

PALESTINE-ISRAEL CONFLICT

**- Recommendations to the -
Government of Canada
Revised March 9, 2004**



National Council on Canada-Arab Relations - NCCAR
63 Sparks Street • Suite 301 • Ottawa • Ontario • K1P 5A6 • Canada
Telephone: 613-238-3795 • Facsimile: 613-235-9185
Email: nccar@nccar.ca • Web site: www.nccar.ca

Table of Contents

Summary	3
Introduction	4
Current Context	5
Key Issues and Concerns	5
1. Security versus Rights	5
2. Palestinian Resistance	6
3. Settlements	7
4. US War on Terrorism	8
5. Barak's Offer	9
6. Apartheid Wall	10
7. Disputed versus Occupied Territories	11
a. Environmental Effects of Occupation ----	12
b. Economic Effects -----	12
c. Social Effects -----	13
d. Political Effects -----	13
8. The Right of Return	14
Conclusion and Key Recommendations	15

SUMMARY

► Security VS Rights

Canada recognizes that the legitimate rights of the Palestinians must be realized, including the right of repatriation and self-determination. Israel's actions are in violation of that principle in that they are unilaterally attempting to impose a settlement and predetermine the outcome of the conflict without recourse to peaceful negotiations. They are also in violation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Geneva Conventions.

► Palestinian resistance: Symptom or Cause?

The occupation is the root cause of the ongoing conflict and its violent nature. Confusing the symptom with the cause is what produces distorted analyses of the political context. Context must be established in order to obtain a proper understanding of the conflict.

► Settlements

In recent estimates there are 400,000 Israelis living in Occupied Territory which includes the West Bank, Gaza Strip and East Jerusalem. 206,000 Israeli settlers and 2 million Palestinians live in the West Bank although settlements, adjacent confiscated land, settlement roads and other land controlled by the IDF cover 59% of the area. Settlers consume six times more water per capita than Palestinians.

► US War on Terrorism and Israel

The argument that Israel and the US are fighting the same war is faulty because it ignores the fact that Israel is an occupying power whereas the US was not at the time it was attacked.

► Barak's Offer

The total of 95%-96% offered in 2000 does not include East Jerusalem, the Dead Sea, the Jordan Valley or settlements in its calculations. The 9:1 ratio for land swaps is grossly unbalanced in Israel's favour making it understandably difficult for Arafat to accept and – eventually – explain to his people.

► Apartheid Wall

Israeli officials call the wall a security measure but it has become glaringly obvious the wall is intended for acquiring more Palestinian land in clear violation of international law.

► Disputed versus Occupied Territories

The centrality of the occupation and its role in perpetuating the conflict between the Palestinians and Israelis cannot be denied. Canada does not recognize permanent Israeli control over the territories occupied in 1967 and opposes all unilateral actions intended to predetermine the outcome of negotiations, including the establishment of settlements in the territories. Canada considers such actions to be contrary to international law and unproductive to the peace process.

► Right of Return

UN General Assembly Resolution 3236 states “the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return.” Essentially, the Right of Return is legally, morally and politically justified. Canada has an obligation in seeing the rights of the refugees are protected and supported in principle.

"We walked outside, Ben-Gurion accompanying us. Allon repeated his question, What is to be done with the Palestinian population?' Ben-Gurion waved his hand in a gesture which said 'Drive them out!'"
Yitzhak Rabin, leaked censored version of Rabin memoirs, published in the New York Times, 23 October 1979.

Introduction

Israel's violations of international law and defiance of the international community continue to contribute to the ongoing deterioration of the security and diplomatic situations in the Middle East. The tense situation calls for urgently needed concrete measures – measures backed ^{NOTE:} by pressure – introduced by outside powers to put an end to the decades-long conflict. Canada has a role to play in the conflict's resolution and we call upon our government to use its resources to stop Israel from pursuing aggressive policies and to remind both sides of their obligations to peace, justice and security.

