



# Peace, Human Rights, and the Rule of Law: Canada's Role in the Middle East

**Group of 78  
Annual  
Policy  
Conference  
September  
25-27, 2009**

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The Group of 78  
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# Contents

Acknowledgements.....	1
The Group of 78 .....	2
Conference Objectives .....	4
Conference Summary.....	7
Keynote Address: The Israel/Palestine Conflict: Why International Law Matters .....	8
Richard Falk, <i>UN Special Rapporteur for Human Rights in the Occupied Territories, Professor Emeritus of International Law, Princeton University</i> .....	8
Panel 1: The Problem and its Contexts: Past and Present Rights.....	11
Nahla Abdo, <i>Professor, Department of Sociology/Anthropology, Carleton University</i> .....	11
Trevor Purvis, <i>Assistant Professor, Department of Law/Institute of Political Economy, Carleton University</i> .....	12
Report from the Cross-Party Fact-Finding Trip to Jordan, the West Bank and Gaza .....	14
Libby Davies, <i>MP</i> .....	14
<i>and</i> Richard Nadeau, <i>MP</i> .....	14
Panel 2: Perspectives on Canadian Foreign Policy in the Middle East .....	16
John Sigler, <i>Professor Emeritus, Political Science, Carleton University</i> .....	16
Michael Byers, <i>Professor, Canada Research Chair in International Law &amp; Politics, University of British Columbia</i> .....	16
Luncheon Speaker: A Tragedy for the Middle East and Western Society (Can Canada help?) ....	18
Stephen P. Cohen, <i>President of the Institute for Middle East Peace and Development</i> .....	18
Panel 3: Perspectives on the Israeli-Palestinian Crisis from Canadian Jews and Arabs .....	20
Jonathan Wouk, <i>Retired Jewish Chaplain and Jewish scholar</i> .....	20
Monzer Zimmo, <i>Advocate in the peace movement in Ottawa</i> .....	21
Panel 4: Working towards Peace: Essential First Steps .....	24
Michael Lynk, <i>Associate Dean, Academic and Associate Professor, Faculty of Law, University of Western Ontario</i> .....	24
Michael Molloy, <i>Former Foreign Service Officer and Ambassador (Lebanon, Syria and Jordan), and Canadian Special Coordinator for the Peace Process</i> .....	25
Discussion .....	28
Recommendations .....	31
Conference Program .....	33

## Acknowledgements

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**Monzer Zimmo**, Advocate in the peace movement in Ottawa

**Michael Lynk**, Associate Dean, Academic and Associate Professor, Faculty of Law, University of Western Ontario

**Michael Molloy**, Former Foreign Service Officer and Ambassador with extensive experience in Lebanon, Syria and Jordan, and Canadian Special Coordinator for the Peace Process

*We also extend our appreciation to our partners, the Near East Cultural and Educational Foundation, and Carleton University, in arranging the visit of Professor Falk to Canada, during which this Conference was part of a speaking tour.*

## The Group of 78

The Group of 78 is an association of Canadians committed to leadership in the promotion of global stewardship: a Canadian foreign policy based on the pursuit of peace, justice and global survival.

The Group began in 1980 when several concerned and distinguished Canadians crafted a statement on how Canada could contribute to the building of a peaceful, secure world. In November 1981 that statement, *Canadian Foreign Policy in the 80s*, was sent to Prime Minister Trudeau. It was signed by 78 Canadians – a group of 78. The statement set out three inter-related objectives.

In summary:

- removal of the threat of nuclear war;
- mobilization of resources to achieve a more equitable international order; and
- strengthening and reform of the United Nations and other global institutions.

That began a dialogue between the Group of 78 and the Canadian government. Members of the Group made their views known about new issues in international relations and their implications for these central and universal objectives. While these objectives remain valid, the world to which they apply has changed. As a result, after celebrating its twenty-fifth anniversary in 2005, the Group decided to re-examine its core statement of principles, its objectives and its operations. Two major conferences in 2007 lead to the adoption of a new statement of principles of Canadian foreign policy: *Global Stewardship: Awakening Canada's Commitment to the World*. A call was issued to Canadians and their government:

*We call on Canadians to commit to the world with moral integrity, energy, enthusiasm and investment unparalleled in our history. We call on Canadians to demand that these principles guide our policies, at home and abroad: Justice, Peace, Survival.*

Further, it identified concrete core objectives for Canadian foreign policy:

- Renew multilateralism
- Eliminate weapons of mass destruction
- Make a reality of human security
- Prevent armed conflict
- Protect the environment
- Promote and protect human rights
- Create a fair, democratically accountable international trading system
- Ensure effective development assistance
- Support and strengthen responsive and accountable governments

## **Activities**

The Group holds an annual foreign policy conference each September to deliberate on key issues and to formulate recommendations to government.

The Group also holds monthly luncheon talks, open to the public, on a wide range of topics. These sessions provide background and insight for participants and underscore the Group's public engagement and advocacy work.

Periodically the Group convenes other special events, often in cooperation with other civil society organizations.

Thematic panels, or working groups, within the organization track key themes of Canada's role in the world community towards greater understanding of the issues, recommending positions and actions by the government and civil society, and suggesting other program initiatives for the Group.

Through its Board of Directors, the Group produces positions on topical issues and recommends policy and actions for the Government of Canada to consider in its conduct of foreign policy.

The Group invites all like-minded Canadians to join it in pursuing these objectives.

## **Membership**

The Group of 78 is open to individuals who identify with and are committed to the principles of the Group.

## **Contact Details**

To join the Group of 78, or to learn more about its ongoing activities and aims, please contact:

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## Conference Objectives

The Group of 78 (G78) held its Annual Conference and Annual General Meeting in Ottawa, September 25-27, 2009. Building on the Group's long-term concern with issues of peace and disarmament, strengthening the United Nations, and the realization of a more just international order, the theme of this year's conference was "**Peace, Human Rights and the Rule of Law: Canada's Role in the Middle East**". The conference was chaired by Professor Trevor Purvis of Carleton University. It focused on the ongoing conflict between Israel and the Palestinian people, with a particular emphasis on the human rights implications of the conflict, its history, and prospects for international efforts in the pursuit of peace in the region.

The conference took as its starting point the conviction that human rights considerations and a commitment to core principles of international law are essential to a clearer understanding of the conflict and any prospects for its resolution.

The conference's stated objectives were to:

- provide an opportunity for understanding and discussion of core principles of international law and human rights as they apply to the Israel- Palestine conflict;
- provide an opportunity to examine the consistency between stated Canadian Middle East foreign policy objectives and governmental actions related to Israel/Palestine with particular attention to international law and human rights;
- contribute to building a substantive framework for a revitalized, long term progressive Canadian Middle East foreign policy; and
- examine the means by which civil society can help restore Canada's position as a constructive participant in the pursuit of a just peace in the Middle East through consistent application of international law and principles of universal human rights.

The Group of 78 came into being twenty-eight years ago. Since its inception our membership has been united in a common concern to foster global justice, peace and human security, and committed to securing the vitality of international institutions dedicated to those ends. Over the years we have maintained a consistent focus on issues of peace and disarmament, international development, strengthening the United Nations and the role Canadians might play in the realization of a more just international order. At this year's conference the G78 turned its focus to one of the longest-standing and seemingly intractable disputes in international life, one that threatens the foundations of those institutions and principles that go to the Group's very *raison d'être*.

