

FACTSHEET: CANADA-ISRAEL “PUBLIC SAFETY” COOPERATION



On March 23, 2008, Canada’s Minister of Public Safety, Stockwell Day, and Israel’s Minister of Public Security signed a Declaration of Intent to “enhance cooperation in the area of public safety.” While this declaration builds on existing cooperation¹ between Canada and Israel on security-related matters, the formality of this declaration bring a new level of significance and importance to the sharing.

What are the terms of the “Public Safety” Cooperation?

The Declaration of Intent² signed in March, 2008, targets cooperation in a number of areas, citing: 1) Border management and security, including biometric applications; 2) Correctional services and prisons; 3) Crime prevention; 4) Critical infrastructure protection; 5) Emergency management; 6) Illegal immigration; 7) Law enforcement cooperation; 8) Money laundering; 9) Organized crime; 10) Terrorist financing; and 11) Trafficking in persons. The Declaration clarifies that cooperation in these areas would be to meet a number of “objectives,” among them, to²:

- “...facilitate and enhance cooperation to protect their respective countries’ population, assets and interests from common threats;”
- “...share knowledge, experience, expertise, information, research, and best practices;”
- “...identify and share public safety concerns on the basis of threats, risk assessments, priorities, vulnerabilities, and consequences;”
- “...facilitate technical exchange cooperation, including education, training, and exercises.”

Why did the Canadian government pursue this Declaration?

While Canada and the West have been focusing on issues of “internal security” since Sept. 11, 2001, the logic of pursuing such an agreement with Israel per se is not clear. In his statement to the media³ at the signing of the Declaration, Canada’s Minister of Public Safety simply talked of the desire to increase the level of cooperation between Canada and Israel, and did not explain why Israel was a strategic partner in this respect for Canada. Indeed, media coverage of the Declaration was limited, and representatives of the opposition parties in Parliament said they knew very little about the agreement at its signing.⁴ In fact, the agreement may have been positioned as a “Declaration of Intent” rather than an “International Treaty,” to avoid the parliamentary scrutiny that the latter may have required.

What are some of the paradoxes of this Declaration?

Assuming that the Canadian government still promotes international law and human rights, there are a number of reasons why it is puzzling that Canada would pursue this type of agreement with an international player such as Israel. Canada and Israel are very different democracies, such that an agreement on “public safety” between the two countries is quite paradoxical. Examples of these paradoxes are supported by the exhaustive findings of Israeli and/or international human rights organizations:

- Israel is a country known to be practicing torture. Despite a 1999 Israeli Court decisions which reduced the amount of torture practiced by Israel’s General Security Service (GSS), Israeli human rights groups continue to provide widespread evidence of the use of torture against Palestinian detainees.⁵ Even a Canadian Ministry of Foreign Affairs report in early 2008 mentioned Israel as a country that practices torture.⁶
- Israel maintains laws which impose distinctions based on the religious and ethnic background of citizens. E.g. Israel’s Citizenship and Entry into Israel Law prevents Palestinian spouses from the West Bank and Gaza from uniting with their spouses in Israel since 2000⁷; despite a partial annulment in 2006 of Israel’s “No-Compensation Law” providing damages to Palestinians sustaining damages and injury from Israeli forces, such compensation is still in legal limbo⁸; etc.

- Israel is a country known to abuse the norms of administrative detention. While detention of enemy combatants during an occupation is recognized under international law, Israel's practices of detention of Palestinian refugees violate the most fundamental protections: e.g. length of detention without charge; justification of detention; conditions of detention⁹; etc.
- Israel is a country known to apply laws selectively within its citizenry. E.g. Enforcement of building laws and demolition orders by police in Israel is highly disproportionately applied to Arab citizens of Israel vs. Jewish citizens; Israel's amended Criminal Procedures Law of 2006 created a special category of offence – of which the accused are literally 99.9% Palestinian – with harsher criminal procedures¹⁰; etc.
- Israel has maintained a military occupation of foreign territory for over 40 years. One would hardly seek a Canada-China agreement on public safety because of China's efficient crackdown on the Tiananmen Square protests of 1989. By lauding Israel's "public safety" experience developed through decades of illegal occupation, Canada implicitly encourages and legitimizes Israel's regime of occupation in Palestine and its non-compliance with international law.¹¹

What should be the key concerns for Canadians with this Declaration?