The National Council on Canada-Arab Relations (NCCAR) presents this paper and its recommendations – which conclude the paper - to the Canadian government to argue for a more active Canadian role in putting an end to the Palestine-Israel conflict. The paper is premised on the following principles:

- 1) Canada has an obligation as a signatory to international law
- 2) Canada is a world leader
- 3) Canada has a responsibility as a gavel holder of the Refugee Working Group in the multi-cultural track of the Middle East process as a participant in two peacekeeping operations: United Nations Disengagement Observer Force (UNDOF) in the Golan Heights and Multinational Force and Observers (MFO) in the Sinai
- 4) Peace and stability in the Middle East are in the interest of both Canada and the Arab world
- 5) US non-engagement is an opportunity for Canada to take the initiative in resolving the situation

Israel's actions have negatively impacted on the political stability in the Middle East and on the prospects for a peaceful resolution to the conflict. It is in Canada's interest to see a durable and comprehensive settlement based on justice, peace and security for all sides of the conflict.

Meanwhile, there have been calls from Members of Parliament and new Ministers of Cabinet urging a position in support of Israeli policy. This is problematic because Canada's support of the interests of state actors will undoubtedly undermine its traditional position in support of international law and conventions. This is an eventual outcome since state/actor interests do not necessarily correspond with international conventions, as is the case with Israeli interests vis-à-vis international law. Essentially, we fear that given their

^{NOTE:} The paper is officially endorsed by the Canadian-Arab Federation (CAF) and Palestinian and Jewish Unity (PAJU).

positions of influence members of Prime Minister Martin's Cabinet will alter our traditional Middle East foreign policy to the detriment of Canada's balanced approach and – by extension – its relations with the Arab world.

What follows is a proposal for a Canadian foreign policy backed by concrete measures forcing Israel to respect international law and end its occupation of the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. In order to achieve a peaceful outcome grounded in international law Canada should increase Israel's cost of maintaining its illegal presence in the Occupied Territories by reversing its position on previous economic incentives provided to Israel. This will also send a clear message to Israel that its continued defiance of both international law and the international community will not be tolerated. Regarding the Palestinians incentives should be offered to encourage them to work with Canada in implementing past and future agreements.

Ultimately, the present analysis will end with recommendations that NCCAR believes will ultimately provide the means with which to pressure Israel into ending its illegal occupation of Arab lands.

Current Context

Israel's refusal to halt construction of its Apartheid Wall in the face of overwhelming international condemnation is one of the many episodes of Israel's disregard for international law. The rate of Israel's defiance is rapidly reducing the chance of a just and comprehensive peace settlement between Israel and Palestine. Israel's Wall policies are brutal and systematic as Israel continues to confiscate as much land it desires while limiting Palestinians to as little land as possible. The following facts clearly underline the urgency of this rapidly deteriorating situation: 11,700 Palestinians living in 18 towns and villages are trapped between the wall and the Green Line (pre-1967 borders); 2.9% of the Occupied West Bank has been de facto annexed into Israel; 3,670 acres confiscated for wall's construction; and, 30 km of water pipelines destroyed. Ultimately, 55% of the West Bank will be annexed into Israel upon completion of the wall.¹ It should also be noted that this wall dwarfs the Berlin Wall in size and scope.

Key Issues and Concerns

1) Security versus Rights

Israel's security needs – to the exclusion of Palestinian rights and security - have been the premise on which negotiations and policies have been conducted. States and people have the right to security. However, security issues are not valid grounds on which to violate the human rights and dignity of another people or state. Moreover, a policy oppressing the rights of a people results in the insecurity of the state enacting such a policy since it provokes resistance against the state from those oppressed. Therefore, when Israel builds a wall, demolishes homes, imposes curfews or prevents access to medical aid - all in

¹ www.nad-plo.org

clear violation of international law and the rights of the Palestinian people - it is only reducing its security by provoking resistance by Palestinians.

Furthermore, Israel's actions are unilaterally attempting to impose a settlement and predetermine the outcome of the conflict without recourse to peaceful negotiations and without consideration of Palestinian rights. Canada maintains that the legitimate rights of the Palestinians must be realized, including the right of repatriation and self-determination. This is in keeping with key objectives that define Canadian foreign policy including democracy and the rule of law as "key to the achievement of prosperity within Canada and to the protection of global security."

2) Palestinian resistance: Symptom or Cause?

Although the PLO, the PA and the majority of the Palestinians have long accepted the right of Israel to exist in peace - along a two-state solution - the Israeli government continues to push for a military solution that precludes a viable Palestinian state.