The conflict between Israelis and Palestinians is one whose origins are intimately connected to the genesis of the United Nations (UN). The UN itself was born out of the devastation wrought of the Second World War and a commitment that succeeding generations should be spared the scourge of war. Part of that post-war reality was, however, the crisis confronting European Jews who had survived the horrors of the Holocaust, and who longed for a homeland of their own. The leading powers of the victorious Allies accepted, for a variety of reasons, that that homeland should be in the British-administered Mandate of Palestine. In one of its earliest and most monumental decisions, the United Nations, under the lead of the Allied powers, decided Palestine should be divided into two states, one for Arabs, one for Jews. The indigenous Palestinian population rejected this colonial enterprise, and Jews and Arabs went to war. The outcome of these events was the establishment of the state of Israel and the creation of a rump territory for Palestinians comprised of only twenty-two percent of the original British Mandate. That war saw the displacement of over a million Palestinians from their homes and ancestral lands. The latter continue to live as refugees, some of whom had fled for safety to surrounding states, others to this residual territory.

In 1967 Israel went to war with its neighbours, in the event capturing the remaining territory of the former British mandate. It has since occupied and colonized those territories in defiance of numerous binding Security Council resolutions, decisions of the International Court of Justice and the right of the Palestinian people to self-determination. In December/January of 2008/09 Israel engaged in an assault on the Gaza Strip with devastating consequences to the civilian population of Gaza and wide-scale destruction of civilian infrastructure. A recent report commissioned by the United Nations and authored by eminent international criminal jurist Richard Goldstone has suggested both sides in that conflict, Israeli and Palestinian, are responsible for the commission of war crimes, but reserved a preponderance of his criticism for the actions of Israel in the event. Israel has rejected these findings out of hand and has, rather, called for a retooling of international humanitarian law to bring it into line with Israel's self-perceived right to use whatever force might be required to quash its enemies, with no accountability for its refusal to exercise the restraints required by international criminal law for military forces operating in urban spaces with concentrations of civilian non-combatants.

This seemingly intractable conflict shows no signs of abating, and indeed, Israel's express intention to continue to settle Israelis in Palestinian territory despite widespread international opposition, suggests tensions will only deepen, and in the face of overwhelming military superiority, Palestinians will have only peaceful resistance, or the dull brutal option of terrorist tactics, as means of opposing Israeli oppression. The stakes in the mediation and resolution of this ongoing dispute strike to the very heart and coherence of the United Nations system, touching directly upon and threatening principal elements of the international legal order that were hallmarks of the post-war order. For decades it has served as a principal source of instability in the region and, increasingly, globally. Core principles defining of the post-war international order are at stake including the right of peoples to self-determination, the absolute prohibition of acquisition of territory by conquest, the obligations owed to occupied peoples by virtue of the Geneva Conventions and customary international law, the prohibition on imposing collective punishment on civilian populations, and crucially, the doctrine of



distinction – the requirement that military campaigns be conducted in a fashion designed to minimize harm to civilians, distinguishing between combatants and non-combatants.

Since the advent of the US-led ‘War on Terror’ many other instances of such excesses have littered the devastated landscapes of Iraq, Afghanistan, Chechnya and Sri Lanka. The Palestinian people have, however, suffered dispossession and occupation for more than a half century. The new rhetoric of the ‘Global War on Terror’ has, in this case, been mobilized to discredit any claims for Palestinian justice and obliterate any meaningful prospect for Palestinian self-determination and respect for their human rights. This new environment of the ‘War on Terror’ poses an incalculable challenge to the United Nations system, international human rights, prospects for international peace, and the realization of a global order governed by a rule of law worthy of that name. Nowhere, perhaps, has this challenge been more manifest than in the intensified violence being brought to bear upon the Palestinian people.

The Group of 78’s organizing principles – to foster global justice, peace and human security, and to secure the vitality of international institutions dedicated to those ends – stand in the crosshairs of this new development in international affairs. All the while the Canadian Government seems to have abandoned any pretensions to pursuing our traditional role as an honest broker in the region, and Canadian foreign policy seems to be drifting into new waters, leaving concerns for human rights, peace and multilateralism in its wake. No less than the future prospects for realizing our mandate are at stake, and it is against this backdrop that this year’s conference was conceived and organized.

## Conference Summary

We were most pleased to play host to a remarkable group of scholars, activists, diplomats and members of parliament, each with years of experience in facets of the conflict. Our two Keynote Speakers, Dr Richard Falk and Dr Stephen Cohen, have each been active players for many decades at the very highest levels in the pursuit of peace in the region and have been tireless advocates for human rights and justice.

The discussion was then taken up by eight expert panelists, speaking in four separate but consecutive panels, with extensive questions and comments by other participants throughout the day.

The panelists, from various ethnicities and nationalities themselves -- Israeli, Palestinian, American, British and Canadian -- presented a range of views on the conflict: historic and contemporary, broad and specific, pragmatic and principled. They identified crucial historical events and their current implications. While differing interpretations of history remain a persistent problem, it was recognized that a major contribution to understanding could be achieved through mutual recognition of verified facts and truths. The UN Charter's limitation on the use of force and its specific definition of self-defence were flagged as particularly appropriate and relevant to the situation in the area. There was widespread agreement among speakers and participants that striving to uphold universal standards and principles of international law in a fragile world was the best way to achieve a just and lasting peace, regionally and globally.

The following is a summary of the substantive ideas raised at the September 2009 conference and the conclusions and policy proposals that emerged.

## **Keynote Address: *The Israel/Palestine Conflict: Why International Law Matters***

**Richard Falk**, *UN Special Rapporteur for Human Rights in the Occupied Territories, Professor Emeritus of International Law, Princeton University*



*Richard Falk was a member of the Princeton University faculty from 1961 until his retirement there in 2001. He was the Albert G. Milbank Professor of International Law and Practice at Princeton since 1965. Since 2002 he has been a Visiting Distinguished Professor at the University of California at Santa Barbara teaching in the Global Studies Program. In the Spring of 2007 he was a Visiting Professor at the UCLA School of Law. In 2007-2008 he was Leo Beck Professor at the Graduate School of International Studies, Denver University, in Fall 2008 he was the Wylie and Bette Aitken Distinguished Visiting Professor of Law, Chapman University School of Law. His recent books are Predatory Globalization: A Critique (1999); Human Rights Horizons (2000); Religion and Humane Global Governance (2001); The Declining World Order (2004); The Costs of War (2008); Achieving Human Rights (2009). He serves on various editorial boards including The Nation and The American Journal of International Law. He was a member of the Independent International Commission on Kosovo (1999-2001), Human Rights Inquiry Commission for Palestine of the UN Human Rights Commission (2002), and in 2008 has been appointed by the UN Human Rights Council to be Special Rapporteur for the Occupied Palestine Territories.*

Our conference was opened with a keynote address offered by Richard Falk, UN Special Rapporteur for Human Rights in the Occupied Territories and Professor Emeritus of International Law at Princeton and the University of California at Berkeley. His words resonated strongly with conference participants and provided a fitting launch for the explorations that were to follow:

*It seems to me that Canada at the moment has this peculiar challenge of having lost its path internationally and having disappointed many of its admirers around the world – particularly I think on this set of concerns bearing on the Israel--Palestine conflict.*

*And what I find particularly appealing – attractive – about the G78 is that it is trying, I believe, to restore to grace that Canadian tradition of support for progressive internationalism that really trusts International Law as a guideline for foreign policy, that believes in the United Nations as a way of achieving a better world, and that wants to play a significant and influential role in addressing some of the outstanding world problems involving poverty, climate change and other issues.*

*My view is that the Israel-Palestine conflict has become the dominant symbolic issue of this historic moment, this historic period.*

*And that Canada and other countries will be judged by how they address this issue. It may not appear that way from the kind of domestic public opinion that exists in North America-- but I can assure you that around the world the failure to show sensitivity to the Palestinian ordeal has become as much a litmus issue as was the failure to show sensitivity to the victims of South African racism in the 1980's.*

*In other words it is the globally defining question when it comes to international identity at this point in world history and therefore if--as has been the case--Canada sides mindlessly with Israel and endorses Israeli operations such as the Gaza war without qualifications it is comparable—and that's hard for even myself to fully absorb despite having talked to audiences in different parts of the world--it's really comparable to defending Apartheid.*

*It's easy to say rhetorically, but I think it should be understood at a deep emotional level. And that this is not a question that one can evade at this time or think that it doesn't really matter in terms of how a national identity in a political culture are defined.*

Dr Falk's comments helped to set clearly the international law and human rights parameters of the dispute, and his talk was infused with insights as to the challenges confronting groups like the G78 on this file. In addition to his encouragement for our enterprise and acknowledgement that Canada has been, and could again be, an important player in the pursuit of a just resolution to the Israeli-Palestinian impasse, he also raised a number of themes that would be returned to again and again throughout the subsequent panel discussions.

