

Notes for a Presentation

by Paul Heinbecker*

on Canadian Policy and the Middle East

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University of Waterloo

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Check Against Delivery

*Paul Heinbecker is a Distinguished Fellow at the Centre for International Governance Innovation, in Waterloo, Director of the Centre for Global Relations at Wilfrid Laurier University and Canada's former Ambassador to the UN. He is solely responsible for the content of these remarks.

Introduction

Lecturing about the Middle East always risks being controversial.

The parties to the conflict have narratives that are largely mutually exclusive—

As have their supporters in Canada.

I agreed to talk about the issue because it is important and students should be able to discuss and inform themselves about it.

And professors and practitioners should help them to do so.

So today

1. I will talk about Canadian foreign policy and the Middle east.
2. I will comment on the last week's events in the Mediterranean and what they might portend.
3. And then I will discuss what I think our policy posture should be.

Canada's Position

First, some basics of the Canadian position.

Canada has supported Israel's right to exist since the partition of Palestine and the creation of Israel by UN General Assembly Resolution 181 in 1947.

In 1949, Canada voted in favour of UN General Assembly Resolution 273 supporting Israel's entry into the United Nations.

Since then, Canada has recognized Israel's right to defend itself under international law.

In 1948, Canada also endorsed UN Resolution 194, which recognizes that Palestinian refugees from the 1948 war have, as do all refugees, the right to return to their homes, or to compensation.

We have interpreted that resolution to mean a right of return in the context of a comprehensive peace agreement.

Since 1967, when Israel occupied the West Bank and Gaza at the conclusion of the Six-Day War, successive Canadian governments have made it clear that Canada did not recognize Israel's permanent control of the territories it occupied,

or Israel's right to build settlements in the West Bank and Gaza, which violate the Fourth Geneva Convention and are a serious obstacle to achieving a comprehensive, just, and, therefore, lasting peace.

Following the 1967 war, we supported UN Security Council Resolution 242, which emphasized, among other things, the inadmissibility of Israel's acquiring land by force.

In the same vein, we also supported UN Security Council Resolution 338 following the 1973 Yom Kippur War.

Together, these two resolutions constitute a basis for trading land for peace.

Over time, Canada came to support the creation of a sovereign, independent Palestinian state, living in peace with Israel, that is, a two-state solution.

Successive Canadian governments have considered that the 1993 Israel-Palestine Liberation Organization joint Declaration of

Principles pursuant to the Oslo Process provided the basis for a comprehensive agreement.

Canada recognized Israel's right to protect its citizens from terrorist attacks, including by restricting access to its territory by constructing a lengthy barrier.

At the same time, the international community opposed constructing the barrier on occupied territories inside the West Bank, which is contrary to international law under the Fourth Geneva Convention.

Canada does not support Israel's unilateral annexation of Jerusalem.

Successive Canadian governments have supported a series of attempts, mostly under US leadership, to negotiate peace—the Oslo Accord, the negotiations at Sharm el-Sheikh, the Camp David talks, Taba discussions, the “Road Map,” the Annapolis process, and so on.

All have ultimately failed.

The peace process on this most complex and intractable of issues has brought only process—

no peace.

The crux of the matter is that neither side accepts the legitimacy of the other.

Israel has occupied the West Bank since 1967 and has been building extensive and illegal settlements on Palestinian lands ever since,

progressively reducing and restricting the territory left for the Palestinians,

and rendering the achievement of a two-state solution increasingly remote.

Palestinian extremists, for their part, have been resorting to terrorism in their resistance to occupation, both in contravention of international law and in defiance of the will of most of the international community.

The pain on both sides has been extensive, but the Palestinians have suffered larger losses because of Israel's much greater military strength.

At the UN, the Israeli-Palestinian conflict is the diplomatic equivalent of low-intensity war,

and is the subject of many Human Rights Council meetings in Geneva and General Assembly resolutions each fall in New York.