Canada, along with the international community, acknowledges there is no military solution to the conflict. In addition we are against the use of violence – whether it be through the use of F-16s, Merkava tanks or suicide bombings – as a means for resolving grievances. However, the root causes of the violence must nonetheless be isolated in order to determine the causes and effects of the violence. Having outlined such factors the search for solutions and constructive policies therefore becomes an easier task. **We cannot sit on the sidelines and expect violence to subside on the part of the Palestinians while Israeli state violence is not stopped.**

The occupation has ultimately been the root cause of the ongoing conflict and its violent nature. Confusing the symptom with the cause is what produces distorted analyses of the political context. This represents a common strategy of denying the Middle East reality by failing to acknowledge the centrality of Israel's occupation in the Arab-Israeli conflict. Israel is occupying Arab lands and has been condemned for its actions by the international community and countless United Nations resolutions including resolutions 242 and 338. Israel continues to disregard international convention vis-à-vis treatment of occupied civilians. According to Article 53 of the 4th Geneva Convention, Israel (the occupier) must ensure the protection of the civilians and property under occupation. The Israeli government has done little to protect the Palestinians and instead has made their lives unbearable. Curfews, house demolitions, destruction of agricultural land and assassination of leaders – not to mention the shooting of unarmed civilians – continue without any restraint. Israeli Prime Minister Ariel Sharon – President Bush's "Man of Peace" – when speaking to the press on March 5, 2002, succinctly articulated this policy. He stated:

"The Palestinians must be hit and it must be very painful. We must cause them losses, victims, so that they feel the heavy price".

Israel is evidently not ready or willing for peace. Israel should and must be pressured to make peace if peace is ever to be achieved.

Moreover, Israel and its supporters present the Arab world as refusing to recognize Israel and as bent on destroying the Jewish state. Again, this stance denies the historical record. Arab states have offered the Jewish state peaceful settlements to the conflict on numerous occasions before, including one as recent as 2002 with a Saudi-initiated and Arab League-endorsed peace overture to Israel. In 1971, Egypt's offer of a settlement was rebuked by Israel thereby forcing the Egyptians to attack Israel in 1973. The war set the grounds for the Camp David Accords in 1978.

More Cases:

1976: Syrian-led Arab peace initiative vetoed by US in United Nations. Offer calls for two-state solution and is backed internationally. Israeli Ambassador to the UN claims that the PLO in fact "prepared" the proposal.

1977: Another peace offering by Egypt, Syria and Jordan. PLO delegation also present. The Israeli PM asserts that "the only place the Israelis could meet the Palestinians was on the field of battle."

1978: In November Arafat issued a statement indicating "the PLO will accept an independent Palestinian state consisting of the West Bank and Gaza, with connecting corridor, and in that circumstance will renounce any and all violent means to enlarge the territory of the state". No response from Israel.

1988: Arafat AGAIN calls for two states.

1991: Arabs go to Madrid for Peace Talks.

1993: Oslo Accords

2002: In March an Arab-endorsed Saudi initiative offered Israel "full normalization" as a reward to end the occupation. Instead, Israel responded with its current military campaign aimed at crushing the Palestinians that is only intensifying an already tense situation.

2003: Syria extended an offer to resume negotiations with Israel after talks reached an impasse in 2000.

3) Settlements and Settler Violence

*"You can fool some of the people some of the time,
but you can't fool all of the people all of the time. We know what's going on out there."
A senior U.S. official to an Israeli counterpart on the issue of illegal settlements.²*

² Haaretz, November 17, 2003, www.haaretzdaily.com. For more see:
[http://www.btselem.org/English/Publications/Summaries/Land_Grab_Map.asp]
[http://www.btselem.org/English/Water/International_Law_eng.asp]. The Matrix of Control, Jeff Halper:

Israeli settlement building is at the heart of the conflict. The construction continues to the preclusion of a viable outcome to the conflict which – in turn – only intensifies the volatile political context. Between 2,000 and 5,000 housing units are built each year. By the end of 1985, the settler population in the West Bank and Gaza stood at 42,000, a 100% increase since 1982. By 1990, it stood at 76,000. In addition, 120,000 Israelis had settled in East Jerusalem, 10,000 more were in the Golan Heights, and 3,000 lived in Gaza.³