1. A recognition of the parallels between Israeli policy vis-à-vis Palestinians and the practices of the *Apartheid* regime of South Africa.
2. The need to employ 'soft power' such as those that finally brought down the South African regime.



Photo credit: Gustaf Hansson, 2004

3. The fact that for Palestinians, Israeli policy is seen as an extension of European *colonialism* and domination of non-European peoples (Professor Falk noted the similarities the Palestinian case shares with the dividing practices that were a legacy of British colonialism in Cyprus, India and Ireland).
4. The ongoing status of Gaza as effectively the world's largest open-air prison, a status rooted in Israel's enforcement of a strangling *blockade* on the people of Gaza, the blockade having given rise to a 'humanitarian catastrophe'.
5. The rise of '*moral globalization*' rooted in global civil society as an important counter to states' reluctance to take meaningful action on this file.
6. The dramatic *asymmetry* between the two sides of the dispute, making the prospect of further negotiations seem self-defeating for the Palestinian people – that frustrated negotiations have proven worse than no negotiations, and have spurred violence leading to defeat in the face of overwhelming Israeli power, leading to further demoralization of the Palestinian people while weakening the latter's place in the legitimacy war surrounding the impasse.
7. The parallels between the plight of the Palestinians and the historical dispossession and occupation that were the legacy of European colonization of the lands of the *indigenous peoples* of the Americas and Australasia.

8. The need to challenge what he termed the '*politics of deflection*', the persistent tendency of dominant voices to 'shoot the messenger' that has become so characteristic of Israeli and pro-Israel campaigns to silence any criticism of Israeli policy.

## **Panel 1: *The Problem and its Contexts: Past and Present Rights***

**Nahla Abdo**, Professor, Department of Sociology/Anthropology, Carleton University



*Nahla Abdo (Ph.D.) is an Arab feminist activist, Professor of Sociology at Carleton*

*University, Ottawa, Canada. She has extensive publications on women, racism, nationalism and the State in the Middle East with special focus on Palestinian women. Among her recent publications: Gender and Citizenship in Israel: Comparing Palestinian, Mizrahi and Ashkenazi Women (forthcoming); Women and Poverty in the OPT: Some Conceptual and Methodological Notes, 2007; Violence in the Name of Honour: Theoretical and Political Challenges, 2004 (with Shahrazad Mojab) and Women and the Politics of Military Confrontation: Palestinian and Israeli Gendered Narratives of Dislocation, 2002 (with Ronit Lentin). In addition to these books Professor Abdo has published numerous articles in academic journals. She has recently returned from a 5-month trip to Palestine/Israel where she worked with various civil society organizations on issues of human rights, racism, feminism and nationalism.*

Professor Abdo set the tone for much of the rest of the main day of the conference, focusing on the profoundly different narratives that characterize the self-perceptions and representations of each side of the conflict. On the one hand, Zionism has nurtured a narrative akin to that of other settler societies, focusing on Israeli resilience in a hostile environment, both natural and geopolitical. Since its founding, Israel has promulgated a narrative of a nation besieged by 23 hostile countries in the region; a nation of stalwart, determined people who have carved out a flourishing democratic society in the midst of overwhelming adversity. The fact that Arabs and Muslims are cast in the role of those poised to destroy the state of Israel highlights how this narrative ignores the existence of the 1.3 million Palestinians who are actually citizens of Israel. Moreover, it collapses the interests and character of the Palestinian people into those of the peoples of the states surrounding Israel with the effect of obscuring the specificity of their plight. This is the narrative that dominates the Western media and has shaped the dominant public perception of the Palestinian people.

Palestinians, she argued, have a very different narrative of the events of the past six decades: a narrative of dispossession and brutal occupation in the face of Zionist colonialism. The

'victorious' narrative of the Israelis has very successfully marginalized this story and has obscured the very real plight of Palestinian people in Israel, the Occupied Territories, and those living as refugees in surrounding states, unable to return to their homes, while Jews the world round may acquire Israeli citizenship at will. Central to the Palestinian counter-narrative is the horror of the Nakbah (disaster) that befell the Palestinian people upon the establishment of the state of Israel, in which seventy-five percent of Palestinians were evicted from their homes or left in terror in the face of massacres like that which occurred at Deir Yassin. Five hundred and thirty villages disappeared through these events, giving rise to what remains the world's largest and longest-standing refugee problem. In Israel, Palestinians do not share equal rights of citizenship, and are marginalized in the Israeli economy in terms of employment opportunities and rights of equal citizenship. The people living in the Occupied Territories and inhabiting the refugee camps of Lebanon, Syria, Jordan and Egypt have, in most instances, no rights. Dr Abdo drew upon Richard Falk's notion of the politics of deflection as a principal source of the obfuscation of the Palestinian narrative, a strategy that has granted unquestioned primacy to the narrative of Zionism.

**Trevor Purvis**, *Assistant Professor, Department of Law/Institute of Political Economy, Carleton University*

*Since 9/11 Professor Purvis' research has focused primarily on the legal fallout from the events of that day, America's ensuing war on terror, and what each of these portends for an international rule of law and global justice. Extraordinary rendition, the use of torture, Canada's involvement in Afghanistan, the legality of aggression, and the role of law in mitigating international conflict have become crucial concerns. Professor Purvis regards each of these as deepening a wider set of interests in processes of 'globalization' and the transformations its forces have engendered for social and political life in late-modernity.*

Professor Purvis sought to situate the dispute in terms of the challenges it poses to peace, human rights and the rule of law, specifically in the wake of 9/11 and the US-led 'War on Terror'. The fallout from the events of 9/11 has created a geopolitical atmosphere that poses a direct challenge to foundational principles of the Group of 78, and has ushered in a U-turn in the pursuit of a meaningful international rule of law rooted in the quest for the realization of human rights and global justice. Professor Purvis characterized the post-WWII international order as one rooted in four broad features designed to create the conditions for future peace and the enhancement of global justice: first, creation of the conditions necessary for global economic development and the expansion of markets; second, promotion of decolonization and self-determination for colonized peoples; third, the establishment of a regime of international human rights; and fourth, the setting up of institutions and instruments necessary to the realization of the first three.

Adherence to a new regime of international law was seen to be indispensable to the realization of each of these features. Integral to that international legal order was the notion of the inviolability of a range of legal norms, two of the most important of which were a general

prohibition on the use of aggressive force and a rejection of the longstanding right of acquisition of territory by military conquest, each deemed essential to the UN Charter's commitment 'to save succeeding generations from the scourge of war'. To this list would be added the criminalization of genocide and *Apartheid* as high crimes in international law. These norms, along with a revamped law of armed conflict enshrined in the four Geneva Conventions and the principles of the Nuremberg Tribunal were to criminalize the most egregious violations of human rights, helping to secure the foundations essential to future peace.

