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• (1605)

[English]

The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)): I call this meeting to order.

Welcome to meeting number 126 of the House of Commons Standing Committee on Foreign Affairs and International Development.

Today's meeting is taking place in a hybrid format.

I would like to remind all members, and the witnesses as well, to wait until I recognize you by name.

We will be resuming our study on Canada's advancement of a two-state solution. Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, September 19, we are going to continue on with that study.

Without much further ado, I'd like to welcome our two witnesses today. From the Department of Foreign Affairs, Trade and Development, we are grateful to have with us Mr. Louis-Martin Aumais, legal adviser and director general of the international law bureau, as well as Ms. Rebecca Netley, executive director, accountability, human rights and United Nations law division.

Welcome to you both. I understand that you have one opening statement.

Mr. Aumais, you have five minutes for your opening remarks.

[Translation]

Mr. Louis-Martin Aumais (Legal Adviser and Director General, International Law Bureau, Department of Foreign Affairs, Trade and Development): Thank you very much, Mr. Chair.

Ladies and gentlemen, as legal adviser for Global Affairs Canada, thank you for the invitation to appear before the Standing Committee on Foreign Affairs and International Development to discuss Canada's contribution to the advancement of a two-state solution.

Let me begin by stating a few points of international law dealing with the recognition of a state. In customary international law, the constituent elements of a state include a permanent population, a defined or relatively defined territory, a sovereign government and independence from other states.

That said, the application of these elements can pose challenges in specific factual situations. Existing states may have differing opinions as to whether the elements listed above are present in a

particular case. It is up to each state to make its own assessment and decision on the matter. Moreover, even if these elements are present, there is no obligation for another state to recognize an entity as a state, as legal considerations are only part of the elements that influence this decision.

In the end, the decision on whether to recognize a state is a deliberate political act on the part of another state.

• (1610)

[English]

Mr. Chair, in Canada the authority to recognize new states is exercised by the federal executive under its prerogative over the conduct of Canada's foreign relations. I would note that the approach to recognition is generally characterized by caution. Indeed, states extend recognition in order to remove uncertainty, not to create it.

When Canada decides to recognize a new state, it does so clearly and expressly. The manner of the recognition is also a political decision and can take a variety of forms, such as the exchange of diplomatic communication, an official statement by the government and other forms.

Moreover, the level of political, diplomatic, trade, economic or other engagement that Canada may decide to have with the state that it recognizes is also a political decision.

[Translation]

My colleague Ms. Netley and I thank you for your attention. We look forward to hearing from you.

[English]

Thank you, Chair.

The Chair: Thank you very much, Mr. Aumais.

We start off with Mr. Chong. You have four minutes, please.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

[Translation]

Thank you, Mr. Aumais, for your testimony and statements.

[English]

You said something that I think is very important for the committee. You answered a question that I was going to ask, which is whether or not, from the Government of Canada's perspective, the recognition of statehood is a political or a legally determined decision. You've clearly answered in the former rather than the latter.

Clearly, as you said, the recognition of statehood is something that should be approached with caution and should be done clearly and deliberately, but ultimately it is a deliberate political decision, and the manner of recognition is also a deliberate political decision. I appreciate your clarity on that point in your opening remarks.

I was going to ask what criteria would be in place and would have to be met in order for the recognition of statehood to be obtained. I think you'll probably answer by saying that it is a deliberate political decision of the political executive, so I won't ask that question.

Maybe I'll ask a different question.

Broadly speaking, is it the department's view that the Oslo accords are the path for a two-state solution?

Mr. Louis-Martin Aumais: The Oslo accords were very much a political arrangement reached by the State of Israel and the PLO in order to create a Palestinian authority. Given the very political nature of the arrangement, I wouldn't be able, as the legal adviser of the department, to express a view about whether that is "the" path or whether it is "a" path.

Clearly, at the time of its conclusion, it appeared to be a reasonable path that the parties had agreed upon and were entering into. Obviously, history shows us that it has not led to what the parties had contemplated in the first place.

It's a complex agreement. It's about setting a number of preliminary steps and interim steps over a period of time. It was over five years with the view, ultimately, to agreeing to a more permanent arrangement.

• (1615)

Hon. Michael Chong: Can I ask you a quick, unrelated question?

There was discussion two meetings ago about the Montevideo convention.

Canada is not a signatory to that convention, is it?

Mr. Louis-Martin Aumais: No, we're—

Hon. Michael Chong: Does Canada consider that to be...? You elucidated four criteria as to what constituted statehood.