In recent estimates there are 400,000 Israelis living in Occupied Territory (West Bank, Gaza Strip and East Jerusalem). 206,000 Israeli settlers and 2.2 million Palestinians live in the West Bank although settlements, adjacent confiscated land, settlement roads and other land controlled by the IDF cover 59% of the area. Most settlements in the West Bank are strategically located to command access to the main aquifer underlying the West Bank and Israel. **Settlers consume six times more water per capita than Palestinians.** In the Gaza Strip 7,000 settlers control 20% of this 140 square mile area amidst about 1.2 million Palestinians and, in East Jerusalem there are 170,000 settlers living amongst 250,000 Palestinians.⁴

Settler violence occurs across the West Bank and Gaza, with Israeli authorities rarely intervening or applying charges against offenders. Settlers have rampaged regularly through cities and villages. Assaults by settlers take many forms, from shooting Palestinian farmers in olive groves, burning cars, destroying rooftop water tanks to the burning down of the olive groves themselves. In some cases, the results are fatal. Btselem reports that between 1987 and 2002, 138 Palestinians were killed by Israeli citizens, including 25 under the age of seventeen. Baruch Goldstein's 1994 killing of 29 Palestinians in the mosque in Hebron was the bloodiest but not an isolated event.⁵

4) US War on Terrorism and Israel

There is an ongoing public relations campaign equating the American response to the 9/11 attacks on its soil to Israel's war against the Palestinians. However, the most basic premise is denied in the equation – Israel is an occupying power whereas the US was not at the time it was attacked. The US was attacked and Israel is fighting a people which are resisting the brutal/illegal occupation of its land by the Israeli military. The UN and Geneva Conventions support the Palestinians' claims and condemn Israel's occupation. Using "terror" to label Palestinian resistance distorts the picture and aims to discredit a legitimate movement for a people's right to self-determination and freedom from occupation.

[<http://www.icahd.org/eng/articles.asp?menu=6&submenu=3>]. See also: Special Report: The Socio-economic Impact of Settlements on Land, Water, and the Palestinian Economy [<http://www.fmep.org/reports/v8n4.html#9>] 1998. The latest FMEP report on Israeli settlement Jan.Feb. 2004: [<http://www.fmep.org/reports/2004/v14n1.html#1>].

³ B'T Selem Website: <http://www.btselem.org/>.

⁴ Palestine Monitor: http://www.palestinemonitor.org/factsheet/israeli_settlements_on_occupied.htm and Peace Now: <http://www.peacenow.org.il/English.asp?Redirect=4&CategoryID=45>.

⁵ Isabelle Humphries, "The Tip Of The Iceberg: Israeli Settler Violence... A Colonialist Strategy?" (3 June, 2003) [Online] http://www.palestinemonitor.org/settlements/Tip_Of_The_Iceberg.htm.

It is also argued within this context that despite its “right” to unleash its military on Palestinian civilians Israel does so with care and in respect for international law and conventions. The facts do not support such a position. In fact, Israeli Foreign Minister Shimon Peres warned about his government’s policies when he told a Member of the Knesset “you’ll receive an invitation to the international tribunal in The Hague.”⁶ Peres was referring to Israel’s employment of its sophisticated weaponry in killing civilians (men, women and children alike) and Palestinian medical personnel trying to assist the wounded. Medics said some Palestinians bled to death after Israel prevented Palestinian ambulances from reaching victims.⁷

5) Barak’s Offer

Since the eruption of the current Intifada in 2000 an unquestioning media began circulating fictions about former Israeli Prime Minister Ehud Barak’s offer to Palestinian Authority President Yasser Arafat at Camp David. The narrative portrays Arafat rejecting Barak’s proposal for a two-state solution and refusing tough compromises to meet Israel halfway. It is believed that almost all of the occupied territory would be granted to the Palestinian State, including control over the sacred Mosque in Old Jerusalem.