Despite the many failings of this order in the past, never had there been a wholesale, open assault on the assumption that these principles were inviolable. That has changed dramatically since the advent of the US-led War on Terror. The rhetoric of the war on terror has been used time and again to undermine the universality of these principals. Increasingly they appear to be norms to be enforced against Third-World and racial others, while the most powerful actors on the international stage flout them with impunity, even denying their continued relevance in a 'new era' of terrorism and the need to use *any* means to combat terror wherever found. This has led to a full-scale assault on the laws of war, the Geneva Conventions, the right of self-determination and the prohibition on the unilateral use of force. Increasingly it appears the international order has two sets of norms, one binding the 'powerless', the other enabling the 'powerful' in their pursuit of a new Crusade against 'terror'. Israel has adopted the discourse of the War on Terror, mobilizing it to significant effect in marginalizing any criticism of its treatment of the Palestinian people and obscuring the devastation it has wrought on them. But it has also torn a page directly from the USA's War on Terror rule book: last year's assault on Gaza featuring tactics that had first been rehearsed in the American assault on the city of Fallujah in 2004, an assault that played out similar atrocities, abuses, and flagrant violations of the laws of armed conflict. Israel's corresponding political offensive has put the institutions of the UN and international law squarely in its sights, seeking to undermine their credibility, indeed their very existence. Where the G78 was founded on a dedication to peace, international law, human rights and dedication to international institutions, each of these pillars is under assault in the War on Terror. Israel's treatment of the Palestinian people represents a critical front in this assault on the international rule of law, marking an affront to the principles and objectives that define the G78.



# Report from the Cross-Party Fact-Finding Trip to Jordan, the West Bank and Gaza

**Libby Davies, MP**  
*and Richard Nadeau, MP*



We were very pleased to have been joined on the main day of the conference by two Members of Parliament. Libby Davies, MP for Vancouver East (NDP) and Richard Nadeau, MP for Gatineau (Bloc) gave a cross-party report of their fact-finding trip to Gaza and the West Bank and Jordan in August 2009, in company with Boris Wrzesnewsky, MP for Etobicoke Centre (Liberal) who expressed his regret that he was unable to attend the conference. (A Conservative MP was also invited, but declined on the basis that he had not gone on the trip.)

Davies and Nadeau showed slides of Gaza, the bombed buildings and rubble, and clusters of destitute people, and commented vividly on what they saw on their trip shortly after the invasion, giving the conference a firsthand visual impression of the situation there. They also stressed the importance of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) for the refugees, a large proportion of whom are children.



Photo credit: Gustaf Hansson, 2004

They stressed the need not only to maintain Canada's long-standing contribution but to expand this contribution, especially in light of the humanitarian crisis in Gaza brought about by the siege which preceded and compounded the devastation of Israel's assault and which makes recovery from the assault all but impossible.

While there had been some initial trepidation regarding the propriety of having Members of Parliament included in our program for fear that our annual conference might be high-jacked by political partisanship, the MPs who attended were anything but partisan. Indeed, they stressed the existence of cross-party support for the sorts of concerns in focus for our conference and

spoke highly of their fellow Members sympathetic to these concerns. Perhaps most engaging were their very useful expressions of encouragement and suggestions on how groups like the G78 might help to bring about meaningful change in public political discourse in Canada, with a view to reasserting a primacy of place for themes of peace, human rights, and international law in Canadian foreign policy.

## **Panel 2: Perspectives on Canadian Foreign Policy in the Middle East**

**John Sigler**, *Professor Emeritus, Political Science, Carleton University*

*Emeritus Professor Sigler is a specialist on the Middle East, and the former director of the Norman Paterson School of International Affairs at Carleton University. One of the founding members of the Group of 78, he remains committed to the goals of arms control and disarmament, conflict resolution, development, and a strengthened United Nations.*



Emeritus Professor Sigler (Political Science, Carleton University), recalling his experience as an advisor to the Eisenhower administration and a regular commentator on Middle East policy to Canadian political leaders for many years, offered a series of reflections on the evolution of the Israel-Palestinian file. In the face of the persistent sense that taking a strong stand on the Middle East might be a suicidal recipe for any presidential administration, he pointed to the historical significance of Eisenhower's opposition to the aggression against Egypt by Britain, France and Israel in the Sinai and Suez in 1956, and to the President's famous warnings against the growing American military industrial complex on the eve of his departure from office. Indeed Eisenhower's firmness about the withdrawal of the tripartite invasion, together with Lester Pearson's diplomacy, was the basis of the establishment of the first UN peacekeeping force.

Professor Sigler further stressed that those concerned with the Israel-Palestine file might take encouragement from the fact that public pressure made a difference in Canadian foreign policy in 2003 in that Canada did not send a token force to Iraq, something that would not have happened had there not been a wave of negative reaction to the prospect from Canadian civil society.

**Michael Byers**, *Professor, Canada Research Chair in International Law & Politics, University of British Columbia*

*Michael Byers holds a Canada Research Chair (Tier 1) in Global Politics and International Law. Prior to 2004, he was a Professor of Law and Director of Canadian Studies at Duke University; from 1996-1999, he was a Research Fellow at Jesus College, Oxford University.*



*Dr. Byers' work focuses on the interaction of international law and politics, particularly with respect to human rights, international organizations, the use of military force, the Arctic, and*

*Canada-United States relations. He has published six books, dozens of academic papers and more than 100 op-ed articles in international newspapers, the Globe and Mail, National Post, Toronto Star and Ottawa Citizen.*

Professor Byers (Political Science, University of British Columbia) turned our attention to present-day Canadian foreign policy in the Middle East, reflecting that our current government is 'missing in action' on this file. "Where you stand depends on where you sit," he commented. He suggested that Obama has been courageous to have dealt with the issue, whereas most first-term presidents would not have touched it. "But," he asserted, "if the President fails it will be in part because Canada was not there to support him," though there might be help from the Norwegians and some other Europeans.

Professor Byers asked why the Canadian Conservative government is so far from the traditional Canadian position in its Middle East policy. Why has Prime Minister Harper been more blatantly one-sided than even the Bush administration? Is he playing to his political base while he has no personal affiliation to Israel? Are Jewish Canadians switching allegiance from Liberal to Conservative? In the minority government circumstance, is he constantly calculating to gain votes or loyalty? Is he only interested in foreign policy in what it can do for him at home?

Whatever Mr. Harper's reasons, the result is that Canada's influence in the Middle East is diminishing because Canada can no longer be trusted by both sides to be even-handed and principled. The blatant one-sidedness, the Islamophobia, the profound bias in Western culture against Islam and Arabs, the apocalyptic religious fundamentalism, and the wedge politics played nationally seem almost a deliberate attempt to destroy our reputation in the area.

Professor Byers urged participants to write letters to the editors of newspapers. Even if not printed, the letters will inform the editors of their readers' thoughts, and encourage the public coverage of both sides of the quarrel. Moreover, balancing the debate in the media gives MPs and officials the courage to speak out.