Is that something you've taken from the Montevideo convention, or is this—

Mr. Louis-Martin Aumais: That's correct. We are not a party to the convention itself, and many countries are not parties to that convention.

Basically, the criteria it lists also form part of international customary law, so we see ourselves as looking at those criteria for the recognition, but obviously it's not as though you meet the juridical or the legal tests and therefore you have a state. There is an eminently sovereign decision by other states, obviously taking into consideration those elements. It's been a well-established practice over time.

The Chair: Thank you, Mr. Chong.

We now go to Mr. Alghabra for four minutes.

Hon. Omar Alghabra (Mississauga Centre, Lib.): Thank you, Mr. Chair.

Mr. Aumais and Ms. Netley, thank you very much for being here this afternoon.

I also want to echo what my colleague Mr. Chong has said. Thank you for your clarity with your statement. I promise to try to stay away from asking you any questions that might delve into the political realm.

I know the answer, but I want to ask the question in a different way.

Are there any legal impediments to the Government of Canada recognizing the State of Palestine?

Mr. Louis-Martin Aumais: Based on practice and customary international law, the criteria are there. It is totally available for the government to make an assessment based on those criteria.

It could also look into other elements that it wants to take into consideration. It's not an exhaustive list. As I mentioned in my preliminary statement, there could be factual situations that warrant additional elements being added into the mix, such as political considerations or an analysis of where the entity that seeks to become a state, under those criteria, is in relations with its neighbours and the region.

These are additional elements, but I wouldn't see them qualifying as impediments.

Hon. Omar Alghabra: Do you know of any of our allies that are either considering the recognition, or have recognized, the State of Palestine?

Mr. Louis-Martin Aumais: Chair, there are a number of countries that have already made that recognition public. I am not tracking precisely, from a legal adviser's perspective, the number of countries. There are on public record a number of countries that have made that recognition—actually, there are above 100.

Hon. Omar Alghabra: I don't expect you to know by heart, but if you're able to send back to the committee the list of countries that have either officially recognized the State of Palestine or are currently contemplating or considering it, I would appreciate that.

I have another question for you. We know that Norway, Ireland and Spain recently announced it. Can you tell the committee how they manifested that recognition? What steps did they take after making that political decision?

Mr. Louis-Martin Aumais: Chair, that is a very interesting question, and it illustrates what I mentioned in my statement.

There are different ways of doing that. There isn't an instruction booklet that indicates how a state can declare its recognition of a new state. What's sought by international law is clarity and absence of ambiguity on the matter.

For those countries, as far as I could see, they made very official public and outward statements to the international community to indicate that they were taking that step.

In terms of their internal communication, I would not be familiar with what they did. By “internal”, I mean how the recognizing state and the State of Palestine transacted between themselves. Normally there's an exchange of diplomatic communication, diplomatic notes, an exchange of communications between foreign ministers or heads of government and heads of state. Again, that's how it's done. It's normally an agreed arrangement between the two entities, but I am not privy to the detail of how it was done, precisely, by Norway, Spain, Ireland or Slovenia.

I would anticipate that's how they did it, Chair.

• (1620)

Hon. Omar Alghabra: Thank you.

Thank you, Mr. Chair.

The Chair: Now we go to Mr. Bergeron. You have four minutes, sir.

[Translation]

Mr. Stéphane Bergeron (Montarville, BQ): Thank you very much, Mr. Chair.

I'd like to thank our two witnesses for being here.

I also thank you, Mr. Aumais, for your extremely clear introductory comments.

In an advisory opinion issued in July 2024, the International Court of Justice stated that Israel's occupation of the Palestinian territories was unlawful. It added that states had an obligation not to render aid or assistance in maintaining the situation created by Israel's unlawful presence in the occupied Palestinian territories.

In your opinion, under the Canada-Israel Free Trade Agreement, which considers products manufactured in Jewish settlements in the occupied territories, is Canada aiding or assisting in the maintenance of the situation created by Israel's illegal presence in the occupied Palestinian territories?

Mr. Louis-Martin Aumais: I thank the member for his question.

It's a very pertinent question in the context of the court's advisory opinion.

I'll give a little preamble on the advisory opinion. It is an opinion of the court that is not binding on the parties. These are questions that the UN General Assembly put to the court about Israel's practices and policies in the occupied Palestinian territories.

As you correctly pointed out, the court issued an opinion in July, and it rightly talked about the lawfulness of Israel's practices and policies in these territories. It also included a portion on the obligations of third-party states in relation to the obligations that the court believes Israel has breached through its policies and practices.