The conflict manifests itself in the consideration of everything from human rights to management reform to budget allocations.

Faced with the impossibility of moving the Security Council on Middle Eastern issues, largely because of the US veto, the Arabs, under Palestinian leadership, have made the General Assembly their default forum.

Why does the issue continue to have such traction among UN members?

Partly because it defies resolution, and events on the ground are truly tragic,

and partly because the Arabs, particularly the Palestinians, have doggedly and skilfully kept it on the agenda,

using their numbers and appeals to G77 solidarity to control the diplomacy.

The great majority of UN states have been colonies in the lifetimes of their representatives in New York and Geneva, and these representatives, and many of the governments who sent them,

identify with the hardships of the Palestinians.

For them, the forty-plus years of Israeli occupation of the West Bank evoke memories of the colonialism they themselves endured.

Israel is seen by many at the UN as a rich, militarily powerful country, more Goliath than David, backed up by the most powerful state on earth.

Partly as a consequence, even Israel's legitimate security concerns are given short shrift.

The South sees Israel as non-compliant on a whole series of UN resolutions:

on the return of the refugees or compensation to them;

on control of East Jerusalem;

on the continuing occupation of the West Bank;

on the continued building of illegal settlements and the construction of new housing units in existing settlements;

and on the separation barrier built partly on Palestinian territory, rather than along the pre-1967 border,

despite the findings of the International Court of Justice.

The fact that the United States and some US allies, including Canada, are disposed to give Israel the benefit of the doubt,

or turn a blind eye to settlement building,

or provide uncritical support of Israel's policies no matter which government is in office in Jerusalem,

reinforces judgments about the unfairness of the American—and latterly, the Canadian—position.

As such, it does nothing to persuade Third World countries to depart from their reflexive solidarity with the Palestinians.

The Israelis dominate on the ground militarily, and the Palestinians dominate in New York and Geneva diplomatically.

And the conflict grinds on.

The UN's legitimacy is challenged by both sides.

The Israelis and the Jewish diasporas, especially in the US and in Canada, regard the organization as disproportionately critical of Israeli practices and policies,

and insufficiently understanding of Israeli security needs.

On the other hand, the perception in many, probably most, developing countries, especially in the Muslim world, is that the world body is a tool of the West, particularly of the US,

which condones the West's oppression of Muslims from Palestine to Afghanistan and Pakistan, and beyond.

Israel and the Harper Government

On coming to office, the current Conservative government systematically courted interest groups,

making concessions to, for example, Quebec nationalists on their aspirations for diplomatic representation abroad, notably at UNESCO headquarters in Paris as a first step,

and tailoring foreign policy to suit the desires of diasporas.

Previous governments, the Liberals especially, had scarcely been indifferent to the international interests of Canada's many ethnic groups—the Tamils were an especially dubious case in point—

but the Conservatives transformed courtship into pandering, undermining some of the basic tenets of our foreign policy in the process and damaging our international reputation for fairness.

the Harper government played politics with disputes between the Palestinians and the Israelis, the Macedonians and the Greeks, the Armenians and the Turks, and China, Taiwan, and Tibet,

actually turning some conflicts into wedge electoral issues and manifesting little concern about the potential impact that doing so might have on the public peace in Canada.

The sharpest policy change the Harper government made on assuming office was with respect to Israel and Palestine.

While it maintained the basics, notably support for the two-state solution, the government changed the tone, style, and fulcrum point of Canada's policy,

making it very clear that it was and wished to be seen as solidly pro-Israel.

It manifested little interest in Palestinian rights or suffering.

Largely responsive to events on the rest of the foreign policy agenda, the government was pro-active in supporting Israel.

The Harper government was the first to suspend ties with, and assistance to, Hamas, when the latter was elected to office in Gaza (Israel, the US, and other countries followed suit).