## **Luncheon Keynote Speaker: *A Tragedy for the Middle East and Western Society (Can Canada help?)***

**Stephen P. Cohen**, *President of the Institute for Middle East Peace and Development*

*Dr. Cohen is a Harvard-trained social psychologist who has focused his career on citizen diplomacy in the Israeli-Palestinian conflict. In 1979 Dr. Cohen founded and has since been President of the Institute for Middle East Peace and Development, which remains his institutional base to serve as facilitator and private intermediary in peace-making and peace-building.*



*Dr. Cohen is widely credited as a major behind-the-scenes influence in several of the most important and successful peace initiatives in the Middle East. He created the first secret official negotiations between Israel and the Palestinian Liberation Organization (PLO) years before Oslo under the supervision of Chairman Arafat and Shimon Peres, launching the premier intermediaries of Israeli Prime Ministers and Yasser Arafat until the collapse of the peace process in the second intifada. He is a senior member of the United States group engaged in off-the-record US/Syria dialogue. He was the founding president of the foundations of Charles Bronfman, and he was the first President of S. Daniel Abraham's Center for Middle East Peace and Economic Cooperation. He also co-founded The Business Group for Middle East Peace and Development, co-chaired by Lester Crown.*

*Dr. Cohen served as a behind-the-scenes confidant of Israel's Foreign Minister Moshe Dayan and Egypt's President Anwar Sadat in the launching of the peace process. He set up the first meetings between Shimon Peres and Sadat and between Yitzhak Rabin, Peres and Abba Eban with the leaders of Egypt's National Democratic Party. On the Arab side, he has close relationships with heads of state, foreign ministers, and leading figures in almost every Arab state, including the deceased leaders, King Hussein, King Hassan and President Assad, as well as the current President of Egypt, President Mubarak, and the new successors of key states such as Lebanon, Syria, Algeria, Yemen and the Gulf States.*

Dr. Cohen emphasized the significance and broad ramifications of the Israel-Palestine impasse and referred to the failure to resolve this impasse as a tragedy for both the Middle East and Western society. Dr Cohen cast the conflict against what he referred to as 'a century of failed diplomacy'. His talk detailed the confluence of events and political factors that gave birth to the state of Israel and the tragic dispossession of the Palestinian people that underpin the ongoing crisis gripping the region today.

*The struggle for a just and comprehensive solution to the Arab-Israeli conflict and to its core — the Palestinian-Israeli conflict — has now reached the end of its first century.*

*What is remarkable about this protracted conflict is not only the persistence of violence and injustices in the relations between Israelis and Palestinians but also the extent to which this conflict has become a moral issue. Whether in Europe, North America, Asia, or the Middle East itself this tragedy has deeply disturbed the cultures and societies of many of the states, peoples, and civilizations throughout the world.*

He praised the Canadian role as “gavel” holder of the Refugee Working Group set up by the Madrid conference; we had continued with it, keeping open the issue of the refugees through a dark period. Going on to discuss possible future interventions by Canada, Dr. Cohen said:

*Canada in the 1950’s under Lester Pearson found an effective mediating role for a midsized state in proposing and implementing the first examples of the United Nations peace keeping forces that could separate Israeli forces from Egyptian forces. Such a Canadian attempt at being an honest broker with trustworthy relationships on both sides has become a rarity on the Israeli–Palestinian conflict. Canada must search again for the creative solution that would allow it to be helpful in resolving the conflict. It must not import the norms of the conflict into Canadian society. Canadian human rights advocates must think carefully about whether they wish to be part of a chorus of criticism of one or the other side in the conflict or they wish to be part of the international effort to resolve the conflict which requires showing respect for the needs of both the Israeli and the Palestinian people.*

Dr. Cohen stressed that:

*To reach an assessment of the human rights situation requires attention to the historical context and the implications of this conflict in European and North American history and international law; not only to individual human rights but group rights to national identity, national dignity, and national sovereignty. Canada could play an important role in this stage of conflict resolution as it has tried to do in earlier stages.*

Dr Cohen offered a lengthy overview of his long involvement in the Track Two process, a civil society-led initiative that commenced in the late-1960’s that has pursued the creation of non-official contacts between key actors in the dispute behind the scenes, efforts aimed at laying foundations for meaningful dialogue and negotiation at the level of official diplomatic relations. While these efforts have been frustrated again and again, sometimes on the cusp of significant breakthrough, Dr Cohen remains encouraged that there is an ongoing critical place for such strategies, and emphasized the importance of continuing the project.

## Panel 3: Perspectives on the Israeli-Palestinian Crisis from Canadian Jews and Arabs

**Jonathan Wouk**, *Retired Jewish Chaplain and Jewish scholar*

*Dr. Jonathan Wouk has been involved with the Palestine-Israel issue for over forty years both formally and informally. He taught Political Science at Dalhousie University and the University of Pittsburgh in the 1970's and '80's. For three years between 1986 to [and] 1991 he was Board President of OCISO [now Ottawa Community Immigrant Services Organization]. As a hospital chaplain from 1996-2004, Jonathan worked with clergy and lay people of all faith-traditions and with some of the inter-faith groups active in Ottawa. Since retiring he has taught at the Ottawa Lay School of Theology, lectured at religious institutions in the Region, and been active in the Ottawa Arab-Jewish dialogue group "Potlucks for Peace."*

Dr Wouk stressed that in considering how to talk to, rather than at, Israelis and "mainstream" North American Jews, may involve cross-cultural understanding. If the audience is "mainstream" North American Jews the term "*Apartheid*" is as good a place to start as any. Critical roles in public life in Israel remain closed to non-Jewish persons, most specifically to Arabs.



Photo: Palestinians applying for identity cards from the Israeli Ministry of Interior.

Credit: Gustaf Hansson.

The problem is not citizenship. Colour-coded National Identity cards distinguish Jewish from Arab. In daily life this is more important than citizenship. So, not racial discrimination as in Nazi Germany but discrimination based on “nationality,” ethnicity, as in the Soviet Union. It is not a biologically-based discriminatory system but one having the same practical effects. *Apartheid* is as *Apartheid* does.

Why the outrage amongst a very large part of North American Jews? The term “*Apartheid*” was used in Israeli political discourse well before it became current in North American discussions of the situation. Israel has been practicing *Apartheid*, “separate development,” since the establishment of the state. The situation in the occupied territories has the deeper discriminatory aspect of different legal systems. South African commentators who lived under *Apartheid* have suggested that in key respects the Israeli system is more onerous.

Israel is practicing *Apartheid* if you look at what takes place “on the ground.” Ideologically Israeli policies and practices differ in key respects from *Apartheid*. If you conclude Israel has an *Apartheid* system you may find the contrary position disingenuous at best. If you conclude Israel does not practice *Apartheid* you may find the contrary position reveals the anti-Semitic perspective of the person who holds it. This is not a matter of whether the term *Apartheid* is accurate or not. The question is who you are trying to influence. Are you trying to show people of your ideological orientation outside your community that you are also with them? Are you trying to convince opponents within your community? To the degree that it is the first-- trying to influence the other side, understanding the culture, the bizarre way of thinking of the other-- is critical. How could anyone conflate denouncing the occupation with anti-Semitism? If you can't explain the reasoning you can't consider the usefulness of the term *Apartheid*. But if your target audience is people of your ideological persuasion you likely need little preparation to explain why your struggle is one they should support.