This version of events is far removed from what actually transpired in meetings at Camp David. Robert Malley, a former US Peace Team Member and former President Clinton’s Special Assistant for Arab-Israeli Affairs who was present at the meetings, claims that Barak’s offers on Jerusalem, settlements and other issues were “greeted by the US team too often with unwarranted enthusiasm” which was based on the distance Israel had gone rather than the distance that remained to reach an acceptable compromise.⁸ The offers made were unfavourable to the Palestinians and fell short of satisfying their legitimate concerns and aspirations for a viable state. For instance, on the issue of settlers Israel was to annex 9% of the West Bank and the new Palestinian state would be granted sovereignty over parts of Israel proper, equivalent to one-ninth of the annexed land.⁹ The 9:1 ratio is grossly unbalanced in Israel’s favour making it understandably difficult for Arafat to accept and – eventually – to explain to his people.

According to Dr. Mustapha Barghouti, President of the Union of Palestinian Medical Relief Committees and a prominent civil society leader, the total of 95%-96% offered in 2000 does not include East Jerusalem, the Dead Sea, the Jordan Valley or settlements in its calculations. As per East Jerusalem, “63.5 square kilometres – 90% of the land annexed by Israel as ‘East Jerusalem’ – in fact belonged to 28 Palestinian West Bank villages, which suddenly found themselves part of an ‘indivisible’, ‘historic’ and ‘sacred’

⁶ Paul Peachey, “We risk charges of war crimes, Peres tells Cabinet”, The Independent, March 7, 2002.

⁷ Ibrahim Hazboun, “Medics’ Deaths Anger Palestinians”, Associated Press, March 8, 2002.

⁸ Foundation for Middle East Peace, www.fmep.org/analysis/Robert_Malley_US_failures_under_Clinton.html.

Also: [http://www.gush-shalom.org/media/barak_eng.swf]

[<http://www.gush-shalom.org/archives/offers.doc>].

⁹ Robert Malley, “Fictions about the failure at Camp David”, The New York Times, July 8, 2002.

Jewish city.”¹⁰ The settlements comprise a large portion of West Bank land when considering the system of highways and by-pass roads linking the settlements to Israel proper. Furthermore, industrial parks, closed military areas, army bases and checkpoints further reduce the amount of “negotiable” West Bank territory offered to Palestinians.¹¹

When reviewing Barak’s record vis-à-vis the Palestinians his refusal to make a substantial offer comes as no surprise. It is widely forgotten that as Chief of Staff of the IDF Barak opposed the Oslo Accords, and as Minister of the Interior in Rabin’s cabinet he abstained in the crucial vote on the Oslo II agreement. When he took office as PM he reneged on the commitments undertaken by Netanyahu - in the Wye Plantation agreement - to further withdraw from occupied Palestinian territory. **And throughout his tenure as PM Barak refused to abide by any clause of the Oslo agreements that mandated further Israeli “concessions” to the Palestinians.**

The failure of the Oslo Accords – and Barak’s “offer” – stems from a blatant disregard of legal frameworks such as UN Resolutions 242 and 338 which provide a clear and sound basis on which to conduct peace negotiations. Given its tradition of upholding international law and human rights Canada has a definite role to play in bringing international law back into the prism of Israel-Palestinian negotiations.

6) Apartheid Wall

On October 20, 2003, the United Nations General Assembly voted 144-4 in favour of a resolution calling upon the Israeli government to halt construction of its separation wall. The wall – also referred to as the Apartheid Wall – is part of Israel’s brutal and systematic policies to grab more Palestinian land. Israel continues to take as much land as possible while confining Palestinians to as little land as possible. The 145 km-long wall (first phase of an estimated 800 km costing \$2 million per km) is built deep inside the West Bank in order to protect illegal Israeli settlements. **Israeli officials call the wall a security measure but it has become glaringly obvious the wall is intended for acquiring more Palestinian land in clear violation of international law.**

Ms. Diana Buttu – Legal Advisor for the PLO’s Negotiations Affairs Department – visited Ottawa in the month of October 2003 to stress the urgency of the matter in the Occupied Territories. She shared some facts and information that clearly underscored the urgency of the predicament: 11,700 Palestinians living in 18 towns and villages are trapped between the wall and the Green Line and 2.9% of the Occupied West Bank has been de facto annexed into Israel. And, perhaps the best indication of the dire state of affairs, 55% of the Occupied West Bank will be annexed into Israel upon completion of the wall.

