

POSITION PAPER: CANADIAN POLICY AS IT RELATES TO ISRAEL'S WALL



Key Points about the Wall

1. The Wall is devastating in its impact on Palestine because it is not built on the border (i.e. the Green Line) between Israel and Palestine. Less than 6 percent of the length of the Wall will be within 100 m. of the Green Line.
2. When complete, the Wall will effectively annex about 45 percent of the West Bank. In addition, the land remaining to the Palestinians will be broken up into several small, disconnected patches.
3. Human rights groups estimate that as many as 875,000 Palestinians will be directly impacted by the Wall. This is about one third of the entire population of the West Bank. Key impacts affecting life within the Palestinian territories are:
 - a. Inability to maintain jobs and livelihoods
 - b. Drastic restriction to commerce and economic development
 - c. Severely reduced access to health care services
 - d. Blockage of access to educational facilities
 - e. Fracturing of communities along the Wall
 - f. Inordinate restriction of movement within the Palestinian territories themselves
4. The international community has very strongly and overwhelmingly condemned Israel's Wall. Two General Assembly resolutions, and the International Court of Justice Ruling (July, 2004) have insisted that Israel cease and reverse construction of its Wall.

Key Points about Canadian Policy on Israel's Wall

1. Canada should not have abstained on UN General Assembly resolution ES-10/15 on July 20, 2004. This resolution demanded that that Israel "comply with its legal obligations as mentioned in the [International Court of Justice (ICJ)] advisory opinion." This abstention does not uphold international law and/or human rights.
2. Being against Israel's Wall is NOT being pro-Palestinian. It is being pro-human rights, and pro-international law.
3. Canada's "official" objections to taking action following the ICJ decision had already been defused by the ICJ ruling itself. (See reverse for a review of these arguments.)
4. Canada's recent tendency to evaluate all UN resolutions only in light of whether they improve the prospects of peace in the Middle East is insufficient. Canada's votes and positions must be justifiable from the perspective of international law and human rights.
5. The UN and its offices (and the ICJ) have never denied Israel the right to protect its citizens. Rather, they have simply insisted that Israel take measures that are consistent with international law. (See reverse.)
6. While the ICJ decision's recommendations are "non-binding," its ruling on the legality of the Wall is final and binding.
7. "Washing one's hands of the conflict between the powerful and the powerless means to side with the powerful, not to remain neutral." – Paolo Friere

The Arguments in Canada's Official Explanation of its Vote at the UN

Canada's official explanation of its abstention on the UN General Assembly vote following the ICJ ruling contained arguments which were entirely untenable. Canada's three "arguments" against voting for the resolution are listed below, yet the ICJ had actually addressed each of these "arguments" in its ruling.

Canada's Objection: The situation is "politically charged," so international scrutiny should not be applied.

ICJ Response: Political circumstances do not obviate the need for a legal evaluation of the Wall and its impacts. (paragraphs 41-42, 48-50)

Canada's Objection: The General Assembly must consider the "greater whole" of the conflict before voting on a resolution.

ICJ Response: The Court was asked to give its legal opinion on the Wall. It can and should provide a ruling, despite the fact that the conflict has many facets. (paragraph 54) The ICJ performed a broad review of history of the conflict, and the realities of the Wall, and rendered a decision. (paragraphs 55-58, 66-85) The ICJ decision was final – no other legal deliberations or decisions are pending.

Canada's Objection: "the issue of barrier cannot be viewed in isolation from Israel's security concerns"

ICJ Response: Israel must protect its citizens, but in a way which conforms to international law. Israel had several other equally effective "security" alternatives which would not have been contrary to international law. (paragraphs 140-142)

The UN Supports Israel's Right to Protect its Citizens

"I acknowledge Israel's right to protect its people... However, that duty should **not** be carried out in a way which is in contradiction to international law that could damage the longer-term prospects for peace... or that increases suffering among the Palestinian people." Kofi Annan, November 24, 2003

"[Israel] has the right, and indeed the duty, to respond in order to protect the life of its citizens. The measures taken are bound nonetheless to remain in conformity with applicable international law." ICJ Decision, July 9, 2004