**Monzer Zimmo, Advocate in the peace movement in Ottawa**

*Monzer Zimmo is a Palestinian-Canadian, born in Palestine, received his university education in Egypt, and currently works as a financial advisor in the Canadian public service.*

*Monzer considers himself to be an active citizen who is engaged in matters of public interest. One subject that is of special interest to him is the search for a peaceful, durable resolution to the Palestinian-Israeli conflict.*



*Monzer advocates the resolution of the Palestinian-Israeli conflict through the peaceful creation of one bi-national secular constitutional democracy, rooted in the Universal Declaration of Human Rights, over the whole of geographic Palestine, in which Christians, Jews, Muslims, and others feel at home, safe, secure, and equally respected. Monzer welcomes all other attempts to achieve justice-based peace in the Land of Canaan, and sees such attempts as steps on the right path towards achieving the ultimate objective of establishing sustainable peace for all that will*



*be realized through the prevalence, and recognition, of the primacy of the human values of acceptance of the other, sharing, and respect; over all else.*

*Among Monzer's interests is his work, with several Arab-Canadian, Palestinian-Canadian, multiethnic, multicultural, and other community-based organizations interested in the question of Palestine. Monzer has been an active member of the community for more than 25 years. He is a past president of the Association of Palestinian Arab Canadians, Capital Region (APAC), a past director of the Canadian Arab Federation (CAF), a past treasurer of the Islamic School of Ottawa, and a contributing member of many civil society organizations. Monzer is fully aware of the grave past, present, and indeed future sufferings on all sides that are characterizing the Palestinian-Israeli conflict. However, he believes that persistent search for the common humanity, among Muslims, Jews, Christians, and others, will eventually lead to the realization of everyone's hope for the long lasting and sustainable peace for all.*

Mr. Zimmo, for more than two decades a tireless advocate of peace between Israelis and Palestinians, and an active member of the peace movement in Ottawa, attempted to answer the question: where are we going from here? Since neither the Palestinians nor the Israelis are going to go away, no matter how much either group would wish it, the options are as follows:

First, the Palestinians: The weaker party, under occupation, they and their lives are controlled by the Israeli state. They can (a) surrender and accept to live as subservient to their Israeli occupiers, or (b) resist their occupation by all means available. For the last sixty-one years the Palestinians have chosen resistance, a resistance that has grown stronger every day and taken many forms and shapes. There are no signs anywhere that this spirit of resistance will change; indeed, it is becoming a way of life for most Palestinians.

Second, the Israelis: The stronger party, with military and economic superiority, unconditional support from the only super power on the planet, they have the ability to consider options to deal with the conflict.

These options are:

1. Accept the two-state option as offered by the Arab Peace Initiative where two states will live side-by-side along the 1949 armistice line; that is the state of Israel within the green line and the Palestinian state in Gaza and the West Bank with East Jerusalem as its capital, and an agreed upon resolution to the Palestine refugee problem; in exchange for full normalization of diplomatic, economic and cultural relationships between the state of Israel and all fifty-seven Arab and Muslim countries.
2. Transform the state of Israel into a true democracy to become a state for all of its citizens. That can take one of many shapes from a simple liberal democracy (one person one vote) to a bi-national state with special arrangements to accommodate the unique realities that are specific to the Palestinian-Israeli conflict.
3. Keep the status quo and manage the conflict. Managing the conflict means never taking it to a resolution which will inevitably lead to an apartheid system of government with two sets of laws for two segregated communities within one state and under the direct

control of one government elected only by one of the two peoples living in the one territorial mass under the control of that government.

So far, the Israelis seem to have chosen the third option, only attempting to manage the conflict without ever bringing it to a resolution. That approach has resulted in non-stop violence, war, destruction, occupation, pain and suffering. However there are signs that those other options are becoming part of the discussions within the Jewish communities both inside and outside the state of Israel, with the realization that the current Israeli “managing” of the conflict is not sustainable.

The Israelis, being the more powerful party, carry a greater load of responsibility as to where we go from here.

## **Panel 4: Working towards Peace: Essential First Steps**

**Michael Lynk**, Associate Dean, Academic and Associate Professor, Faculty of Law, University of Western Ontario

*Michael Lynk is Associate Dean, Academic and Associate Professor at the Faculty of Law, the University of Western Ontario. He joined the Faculty in 1999, and has taught labour, human rights, constitutional and administrative law.*



*Professor Lynk has also taught labour law at the University of Ottawa and Victoria University of Wellington (New Zealand). He is a graduate of Dalhousie University (LL.B.) and Queens University (LL.M.). Before becoming an academic, he practiced labour law in Ottawa and Toronto for a decade. Professor Lynk is also an active labour arbitrator, and is a vice-chair with the Ontario Grievance Settlement Board, and has served as a vice-chair with the Ontario Public Service Grievance Board. He has written widely on the issues of labour law and human rights in the unionized Canadian workplace, and is a frequent speaker at industrial relations and labour law conferences across the country.*

*Professor Lynk is the co-author of Trade Union Law in Canada (Canada Law Book), and the co-editor, with John Craig, of Globalization and the Future of Labour Law (Cambridge University Press, 2006). He is a senior co-editor of the Labour Law Casebook (7th and 8th eds.), which is the national casebook used in law schools across the country. Prof. Lynk is also an editor of the Canadian Labour and Employment Law Journal. In recent years, he has been the co-organizer of a very successful annual labour law lecture and conference series at the University, which has attracted leading academic, legal and judicial figures from Canada and abroad as speakers. In addition to his labour law activities, Professor Lynk has worked with the United Nations in the Middle East, he has published academic legal articles on the area, and he is a regular commentator in the print and broadcast media on political and legal developments in that region.*

Professor Lynk explained that while the conflict in the Middle East is the most international of conflicts in today's world, it is extremely imbalanced. It involves a complex mix of race, religion, ethnicity and nationality. "International law is no empty space," he stressed. "Without international law as is the case now in Israel, there is only power politics to resolve the crisis."

He used to think the critical date in the Palestinian-Israeli conflict was 1967, the start of the occupation. Now he thinks the solution to the problem must go back to 1948, the date of partition and the start of ethnic cleansing. Canada's role in partition was pivotal with Justice

Ivan Rand, Lester Pearson and Elizabeth MacCallum (though she privately warned against it).<sup>1</sup> What followed from this point needs review and needs to inform Canadian foreign policy going forward. Many increasingly feel that partition was a mistake.

Professor Lynk suggested we are confronted by four choices in moving forward. The prospective models could be: the two-state (now dead he feels); one-state (binational); one and a half states (*Apartheid*); and continuing the worsening of the present situation. The real choice would be Status Quo without Peace, or Peace by changing the Status Quo.

**Michael Molloy, Former Foreign Service Officer and Ambassador (Lebanon, Syria and Jordan), and Canadian Special Coordinator for the Peace Process**



*Michael J. Molloy began his career with the Manpower and Immigration Foreign Service in 1968. His training included six weeks in Vienna working on the Czech refugee movement. He served in Tokyo 1969-71 and Beirut 1971-72. The Beirut posting included two months as deputy head of the Canadian team sent to Kampala, Uganda, to rescue Asians expelled by the dictator Idi Amin. He opened and managed the visa section of the Canadian Consulate in Minneapolis 1972-1976 before returning to Ottawa.*

*In Ottawa he was Director, Refugee Affairs from 1976 to 1978 developing the refugee sections of the 1976 Immigration Act including the refugee sponsorship program, the first humanitarian designated classes, the Refugee Status Advisory Committee, and the refugee component of the Immigration Levels exercise. In 1979 and 80 he led the Indochinese Refugee Task Force which coordinated the selection, transportation, reception, and settlement of 60,000 Indochinese Refugees.*

*He spent 1981 to 1989 abroad, first at the Canadian Mission to the UN in Geneva where he was responsible for Canadian relations with the UNHCR, and the Red Cross institutions. After a one year assignment in Jordan he spent 1985-6 in Syria, establishing the first Canadian Embassy there. From 1986 to 1989 he managed Canadian immigration and refugee operations in East Africa from Nairobi. Returning to Canada in 1989 he served as Director General, Refugee Affairs and Settlement (1989-91) CEIC; Director, Refugee Coordination, (1992) External Affairs; and Director General, Policy Coordination and Program Development, (1992-94) CIC. He was Director General Citizenship and Immigration, Ontario Region 1994-1996. During this period he*

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<sup>1</sup> Justice Rand was Canada's member of the UN Special Committee on Palestine (UNSCOP) whose majority report in August 1947 formed the basis of the UN General Assembly's November 1947 partition resolution; Lester Pearson was Secretary of State for External Affairs and head of Canada's Assembly delegation; and Elizabeth MacCallum, Pearson's principal adviser for this item, was then External Affairs' only officer for Middle East and African affairs.