Some of the elements on which the court ruled are peremptory obligations under international law, the *jus cogens*. These obligations require obedience from all states, not just Israel. In this case, this means that countries like Canada must make an assessment of their implementation of these obligations.

You mentioned the Canada-Israel Free Trade Agreement. I'm not an expert in international trade law, but I know enough to be able to

say that this treaty is designed to have a particular definition of its application over treaties. As far as Israel is concerned, it states that the treaty applies where Israel's customs laws apply. It does not refer to any particular territory. Under the Oslo Accords, this allows customs laws to be applied in the occupied territories, for example. This allows products from the occupied territories to benefit under the treaty. As you mentioned, this is a precaution taken precisely to avoid ambiguities. Is this something that is studied and reviewed by my colleagues in international trade law? Yes, it absolutely is. We have to be satisfied. The nuance in the definition of treaty application takes this into account. We felt that Canada's obligation did not begin in July, when the court issued its advisory opinion. Although it's not binding on Canada, obviously Canada has to study it. It was a measure, an approach that had already been taken by Canada in its negotiations for the Canada-Israel Free Trade Agreement to take into account this difficulty that is raised by the court itself.

Have I answered the question?

If not, I hope the member will ask me a supplementary question.

• (1625)

Mr. Stéphane Bergeron: I don't think I'll have the opportunity to do so.

[English]

The Chair: I'm afraid you're out of time.

Madam McPherson, you have four minutes.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Thank you very much, Mr. Chair.

Thank you to the witnesses for being here today and sharing their expertise. I will also try to ask you questions you can answer, but forgive me if I stray.

I want to be very clear. The first question I want to ask is on something that you spoke about at the very beginning.

The decision to recognize the state of Palestine is a political choice. This is something that could be done by the minister without delay. It's possible legally.

Mr. Louis-Martin Aumais: As to the time it takes to make the decision, I wouldn't be—

Ms. Heather McPherson: The decision to do it requires just that, political will.

Mr. Louis-Martin Aumais: The decision by Canada as a state to recognize another state is a matter that can be taken at a moment of the government's choosing.

Ms. Heather McPherson: You need a letter and you need a microphone, right?

I'd like to have a quick conversation about some of the consistency with regard to how we do this.

We know that Canada was among the first to recognize Kosovo. Canada, at the time, cited human rights, stability and the principle of self-determination. From your perspective, is there a legal rationale or any reason for why this government has failed to apply the same principles to Palestine, where systematic human rights abuses, illegal settlements and occupation have continued for some time?

It does look very much like we have chosen to respect the right to self-determination for some but not for others. I wonder if you have a comment on that.

Mr. Louis-Martin Aumais: Chair, maybe to start with the end of the member's question, the issue of the right to self-determination of the Palestinian people is a matter that government has had on the record for a period of time. There's no issue about that with respect to the Palestinian people.

The question of the timing of the government's decision, again, is a political question. As the legal adviser of the department, I wouldn't be able to speak to those political considerations, but the criteria normally taken into account by a state to make such a decision are available for the government. I would not want to suggest that the way the government made its decision on previous recognitions of state binds the government on future ones.

Ms. Heather McPherson: Of course, it wouldn't bind government, but one would question why different decisions are made in different places.

I know one of the arguments that has been given is that the government needs to be cautious and that it could be destabilizing in the present context. When we recognized Kosovo, the recognition was seen as a step toward stabilizing the Balkans, yet in Palestine, after decades of displacement and violence, we continue to have one of the world's longest-standing crises.

I'm wondering how that claim of promoting global stability while refusing to recognize Palestine would be appropriate.

Mr. Louis-Martin Aumais: Chair, I would love, as legal adviser, to be able to offer a satisfactory answer to the member, but I'm getting into the realm of policy and politics. I believe the next panel might be able to offer additional guidance on that.

• (1630)

Ms. Heather McPherson: Thank you.

That's good for me, Mr. Chair.

The Chair: Thank you.

We next go to Mr. Hoback. You have three minutes.

Mr. Randy Hoback (Prince Albert, CPC): Thank you, witness-ess, for being here. This is fascinating.

I'm just kind of curious. We talk about political choice as being the end decision made on statehood, but there has to be some backing information to make that political choice, to actually say that we're going to make the political choice to do this.

What types of things would you like to see in the legal aspects that would go into that decision before it's made?

Mr. Louis-Martin Aumais: Chair, when a state makes a decision about recognizing a new state, it wants to achieve a decision

that is clear and provides certainty, not just for the new state itself but also for our citizens, for our ability to interact as people to people and to have different kinds of relationships.