Ottawa announced a boycott of the 2009 human rights conference in Durban, South Africa, 15 months before it was held,
because of concerns about how Israel would be treated,

and it walked out of the UN General Debate in 2009 before Iranian leader Ahmedinejad spoke, for the same reason.

At the UN General Assembly, the Harper government shifted Canadian positions in Israel's direction on half the votes held each fall on Middle East issues.

The government has remained largely silent on the ongoing building of illegal settlements on Palestinian land,
the appropriation and demolition of Palestinian homes in Jerusalem,

the location of the Israeli security barrier inside Palestinian territory,

and the ongoing siege of Gaza,

all of which violate the Geneva Conventions that Canada has signed and ratified.

The prime minister took us into uncharted territory when he suggested the existence of a Canadian alliance with Israel.

In his words, “Canada stands side-by-side with the State of Israel, our friend and ally in the democratic family of nations. . . . those who threaten Israel also threaten Canada.”

In fact, while Canada’s relations with Israel have always been friendly and supportive, legally there is no formal alliance;

Canada is allied only with its NATO partners and is committed to treating an attack on any of them as an attack on itself.

Calling Israel an ally was either hyperbole or careless, but in both cases, inaccurate and potentially dangerous.

By using the term “ally,” Harper implied stronger support for Israel in a crisis than the government could likely have delivered.

It also indicated a willingness to put Canadian soldiers in harm’s way on behalf of Israel in its ongoing conflict with its neighbours, without any say on the tactics or strategies Israel was employing.

On human rights, the government has been selective.

In 2006, the government gave scant voice, for example, to the very heavy human and infrastructure costs caused by the Israeli bombing of Lebanon, which had been roundly criticized by reputable international human rights organizations.

The immediate cause of the war had been the illegal attacks on, and kidnappings of, Israeli soldiers by Hezbollah extremists.

Under international law, Israel enjoys the right of self-defence, but in exercising that right it is obliged to itself respect international humanitarian law,

particularly as regards the protection of civilians in conflict and the proportionate use of force.

Harper characterized the Israeli bombardment of Lebanon at the time as “measured,” a judgment that few shared.

He even appeared to blame the UN when the Israelis killed a Canadian peacekeeper, Major Paeta Hess von Kruedner,

in a bombardment of an unarmed UN observation post whose location had been known to the Israelis literally for decades.

The UN had contacted Israeli military and political leaders numerous times that day, urging them not to target the post.

In Gaza in 2009, the Harper government remained largely silent in the face of allegations by the Israeli human rights NGO, B’Tselem, the ICRC, Human Rights Watch, Amnesty International, and others of possible war crimes by Israel against Palestinian civilians

and by the Palestinians against Israel.

According to research by B'Tselem, in the 2009 Gaza War, Israeli security forces killed 1,387 Palestinians, of whom 330 were combatants, 248 were police officers who died, for the most part, in aerial attacks on police stations on the first day, and 773 were people who did not take part in the hostilities, including 320 minors and 109 women over the age of eighteen.

The extensive harm to the civilian population and the enormous damage to property did not indicate, in and of themselves, that the Israeli military breached international humanitarian law,

but according to B'Tselem there was a well-founded suspicion that the harm to civilians resulted from breaches of the principles of international humanitarian law,

especially the obligation to distinguish between combatants and non-combatants.

The Harper government also voted against the UN decision to follow up on a report, by Justice Richard Goldstone, which alleged war crimes by both sides,

and called on each party to the conflict to conduct its own investigations, and for the international community to do so if they did not.

The Eastern Mediterranean

I have been asked to talk about the events of last week in the Eastern Mediterranean.

The bloody Israeli raid on an unarmed, Turkish-flagged boat with several hundred passengers in international waters, will be neither forgiven nor soon forgotten by the Turks.

Or by others.

Something, probably the Israeli blockade, will have to give.

That neither Turkey nor Israel was expecting this incident to be so bloody is clear; their leaders both had to rush home from half a world away to take things in hand.

That it happened, though, is not a surprise.