On October 1, 2003 Foreign Affairs Minister Bill Graham condemned Israel’s actions in Occupied Palestinian Territories during a visit to Canada by Arab League Secretary General Amr Moussa. On November 29 United Nations Secretary General

¹⁰ Dr. Mustapha Barghouti., “Why Palestinians Could Not Accept Barak’s Proposal”, [Online] <http://www.ajds.org.au/intifada/bargwanti.htm>.

¹¹ Ibid.

Kofi Annan stated Israel is not respecting UN General Assembly Resolution a/ES-10/L.13 of 20 October 2003 that calls upon Israel to halt construction of its wall. While acknowledging Israel's right and duty to protect its people, Annan stated, "that duty should not be carried out in a way that is in contradiction to international law...or that increases the suffering among the Palestinian people."

Canada and the international community acknowledge the damage done by Israel's wall. Its construction in the face of international opposition - culminating in a UNGA resolution - is yet another indication that Israel does not feel the need or any pressure to comply with international law and opinion. **Canada must stand by its tradition of promoting compliance with international law and exert the necessary pressure on Israel to dismantle the wall.**

7) Disputed versus Occupied Territories

There has been a tendency to deny the legal status of the West Bank, Gaza Strip and East Jerusalem as occupied territories despite their classification as such under international law. Israeli lawmakers cite the supposedly "vague" nature of United Nations Security Council Resolution 242 as leaving the question open for debate. However, a cursory review of the resolution – issued following the June 1967 war – reveals the case as clear-cut. UNSC Resolution 242 reads:

- 1) "Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just/lasting peace in which every state in the area can live in security."
- 2) "Withdrawal of Israeli armed forces from territories occupied in the recent conflict."¹²

Israeli lawmakers dwell on the language used in statement 2). The absence of "the" before "territories" suggests that some – and not all – of the territories are to be returned. The argument is weak because two important points are entirely ignored: first, 1) clearly states that under no circumstances can a state acquire land through the use of force and, second, the word "occupied" in 2) suggests the territories are in fact occupied and – by extension - illegal. Statement 1) takes precedence over 2) and unquestionably undermines the argument made by the Canada-Israel Friendship Group on the legal status of the Palestinian territories.

Furthermore, Canada does not recognize permanent Israeli control over the territories occupied in 1967 and opposes all unilateral actions intended to predetermine the outcome of negotiations, including the establishment of settlements in the territories. Canada considers such actions to be contrary to *international law* and unproductive to the peace process.

¹² United Nations Website, <http://www.un.org/documents/sc/res/1967/s67r242e.pdf>, page 1.

The centrality of the occupation and its role in perpetuating the conflict between Palestinians and Israelis cannot be denied. In order to underscore the significance of the Israeli occupation the following section will describe its environmental, economic, social and political policies (and their effects) on the Palestinian people.

Environmental Effects of Israeli Occupation:

Policy:

- Negative economic effects of environmental destruction stemming from Israeli control of all fresh water supplies and the deliberate destruction of old growth trees (olive, almond and fruit trees), the building of dams and ditches that block access into Palestinian town and villages, and the discriminatory by-pass road system available to Israeli settlers alone.

Result:

- A devastated Palestinian economy manifested in extreme poverty (a once self-sustaining agricultural community, the West Bank and Gaza, is primarily dependent on food-aid).

Economic Effects of Israeli Occupation:

Policy:

- Mobility restrictions in the form of curfews, closures and roadblocks have restricted access into Israel and movement within the Palestinian areas on the West Bank, Gaza and Jerusalem.

- An explicit policy of land confiscation and house demolition accompanied by the building of illegal settlements. The Israeli courts have upheld the military's right to demolish homes of Palestinian terror suspects without warning and in many cases to deport family members of suspected militants. These policies are in contravention of international human rights laws.

Result:

- A Palestinian economy "in severe depression," supported only by outside aid.¹³ Consumption and income levels declined dramatically, leading to sharp increases in poverty levels, now estimated at 60%.

- Unemployment is around 50%, and even higher when curfews are factored in:
 - a. Closure policies created economic losses of more than USD 1.1 billion, more than double the annual aid disbursements.

¹³ A September 2002 report of the socio-economic impact of the current crisis on Palestinians is available from the United Nations special Co-ordinator for the Middle East Peace Process (UNSCO's economic unit) at <http://www.unsco.org>.