In customary international law, which is the source of international law that stems from the practice of states, having sufficient governmental authority over a relatively well-defined territory and an absence of challenge from other states are the kinds of elements, as I mentioned in my preliminary statement, that would be looked at, but this is—

Mr. Randy Hoback: In that scenario, that would be a negotiation between the two parties deciding on statehood, would it not?

Mr. Louis-Martin Aumais: No, it's not a negotiation. It's a sovereign appreciation by the recognizing state.

Mr. Randy Hoback: To have a clearer picture, if there were negotiations, if there were an agreement to move forward, then the political decision would be relatively simple, would it not?

Mr. Louis-Martin Aumais: Do you mean if there were a negotiation in terms of certain political considerations?

Mr. Randy Hoback: Yes. Two parties come together and say that they agree on the actual geographic location, on the rule of law, on how they're going to respect each other, and on many other things that would come into play in that agreement.

Wouldn't that be a better basis to achieve statehood than trying to just declare it and then trying to find out a way to get to that position somewhere later?

Mr. Louis-Martin Aumais: Chair, this is a very good question. If you go back to the early nineties, that was the plan with the Oslo accords. There was going to be an agreed track between the two sides, allowing them to have sort of a transitional phase, and then, over time, identifying the more permanent elements of a new state, including territory, government and transfer of jurisdiction. It didn't happen the way it was contemplated, so....

The negotiation in that instance happened between the two main players. In terms of negotiations between Canada and those players, again, that's not a—

Mr. Randy Hoback: That wouldn't be a part of the picture. We would be watching it, I assume. We would not necessarily be a part of it, but we'd be using that as the—

Mr. Louis-Martin Aumais: It could very well be a consideration of the government, absolutely. As I mentioned, it's not an exhaustive list of considerations.

Mr. Randy Hoback: I think I ran out of time.

The Chair: Thank you. I'm afraid you're out of time.

We'll now go to Madame Chatel. You have three minutes.

[*Translation*]

Mrs. Sophie Chatel (Pontiac, Lib.): Thank you very much, Mr. Chair.

Before I ask my questions, I'd like to welcome our guests, Mr. Aumais and Ms. Netley.

My colleague Mr. Alghabra has asked for some information, including a list, for example. I know that our wonderful analysts will need it before November 19. So I wonder if it would be possible for you to provide it before that date.

My first question concerns the legal implications for Canada of recognizing the State of Palestine, particularly with regard to its commitments under the Middle East peace agreements.

Mr. Louis-Martin Aumais: I thank the member for her question, Mr. Chair.

As for the legal implications for Canada that would follow eventual recognition, the relations that Canada would have with this new state would be guided by international law as a whole and by the various obligations and courtesies between states that are appropriate.

As for questions related to the Middle East peace process, I think I should leave those to my colleagues on the next panel. To my knowledge, Canada has no firm obligations in the peace process. In terms of foreign policy, of course, Canada, as well as every country in the world, must take into consideration the progress of this peace process.

The previous speaker asked about the principle of self-determination of peoples. Obviously, we have to take into account the fact that this principle is a peremptory rule of international law, which means that no country can deviate from this norm.

I think that's how I would answer the member's question.

• (1635)

Mrs. Sophie Chatel: Thank you.

I know that the Palestinian Authority is going through an important reform process.

Could you talk about this reform and its vitality as a key element in state recognition?

[*English*]

The Chair: Answer very briefly.

Mr. Louis-Martin Aumais: I apologize, Chair. The volume was low at the beginning of the question, so I couldn't hear it.

[*Translation*]

Could I hear—

[*English*]

The Chair: You were essentially over the time by the time....

Mrs. Sophie Chatel: I was over the time.

[*Translation*]

Mr. Louis-Martin Aumais: Could you repeat the beginning of the question?

Mrs. Sophie Chatel: I was talking about the Palestinian Authority, which is currently going through a reform process. I was asking you to tell me about this reform and its repercussions.

Mr. Louis-Martin Aumais: Once again, this is a matter for the political arena rather than the legal circle. On the other hand, I can give you a figure for the number of states that have recognized the State of Palestine. At present, there are 145 out of 193.

Mrs. Sophie Chatel: In the report, we'll have more details on those who—

Mr. Louis-Martin Aumais: There will be details on the list of countries. We'll provide you with that.

Mrs. Sophie Chatel: This is a very important figure.

Thank you.

Mr. Louis-Martin Aumais: Thank you.

[*English*]

The Chair: We'll go next to Mr. Bergeron. You have a minute and a half, sir.

