. These experts recognize that Canada's anti-Palestinian votes often contradict its own stated foreign policy positions, and that this approach is seen negatively by many UN member states, thus tarnishing Canada's international reputation. While this appears to be a widely shared analysis, those who were most involved in Canada's UN policy are the ones who were pushing for the boldest change, namely for Canada to end its uniformly pro-Israel voting position and evaluate each motion on its merits. Despite



the symbolic importance of Canada's change of a single vote in 2019, the majority of this critical analysis continues to be relevant.

This sharply undermines the government's official position, published on its website since at least 2018, which claims that Canada "assesses each resolution [on the Israeli-Palestinian conflict] on its merits and consistency with our principles." Behind the scenes, Canadian officials working on these issues have described Canada's policy in the exact opposite terms. In fact, officials have identified several resolutions which they say are consistent with Canadian policy and deserve our support, but which Canada has continued to vote against each year.

These documents also provide an implicit admission by Canada's foreign affairs experts that Canada's voting record on Palestinian issues was a contributing factor in its failure to win a seat on the UN Security Council the following year. Not only were GAC officials well aware that Canada's approach was causing reputational damage with many different UN member states who perceived Canada to lack objectivity, but it was officials in GAC's UN Security Council division who were most vocal in their preference for an overhaul in Canada's approach.

CJPME urges Canada adjust its approach to the UNGA and once again vote for all resolutions which aim to uphold Palestinian human rights and self-determination, similar to its record in the early 2000s under the Chrétien government. With its current approach, Canada expends its international political capital futilely trying to defend Israel's ongoing human rights violations. Instead, Canada should revise its votes in a way which: 1) aligns with Canadian support for international law and the so-called rules-based order; 2) acknowledges the unbalanced and asymmetrical nature of Israel's occupation of Palestinian land; and 3) holds Israel accountable for its violations of international law as an occupying power.

¹ For a list and brief summaries of these resolutions, see CJPME's UN Dashboard: https://www.cjpme.org/un_dashboard_resolutions.

² This process started in 2006 (7Y-4N-4A, down from 12Y-0N-3A in 2003), but escalated dramatically in 2011 after Harper won a majority government (0Y-14N-1A). See CJPME's UN Dashboard for an interactive timeline of Canada's shifting votes, 2000-present: https://www.cjpme.org/un_dashboard. Note that the UNGA resolution on *Assistance to the Palestinian People* is passed every year without a vote. Since no country has broken the consensus by requesting a recorded vote on division, Canada has not been required to take a public position. It is possible to interpret this implicit support as equivalent to a Yes vote, and internally this is how Canadian officials describe their position, but this has not been tested.



- ³ Government of Canada, "Canada's Position on Middle East Resolutions at the United Nations," November 10, 2011, https://www.canada.ca/en/news/archive/2011/11/canada-position-middle-east-resolutions-united-nations.html
- ⁴ Access to Information and Privacy document package (ATIP), Global Affairs Canada, released May 2022, request number A-2019-01878, 248.
- ⁵ Canadian Press, "Trudeau says UN vote not a shift in Canada's 'steadfast' support for Israel," December 9, 2019, https://www.ctvnews.ca/politics/trudeau-says-un-vote-not-a-shift-in-canada-s-steadfast-support-of-israel-1.4722747?cache=gtulocgpuvxrpwim
- ⁶ Mélanie Joly, House of Commons Hansard #12 of the 44th Parliament, December 7, 2021, https://openparliament.ca/debates/2021/12/7/melanie-joly-85/
- ⁷ Government of Canada, "Canadian policy on key issues in the Israeli-Palestinian conflict," archived webpage from March 10, 2018, https://web.archive.org/web/20180310211038/https://www.international.gc.ca/world-monde/international_relations_internationales/mena-moan/israeli-palistinian_policy-politique_israelo-palestinien.aspx?lang=eng
- ⁸ ATIP 56, 5, 49-73.
- ⁹ ATIP 52
- ¹⁰ ATIP 49
- ¹¹ ATIP 55, emphasis added.
- ¹² ATIP 53
- ¹³ ATIP 50
- ¹⁴ ATIP 57-58
- ¹⁵ ATIP 316
- ¹⁶ ATIP 317
- ¹⁷ ATIP 315
- ¹⁸ ATIP 52
- ¹⁹ ATIP 52
- ²⁰ ATIP 52²¹ ATIP 55
- ²² ATIP 55
- ²³ ATIP 53
- ²⁴ ATIP 52
- ²⁵ ATIP 50
- ²⁶ ATIP 50
- ²⁷ ATIP 53
- ²⁸ ATIP 53
- ²⁹ ATIP 4-5
- ³⁰ ATIP 4
- ³¹ ATIP 4, emphasis added.
- 32 ATIP 322, 321, 322-266
- ³³ ATIP 51
- 34 ATIP 42
- ³⁵ ATIP 325-228. While the official statement and talking points eliminated any language regarding the potential demise of the two-state solution, Trudeau explained the vote in the following way during a Hannukah event: "The government felt that it was important to reiterate its commitment to a two-states-for-two-peoples solution at a time when its prospects appear increasingly under threat." Notably, Trudeau's language did not assign any blame to Israel for creating this problem, and made reassurances that Canada's "enduring friendship with Israel remains." Canadian Press, "Trudeau says UN vote not a shift in Canada's 'steadfast' support for Israel," December 9, 2019, https://www.ctvnews.ca/politics/trudeau-says-un-vote-not-a-shift-in-canada-s-steadfast-support-of-israel-1.4722747?cache=gtulocgpuvxrpwim
- ³⁶ ATIP 43
- ³⁷ ATIP 482
- ³⁸ ATIP 430, 436