*served as advisor to the Canadian Delegation to the Multilateral Working Group on Palestinian Refugees.*

*From 1996-2000 he was Canadian Ambassador to the Hashemite Kingdom of Jordan and from 2000 until his retirement in 2003 he served as Canada's Special Coordinator, Middle East Peace Process responsible for orchestrating international work on the Palestinian refugee problem.*

*On retiring he co-founded the Jerusalem Old City Initiative (based at the University of Windsor) which is developing governance options for the future of Jerusalem. He is president of the Canadian Immigration Historical Society and a Senior Fellow at the University of Ottawa's Graduate School of Public and International Affairs.*

Mr. Molloy pointed out that President Obama is determined to bring about a sustainable Palestine-Israeli peace, and that he recognizes its interconnectedness with regional issues--Iraq, Iran, Afghanistan and Pakistan. But problems have grown. The shock of the second Intifada, with its suicide bombing campaign, destroyed the Israeli peace movement and drove the Israeli electorate to the right. It also reinforced Israelis' deep sense of insecurity. On the Palestinian side, the body politic is fractured physically and politically. Palestinian reconciliation is central to moving the peace process forward. Measures to weaken Hamas have failed. An honest appraisal of the impact of the Quartet-imposed sanctions and of Israel's incursion and ongoing siege must be made to assess what the destruction of Gaza's commercial and industrial sector has done to the elements of Gazan society capable of presenting an alternative to Hamas.

President Abbas is concentrating on the peace process and external relations. He needs to start acting like the president of all Palestinians, not just West Bankers. He needs to be seen to be making his own decisions; outside powers should back off and let him govern. And if he can miraculously achieve an agreement with Hamas that he can live with, these should not veto it. Prime Minister Fayyad is quietly and efficiently concentrating on internal reform and state building to enable the Palestinians to declare a state in 2 or 3 years. The USA and the West should focus on improving economic conditions on the ground, support the creation of solid Palestinian institutions and engage the Arab countries to help. Obama could talk, if not to Hamas, to the people Hamas speaks for.

Mr. Molloy said that the essential of a settlement would be "acknowledging and redressing injustices suffered by Palestinians and providing Israelis with the recognition and normalcy historically denied them". The core issues are: borders, land exchange and the future of settlements; Jerusalem with its competing claims and overlapping holy sites; and most important, what to do about the 4.5 to 7 million Palestinian refugees. The refugees embody Palestine's national identity and are the ultimate source of Palestinian political legitimacy. Eventual negotiations will require a more active US role where the Americans act as a mediator at the negotiation table, providing bridging ideas as required.

Canada's role should be to concentrate on what is possible now. The Canadian government should strongly support UNRWA's role in refugee education, health and jobs. It should continue

CIDA's contribution to Palestinian State Building efforts, focusing on legal and law enforcement reform, such as the training of judges, prosecutorial services, forensic services, courthouses, a sector where we are well respected and have the lead. As "gavel" of the Madrid-created Refugee Working Group, Canada—despite political neglect—has gained strong capability and credibility on the refugee issue. It could develop further the policy implications of its efforts in the field over nearly two decades; and it could cooperate with the European Union (EU) on the required international machinery such as contingency planning, coordination, and funding. The tough intangibles of the refugee issue – competing narratives, hurt, fear, the right of return vs the existence of a Jewish State -- could be tackled through a "track 2" approach. For Jerusalem, the University of Windsor's Old City Initiative and the Geneva Accords are so far the only real attempts to develop workable arrangements.

## Discussion

In the discussions that followed the remarks of the various speakers during the day, several stated that one-sided comment must be avoided, but that the gross inequality of power between the State of Israel and the Palestinians made it unrealistic and misleading to balance automatically between one party and the other.



Israel's behaviour as an occupying force: building the wall, targeted assassinations, arbitrary arrest without charge, the attack on Gaza largely aimed against the unarmed and entrapped civilian population, the use of cluster and phosphorus bombs, the continuing blockade of food and supplies for Gaza (even paper and pencils for schools), the destruction of property, the settlers' ongoing seizing of West Bank land and of Palestinian houses in East Jerusalem with Israeli military support -- these were all cited as illegal under international law laid down by the countries of the world in the Geneva Conventions, and as crimes that the UN and its member countries cannot condone if there is to be peace.

The point was repeatedly made that when countries like Canada and the United States do not uphold international law, the signal is given to other countries in the world to behave criminally with impunity. One speaker saw parallels with Canada's less than blameless record with its native peoples.

Refugees, as was repeatedly said, remain central to the issue. Justice is the basic Palestinian demand, and unless equality of justice is achieved, there will be no peace for Israel.

An obvious current impediment to progress is the disunity among the Palestinians themselves. The Israelis are also divided, although a majority appears to accept very tentatively a two-state solution because of demographics (higher birth rates among Palestinians), yet with little or no faith that it can be attained.

Differing views among conference participants were expressed about the desirability of pressing now for a one or a two-state solution, or something in between. A need was seen for a clarification of US policy (e.g. on accelerated settlement expansion), and a better-developed definition not only of the overall aim but also on the detailed essentials in preparation for any serious negotiations.

Participants all thought that Canada's former more constructive role in the peace process could and should be resumed. "Soft Power" was mentioned by several as a means of exercising influence on government, keeping the Palestine-Israeli issue before the public through speeches, letters to the media, op-ed pieces and participation in conferences. On tactics, there were brief references to the idea of "BDS" (boycott, disinvestment, sanctions) and to possibly useful precedents from the South African anti-*Apartheid* campaign, although these were not widely discussed at the conference.

There was broad agreement that exceptionalism and impunity with regard to international, humanitarian and criminal law, UN resolutions and findings and recommendations of International Courts would undermine these provisions for all of civil society and set back the attempt to recreate a somewhat level playing field between the powerful and the weak.

The need to counter the "politics of deflection" in order to deal with substantive issues and facts on the ground and the need to counter false notions of "balance" in a highly asymmetrical power imbalance were stressed as key insights to be kept in mind going forward.

There are many examples of the politics of deflection. One is repeating an untruth often enough that it is blindly accepted as truth. As Dr. Falk pointed out, the real story of the conflict consists of the Palestinians being pushed into the desert rather than the Israelis being pushed into the sea. Another example of the politics of deflection was suggesting that dealing with alleged war crimes in the Goldstone Report would interfere with the "peace process". Yet another example was and is "shooting the messenger" as was seen in attacking the credibility and probity of Judge Goldstone, instead of paying attention to the details of his report. Deflection diverts media and public attention from the actual problem--the situation and



treatment of the Palestinians, particularly in Gaza. Perceptions become distorted and the victims dehumanized and vilified to justify the intentionally illegal treatment they receive. The tactic warrants vigorous rebuttal whenever used, whether by Israeli spokespersons or by others.

There were a number of topics raised in general discussion that were *not* addressed in the context of the presentations, each of which has important implications for the impasse between Israel and Palestinians. They call for future attention.

Water: This key issue was largely absent from the conference, as pointed out from the floor. Water needs intelligent management. Right now it is not getting it. Water already causes conflict as to who is entitled to use what amount of water. There is no talk of sharing water or of curtailing its wasteful use. This problem has been evident in the area since the 1950s, and will continue to magnify.



Non-Security Purposes of the Barrier: Not addressed due to the law focus of the conference was the way that the placement of Israel's "Security Barrier" on Palestinian land has enabled the seizing by

Israel of highly desirable agricultural land, control over aquifers, integration of settlements with Israel, separation of Palestinians from one another and from their key resources—agricultural, water, social, educational, health and employment.