In addition to the differences between Canada and Israel in terms of respect for human and civil rights, there are a number of other areas where Canadians should rightly challenge the wisdom of this public safety agreement.

- Question the fallacy of "common threats." Proponents of the assertion of "common threats" used in the Declaration suggest that Canada and Israel face the same threats for the same reasons. This is not true. Israel faces hostility because of its military occupation of Palestinian territory – Canada only faces similar threats in as much as it endorses this occupation. It is important to note that in 2007, the Arab League agreed to normalize relations with Israel if it would cease its occupation.¹² This new Declaration may further expose Canada to threats not of its own making.
- Question the border security intents. Since Canada and Israel don't share a common border, it's perplexing as to why they would seek cooperation on border security. Canadians would want to demand that Canada have no role – direct or indirect – in the policing of Israel's shifting borders with Syria, Lebanon and the Palestinian Territories. Such involvement would further entrench Canada's growing image in the Middle East as an unquestioning supporter of Israeli practices.
- Question the sharing of information with respect to immigration and ethnic profiling. Canadians should demand guarantees that Israeli intelligence – potentially obtained through torture – would not be used in Canadian immigration or refugee proceedings. Furthermore, Canadians must have guarantees that trumped up Israeli intelligence would not be used against Canadians domestically who are opposed to illicit Israeli practices. Canadians must also insist that Israel not have access to confidential files on Canadians.
- Question cooperation on prisons and correctional services. As noted above, Israeli prisons are a focal point of human rights abuses. While Israel may benefit from studying the Canadian correctional system and prisons, Canadians should insist that Israeli imprisonment, interrogation and other related practices not be used as a model for parallel Canadian institutions.

¹ Kutty, Faisal, "Canadian Press Calls for Inquiry into Allegations Regarding Mossad Use of Passports," Washington Report on Middle East Affairs, January/February 1998, pp. 26-27

² "Declaration of Intent Between the Department of Public Safety and Emergency Preparedness of Canada and the Ministry of Public Security of the Government of the State of Israel," Public Safety Canada, March 23, 2008

³ "Canada and Israel Sign Declaration to Cooperate on Public Safety," Public Safety Canada, March 23, 2008

⁴ Collins, Michelle, "Canada-Israel Security Deal Reiterates Closer Ties," Embassy Magazine, April 2, 2008

⁵ See for example "Absolute Prohibition: The Torture and Ill-Treatment of Palestinian detainees," B'Tselem and HaMoked, May, 2007

⁶ "Torture watchlist 'wrongly' names Canadian allies: Bernier," CBC, Jan. 19, 2008

⁷ "Israel/Occupied Territories: Families torn apart by discriminatory policies," Amnesty International, Jul. 13, 2004

⁸ "ADALAH'S Report to the UN CERD in response to the list of issues presented to Israel," ADALAH, Feb. 1, 2007, pp. 23-24

⁹ For a full discussion with references, see CJPME's factsheet: "Torture and Abusive Detention in Israel," May, 2008

¹⁰ "ADALAH'S Report to the UN CERD in response to the list of issues presented to Israel," pp. 7-8

¹¹ For some decades, some apologists for Israel sought to argue that Israel was not occupying the Palestinian Territories.

However, in 2001, the signatories to the Fourth Geneva Convention unanimously agreed that these laws of occupation applied.

¹² For a full discussion with references, see CJPME's factsheet: "The Saudi Peace Plan," May, 2007