Turkey and Israel have been diverging increasingly publically over the Israelis' handling of Palestine generally and their treatment of Gaza, specifically.

The vast majority of Turks thoroughly disapprove of Israeli policies on Palestine;

the commando raid succeeded in uniting the Islamists and secularists in common opposition to Israel, handing a political victory to Turkish Prime Minister Erdogan.

The Turks are not alone by any means in protesting the continuation of this particular blockade.

It is regarded by much of the rest of the world (Canada apparently being a rare exception) as unduly restrictive, forcing enormous hardship on the territory's inhabitants, a tactic that has been labeled collective punishment.

According to a UN report last year, unemployment is running at 40%, 75 % of the people are “food insecure”, 10,000 people do not have access to running water and 70% of surveyed families are living on less than a dollar per day.

The Israeli ban on importing construction materials has prevented the almost 3500 homes destroyed in 2008-9 war from being rebuilt.

Harper said "Canada deeply regrets the loss of life and the injuries suffered,"

"We are currently looking for more information in order to shed light on what exactly happened."

What do last week's events mean?

It's too early to be categorical but some things can be said with reasonable confidence.

First, the Israeli commando raid rent the fabric of the unique relationship between Turkey and Israel.

Turkey was the first and for quite some time the only Muslim country to recognize Israel.

Turkey and Israel have enjoyed a burgeoning economic relationship, with substantial two-way trade, including tourism, and investment.

Military cooperation has been significant.

The Turkish population, which is not Arab ethnically, and which has had its own chequered history with its former Arab subjects, has had considerable sympathy for the Israelis.

In fact, the relationship between the Turks and Jews goes all the way back to the Spanish Inquisition, when Jews fled into the Ottoman Empire to escape persecution.

Their descendants were to play prominent roles in the Empire and the Turkish Republic that followed.

In the Second World War, Turkish diplomats rescued Turkish Jews in Europe from the Nazis, and Turkey allowed others to transit Turkey to Palestine.

It has not been a relationship without trouble but it has been very valuable to both peoples.

Second, for the US it means a major headache, putting the Obama administration in a conflict between two allies, and just as proximity talks were to start under US auspices between the Palestinian Authority and Israel.

Under the law of unintended consequences, the conflict between Israel and Turkey will also make it more difficult to persuade the Turks to back off on their nuclear deal with Iran and Brazil,

and more difficult also for the US to herd support for sanctions against Iran in the UN Security Council.

Turkey is a valuable ally, providing military facilities that are important to the supply of remaining US forces in Iraq.

Turkey supplies almost two thousand troops—Muslim troops— to the common effort against the Taliban.

And, still of residual importance, Turkey controls the outlet from the Black Sea of the Russian fleet based there.

Further, Turkey has a booming economy, one of the biggest and fastest growing in the world.

Turkey is also a NATO ally which the US—and Canada—have treaty obligations to defend.

At the same time, US relations with Israel remain intense, and there is strong support for Israel in the US Congress and among politically influential religious groups.

Meanwhile, the support the new Obama administration generated in the Middle East is bleeding away. Washington is between a rock and a hard place.

While acknowledging Israel's security concerns, governments around the world notably the new UK government, as well as the UN Secretary General, have nevertheless called for lifting the blockade immediately.

According to Hillary Clinton, "the situation in Gaza is unsustainable and unacceptable."

Pressure is increasing on Israel, although international opprobrium has not prevented Israeli governments from building settlements on Palestinian land, annexing East Jerusalem and building a barrier that intrudes on Palestinian territory, all but ruling out a two state solution.

Still this time something will have to give.

What happens next depends initially on the Israelis.

The Turkish government is under heavy domestic pressure to respond meaningfully to the Israeli attack.

In the first instance, this has meant diplomatic pressure in Washington, as well as initiatives at the UN and NATO and with the Arab League to rally condemnation of Israeli policy.