Nuclear proliferation in the Middle East: There was no discussion of the UN call for Israel to accept inspection of its nuclear weapons program nor the call for Israel to join the nuclear non-proliferation treaty (NPT). Nor was there discussion of the nuclear weapon capabilities of Pakistan and India in contrast to the non-weaponized nuclear program of Iran. All of these issues have implications for Canadian and other Western governments if policies with respect to nuclear proliferation in the Middle East are to be approached in a comprehensive manner.

The geopolitical context and implications of the Middle East conflict: A number of speakers made reference as to how the Middle East conflict has an impact far beyond its borders and not just regionally but time did not allow for any in-depth exploration of this reality.

## Recommendations

Beyond the governmental, diplomatic and media avenues which the Group of 78 has traditionally used to channel its recommendations and proposals, it was suggested that both the lack of progress at political and diplomatic levels on the Middle East file **and** the escalating harm to civilians necessitates shifting more of our contribution to collaborative grassroots efforts within civil society, both in Canada and globally. Given the present situation the conference felt that the emphasis of its recommendations would be best placed on “soft power” initiatives. These are:

1. Recognize that the failure of governments and other institutions to solve this long-festering impasse has now given rise to a sense of urgency by global Civil Society. The Palestine-Israeli conflict must be resolved on three fronts: the military, to avoid more brutal territorial incursions such as the invasion of Lebanon in 2006 and the destruction of Gaza in 2008-9; the economic, to put an end to the stifling of civilian well being, such as the blockade of Gaza, the wall, the check points, the long detour roads for the Palestinians, and the restriction of movement even for family reasons; and the land, where the illegal appropriation of Palestinian land for Israeli settlement, in the West Bank and East Jerusalem is further marginalizing the Palestinian population. Not only does this deny peace and justice to the Palestinians but if allowed to continue it may well envelop the whole area in conflagration. We must support global Civil Society’s peaceful campaigns, following the example of the successful struggle against South African *Apartheid*.
2. Support the implementation of UN resolutions and the Geneva Convention, and UN organizations and programs in the area.
3. Work to convince others that a military solution is not possible, that respect for human rights and international law are essential and that only justice will bring peace.
4. Urge that sustained attention be paid to the refugee problem in all its longer and shorter-term aspects, building on the work Canada has done over past decades. We should continue to support CIDA’s highly respected judiciary Palestine State Building program. We should also insist that we restore our traditional payments to UNRWA to support their role in refugee education, health and jobs, and advocate more money to them because of the emergency and the blockade of Gaza. We should build on our experience and the trust gained as the “gavel” for the Refugee Working Group set up at the Madrid conference to help these distressed people. We should also cooperate with the EU on the required international machinery for the refugees such as contingency planning, coordination and funding.

5. Emphasize to the public the counterproductive and unjust Canadian and general Western treatment of Gaza, and demand an end to the blockade, the easing of which had been a condition of the Israel-Hamas ceasefire which Israel never implemented.
6. Recognize the counter-productivity of the divide and conquer approach of Western governments to the Palestinian people, including failure to recognize the results of a free and fair Palestinian election demanded by Western powers, the co-opting of Fatah for the failed coup on Gaza, the siege and war against Gaza, the widely Palestinian-repudiated attempt by President Abbas to delay the Goldstone report and the substitution of so-called “economic peace” for a Palestinian state, as well as the constant vilification of and aggression towards Hamas.
7. Keep the Palestine-Israeli issue before the public through speeches, letters to politicians and the media, op-ed pieces, and participation in conferences, emphasizing that its harmful implications extend far beyond the region itself, and that Canada has played and could again play a useful role in endeavors to promote progress towards peace.

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# ***Peace, Human Rights, and the Rule of Law: Canada's Role in the Middle East***

The Group of 78 Annual Foreign Policy Conference  
September 25 – 27, 2009  
Cartier Place Suite Hotel, 180 Cooper St., Ottawa  
Conference Chair: Trevor Purvis

## **Conference Program**

### **Friday September 25**

**6:30 p.m.**      **Reception and cash bar**

**7:00 p.m.**      **Dinner**

**Keynote speaker: Richard Falk**

UN Special Rapporteur for Human Rights in the Occupied Territories, and  
Professor Emeritus of International Law, Princeton University

***The Israel/Palestine Conflict: Why International Law Matters***

### **Saturday September 26**

**8:00 a.m.**      **Registration and Continental Breakfast**

**8:30 a.m.**      **Opening and Welcome**

Welcome: Richard Harmston, Chair, Group of 78

Opening Remarks: Trevor Purvis, Conference Chair

**8:45 a.m.**      **Panel 1    *The Problem and its Contexts: Past and Present***

**Nahla Abdo: *Their Independence, Our Nakba: The Palestinian Ordeal in a Historical Perspective***

Professor, Department of Sociology/Anthropology, Carleton University

**Trevor Purvis: *Toward a New World Disorder? Challenges for Middle-East Peace after George W. Bush***

Assistant Professor, Department of Law/Institute of Political Economy, Carleton Univ.

**10:15 a.m.**      **Break**

**10:30 a.m. Report: *The Current Situation in the West Bank and Gaza***

**Libby Davies, Richard Nadeau**

MPs report on cross-party fact-finding trip to Jordan, West Bank and Gaza, August 2009.

**11:30 a.m. Panel 2 *Perspectives on Canadian Foreign Policy in the Middle East***

**Michael Byers: *Politics over policy: Canada's diminishing influence in the Middle East***

Professor and Canada Research Chair, Department of Political Science,  
University of British Columbia

**John Sigler**

Professor Emeritus, Political Science, Carleton University

**1:00 p.m. Lunch**

**Keynote Speaker: Stephen P. Cohen: *A Tragedy for both the Middle East and Western Society (Can Canada help to resolve this conflict?)***

Dr. Cohen is the president of the Institute for Middle East Peace and Development, has lectured at Yale and elsewhere. For over forty years, he has made 150 trips to the region, and attended the Madrid peace conference and other high-stakes meetings. He brought together Israel and the PLO officially for the first time in secret discussions in Europe in the mid eighties

**2:30 p.m. Panel 3 *Perspectives on the Israel – Palestinian Crisis: Differences and Discussion between Canadian Jews and Arabs***

**Jonathan Wouk: *Talking to, rather than at, Israelis & Jews***

Dr Wouk is a retired Jewish Chaplain and a Jewish scholar who has been actively involved with the Palestine-Israel issue for over forty years.

**Monzer Zimmo: *The Palestinian-Israeli Conflict - Options and Possibilities***

Mr. Zimmo has been a tireless advocate for justice-based peace between Israelis and Palestinians for more than three decades, and an active member of the peace movement in Ottawa.

**4:00 p.m. Break**

**4:15 p.m. Panel 4 Working Towards Peace: Essential First Steps**

**Michael Lynk: *Back to the Future: Lessons from the Past on Israel/Palestine's Future***

Associate Dean, Academic and Associate Professor at the Faculty of Law, University of Western Ontario. Professor Lynk has worked with the UN in the Middle East and is a regular media commentator on political and legal developments in the region.

**Michael Molloy: *Obama, the Middle East Peace Process and Canada***

Former Foreign Service Officer and Ambassador with extensive experience in Lebanon, Syria and Jordan, and Canadian Special Coordinator for the Peace Process; continues to work on "final status" issues, Jerusalem and refugees

**5:45 p.m. Wrap- up**

**Sunday September 27**

**8:00 a.m. Continental Breakfast**

**9:00 a.m. Conference Plenary Discussion: Conclusions & Recommendations**

**10:30 a.m. Concluding Remarks - Conference Chair, Trevor Purvis**

**10:45 a.m. Break**

**11:00 a.m. Group of 78 Annual General Meeting**