- b. Internal and external trade is contracting, investment has plummeted and Palestinian businesses are collapsing.
- c. The Palestinian budget remains in critical condition, its primary source of revenue now coming from donors.
- d. Israel continues to withhold almost all the VAT revenue it collects on behalf of the PA, more than USD 600 million.

Social Effects of Israeli Occupation:

Policy:

- Occupation policies of violence and military repression have detrimental psychological effects especially as manifested in children. Physiological effects include problems with incidence of violence among children at play and a rise in the instance of bed-wetting among refugee children. **Furthermore, over 9% of Palestinian children under 5 suffer irreversible brain damage due to Israeli policies.**¹⁴
- Military curfews and school closures have denied a generation of Palestinian children (students primary to university age) access to education.

Result:

- The policy of closures and curfews is aimed at destroying the continuity of the Palestinian community. The result is the disruption of social and cultural activity (dance, literature, music and the arts).
- Israelis are obliged under international law agreements to ensure the education of Palestinians children. According to UNICEF, 226,000 school children in the West Bank out of one million and 9,300 teachers have been denied access to schools.
- The adverse social effects are most visible in the detrimental effects the occupation has on the central pillar of Palestinian society—the family.

Political Effects of Israeli Occupation:

Policy:

- Continued Israeli defiance of international law and UN resolutions that Canada and the international community recognize. The use of excessive force by the Israeli military to respond to a Palestinian civilian uprising includes arrests, political imprisonment, prolonged detention, torture and ill treatment, unfair trials, house demolitions and expulsions. According to Amnesty International more than 460 Palestinians were killed during 2001 by the Israeli security forces, most unlawfully through the use air strikes, ground offensives and extra-judicial executions.

¹⁴ Genevieve Cora Fraser, “Palestinians on Verge of Humanitarian Catastrophe”, <http://www.palestinechronicle.com/story.php?sid=20031129170338294>.

- The destruction of Palestinian institutions and infrastructure after the recent “re-occupation” of the West Bank and Gaza which places the PA at a disadvantage to respond to the concerns stemming from occupation.
- Creation of a “vicious cycle” of military occupation and repression, that leads to a sense of desperation among the Palestinian population, which in turn leads to legitimate and non-legitimate responses causing further repression and “military solutions” thinking.

Result:

- The trials in military courts, arrests, torture, collective punishment against Palestinians including closures of towns and villages and unlawfully killings are policies typical of “the Middle East’s only democracy.”
- Collectively these four central areas of concern stemming from the Israeli military occupation of Palestinian lands emphasize the need for Canada to become even more engaged in the region. Canada needs to play a role in providing aid to alleviate poverty and rebuild infrastructure. Most importantly, Canada in conjunction with the international community of states has an obligation to promote the eventual elimination of Israeli military rule in the West Bank and Gaza and the development of a viable and democratic Palestine.

8) The Right of Return

The refugee question remains the most difficult issue upon which the success of any future peace agreement depends. The refugee crisis is the direct result of the creation of the State of Israel in 1948. Over 800,000 Palestinian refugees were driven from their homes and lands by a campaign of ethnic cleansing conducted by Israeli forces. These Palestinian refugees – and their descendants – are the largest and most persistent refugee population in the world numbering nearly 6.5 million. (For more on the distribution of Palestinian refugees in the region, please see Al-Awda Factsheet www.al-awda.org/factsheet/).

The Right of Return is a right based on and guaranteed by international law. Paragraph 11 of UN Resolution 194 – adopted in December 1948 – states “the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date...compensation should be paid for the property of those choosing not to return.” Furthermore, UN General Assembly Resolution 3236 states “the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return.” Essentially, the Right of Return is legally, morally and politically justified.

The common and almost automatic response to any suggestion of allowing the return of Palestinian refugees is based on demographics. The following figures, however, suggest the right of return is both practical and possible even when considering Israel’s numbers. For example, 78% of Israelis live in 14% of Israel and the remaining 22% live on 86% of the land that belongs to the refugees. Furthermore, of the 22%, 20% live in cities while the remaining 2% live in kibbutzim and moshavs. On the contrary approximately

5,000 refugees live per square kilometre in the Gaza Strip, while much of their former lands in Israel proper are practically empty.¹⁵

Canada has an obligation in seeing the rights of the refugees be protected and supported in principle. For any future peace agreement to be comprehensive the question of refugees and the numbers of Palestinian refugees who will be allowed to return must be carefully considered and discussed – failure to adequately address this question will jeopardize any future agreements and the prospects for a just peace.