The Turks have called for a detailed investigation by the United Nations into Israel's "rogue state actions"s

Relations would not return to normal until that happened

And/or the boycott was lifted

The Turks (and reportedly the Greeks) have suspended military cooperation with Israel.

But, much more ominous, Turkish humanitarian groups are rumoured to be organizing further attempts to break the blockade.

Were that to happen, the Turkish public may well demand that the Turkish navy escort any such convoy to Gaza.

The Turkish military is NATO-trained and one of the largest in the world.

No one knows what the outcome of such a confrontation on the high seas would be other than bad for all concerned.

Everything possible will need to be done fast to find some sort of compromise between the Israeli insistence on maintaining the blockade to assure its own security and the demand of much of the international community that it be lifted.

One solution would be to establish an international ship inspection operation at sea, as NATO has been done to prevent nuclear weapons shipments.

If no weapons were found, the ships would be allowed to proceed to Gaza, not Israel, for unloading.

Such an operation would be right up Canada's alley, if Canada retains any reputation for independence of mind in the Middle East.

Over the longer term, resolving the blockade issue could open the way finally to solving the Palestinian conundrum.

The world should not waste this opportunity to change history for the better.

What Canada Should Do

What should any Canadian government do in handling Israeli-Palestinian issue, this most intractable of problems?

In the first place, we should reaffirm the fundamentals of Canadian policy, including maintaining our strong support for Israel's right to exist and to live in peace with its neighbours,

as well as our strong support for the establishment of a viable Palestinian state at peace with Israel.

Second, we should start exercising our judgment again, calling them as we see them, and letting the chips fall where they may.

This means neither supporting Israel right-or-wrong or Palestine right-or-wrong, nor presuming that Israel or Palestine can do no wrong.

Neither side can always be right.

We should be fair-minded and clear-spoken on human rights violations by both sides.

This means giving neither democratically elected governments nor sentimental underdogs a general dispensation from scrutiny.

History is replete with examples of resistance movements and democracies violating human rights laws and norms.

The excesses of Guantanamo, Abu Ghraib, and Bagram, to say nothing of the “rendition” of Canadians to torture abroad, were perpetrated by the self-proclaimed greatest democracy.

We should support reputable human rights organizations on both sides, and help them in the very difficult and trying work they do.

Third, we should anchor our positions in international law, including international humanitarian law, leavened with the recognition that there is a very real humanitarian issue in play

And real people are being hurt.

If Canada wants to maintain its “fair-minded” posture, it should judge the issues in this conflict on their merits—or demerits-- using international law and practice as the criteria, notably the UN Charter, UN resolutions, the Geneva Conventions, etc.

That way we would condemn violations of international law, as we see them, on both sides,

defend the principles of distinction and proportionality in war,

and make judgments on issues such as settlement building,

the separation wall,

the disposition of the occupied territories,

the expropriation and destruction of property,

the use of checkpoints,

the siege of Gaza,

the kidnapping of soldiers,

the cross border rocket attacks,

terrorism against civilian populations, etc.

Doing so would not be welcomed, at times, by either party to the conflict or by their respective supporters in Canada.

Nevertheless, the law is a rock on which to stand in the turbulent flow of Middle East politics.

It would also be the surest way to remain “fair-minded and principled,” in practice, as well as in rhetoric.

Fourth, we should seek opportunities to contribute to international efforts led by the US or the UN or anyone else with the credibility to achieve a solution.

Further, we should take the initiative ourselves to work with the parties to the conflict to resolve specific issues or to narrow differences, for example regarding the eventual disposition of the refugee issue and security in the Old City of Jerusalem.

We should support research into these intractable issues.

We should begin to research the consequences for Israel, for Palestine, and for the rest of us, if a two-state solution becomes unachievable.

Further, we should bring Palestinians, who have relatively fewer means, to Canada to study, in order to build up Palestinian capacity to run a successful state over the long run.

And, fifth, we should never, ever, play domestic political games with this issue.

Thank You