Conclusion and Key Recommendations

NCCAR urges the Government of Canada to take the necessary steps in order to bring a lasting and durable settlement to the conflict between Israel and the Palestinians. As the current Intifada approaches its fourth year the prospects for peace and security for both sides becomes more and more remote. The Intifada has taken a heavy toll on Palestinian life as is evidenced by the damage inflicted on Palestinian social, economic and political structures. The loss of life has been dramatic – almost 3000 dead. However, one should not ignore the thousands more who have been wounded or maimed as a result of Israeli atrocities and crimes. **The effect of the dead and wounded combined exacts – and will continue to do so - a huge toll on Palestinian society.**

The Israelis as well are suffering. A sense of insecurity and dismal outlook for the future has gripped the Israeli people. Moreover, fear and suspicion of the other side continue to provide support for policies that only serve the ongoing deterioration of the situation.

This trend, however, can be reversed and it will take actors – such as Canada – to take the initiative to see an end to the conflict is realized. Canada's obligations as a signatory to international agreements and its traditional support for multilateralism demand a proactive approach to fulfilling UN Resolutions 181, 194, 242, and 338 as well as the Geneva Conventions that guarantee rights of protection to refugees and outline laws for occupied land.

Having made the case for a stronger approach towards the ongoing conflict concrete recommendations to the Canadian government will be offered. It should be mentioned that NCCAR supports the substance of Canada's foreign policy on the Middle East. Canada's position on the Occupied Territories, the annexation of East Jerusalem and international law and resolutions are to be commended. Furthermore, the decision not to participate in the war against Iraq was sound and has put Canada in the same camp as Europe, Central and South America and most of the world. However, **more can and should be done in its processes and implementation.**

With this in mind, we recommend the following measures for seeking an end to the conflict. The key, as will become clear, is "pressure". **As long as Israel does not feel pressure it will not feel the need or have the incentive to change its policies – policies**

¹⁵ Al-Awda – The Palestine Right to Return Coalition – Factsheet available at www.al-awda.org/factsheet/

that directly impede on the improvement of the overall situation. The occupation, for instance, cannot be sustained without the support of Canada and pro-occupation Canadian organizations working on behalf of Israel. **These recommendations are intended to send a loud and clear signal to Israel that its violations of international law will not be tolerated.** With this basis in mind we urge the Canadian government to:

1. Suspend Canada-Israel Free Trade Agreements

Canada must use the Free Trade agreement to exert pressure on Israel's policies in the Occupied Territories. On the question of settlements Canada should exclude goods and services produced in illegal settlements in the West Bank and Gaza Strip from any free trade agreements. All imports should be clearly marked with the point of origin, as per the EU position.

2. End Tax-Free donations to settlements

By ending tax-free donations to Israeli settlements Canada is once again sending a clear message that we will not tolerate the existence of or support contributions to illegal settlements in Occupied Territories.

3. Criticize Israeli policy at international forums

Canada should use international forums as opportunities to criticize Israeli actions and policies as a means to pressure Israel into ending its occupation of the West Bank, Gaza and East Jerusalem and seriously negotiate a peace agreement with the Palestinians. Quiet diplomacy has always failed with Israel.

4. Subject Israeli Weapons of Mass Destruction to International Scrutiny

Israel is a nuclear power that threatens regional stability. This has forced other countries in the Middle East into a WMD race. Canada needs to do all it can to work with other Middle East countries to ensure a WMD-free Middle East. Moreover, Israel has not signed the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Missile Technology Control Regime (MTCR) and the Biological and Toxin Weapons Convention (BWTC or BWC).

5. Suspend Funding for Canada-Israel Industrial Research & Development Foundation

Canada should suspend funding as long as Israel continues to occupy Palestinian land and build settlements.

In closing, NCCAR hopes that these recommendations will assist and add to Canada's efforts for finding and providing a resolution to the conflict. We would be more than pleased to provide the Government of Canada our views in person at its earliest convenience.