[*Translation*]

Mr. Stéphane Bergeron: I'll start with a political comment that will take us into legal territory.

Some say that what's damaging Canada's credibility internationally is the fact that it's not consistent when it comes to applying international law.

Earlier, reference was made to the advisory opinion of the International Court of Justice. Canada has made a point of defending the territorial integrity and sovereignty of Ukraine, and I'm on board, but has been much more reserved in denouncing Israel's aggression against Lebanon.

In your opinion, legally speaking, is Canada consistent with its position on Ukraine?

Mr. Louis-Martin Aumais: Mr. Chair, I thank the member for his question.

International law guarantees Israel the right to defend itself against attacks. This is enshrined in the United Nations Charter. The attacks on Israel, which came from Lebanon, justify Israel exercising this right to self-defence. So, that—

Mr. Stéphane Bergeron: In the north of the country? As far as northern Lebanon?

Mr. Louis-Martin Aumais: It's from southern Lebanon all the way to northern Israel. So it's on this basis that—

Mr. Stéphane Bergeron: The attacks go all the way to northern Lebanon, don't they?

Mr. Louis-Martin Aumais: The exercise of the right to self-defence has no geographical limit linked to the actual source of the attacks. It is up to the country exercising the right to self-defence to determine what is necessary, what is proportional and what is—

• (1640)

Mr. Stéphane Bergeron: You say “proportional”. That's interesting.

Mr. Louis-Martin Aumais: Yes.

It's part of the principles of the right to self-defence—

Mr. Stéphane Bergeron: That's interesting.

Do you consider this reaction to be proportional?

Mr. Louis-Martin Aumais: Being a lawyer from Canada, it would not be appropriate for me to express an opinion on what is proportional and necessary on the part of a third country. Furthermore, I don't have access to all the information, to all the information that Israel would have at its disposal to make the necessary decisions, to make the right decisions to exercise its right to self-defence.

Mr. Stéphane Bergeron: Thank you, Mr. Aumais.

[*English*]

The Chair: Madam McPherson, you have a minute and a half.

Ms. Heather McPherson: I hope you're as generous with your minute and a half as you were with my colleague's. Thank you.

I'm curious about some of the comments that you've made, but there's one thing I want to start with. Legally, the State of Palestine already exists. I think it's important that we do recognize here that Palestine exists; what we're talking about right now is Canada's recognition of Palestine. The state exists, so we are not creating a state. This is not what we're talking about. It's the recognition by Canada.

You talked about the right to defence, so I have some questions for you on the right to defence being a legal ability. What about the attacks on UN workers? What about collective punishment? We also know that innocent civilians have the right to not be punished for the behaviours of terrorists within their realm.

Would you say, for example, that Israel's response in Gaza, where we have seen tens of thousands of innocent lives lost, is within Israel's right to defence, or do you think that it is collective punishment and has strayed beyond the right to defence into a war crime and, I would argue, a genocide?

Mr. Louis-Martin Aumais: Mr. Chair, I will take the questions one by one.

On the issue of recognition of a state, what is available for Canada to do is to make a decision as to whether it sees a new state in front of it with which it can have state-to-state relations—

Ms. Heather McPherson: That doesn't mean that the state doesn't exist; it is just Canada's recognition of it.

Mr. Louis-Martin Aumais: “It's just Canada's recognition.” It is Canada's recognition. It is a significant decision by the state of Canada. Until such time as Canada recognizes a new state, from Canada's perspective, there is no recognition of a new state. Notwithstanding what other states or organizations, as I mentioned in my preliminary statement, may have decided with respect to that entity, it doesn't bind Canada. It's up to Canada to make its own sovereign decision on that matter—

Ms. Heather McPherson: I hate to rush you, but I am going to run out of time, so we'll get to that last part.

The Chair: You're 50 seconds over.

Ms. Heather McPherson: I wonder whether he could answer the question, since that was allowed for other members.

The Chair: Absolutely, he can, but answer very briefly, please.

Ms. Heather McPherson: The question was on whether or not you feel that Israel's response has been a war crime because of collective punishment and attacks on UN workers.

Mr. Louis-Martin Aumais: Very briefly, Chair, the right to self-defence of Israel obviously has to be exercised under the rules of international law, which is international humanitarian law. It has a number of principles that need to be followed: necessity, proportionality and distinction.

Again, as I mentioned to the Bloc Québécois member, it is not something that we, from the perspective of Canada, are able to make a complete assessment of because of information that is lacking from open sources.

The Chair: Thank you.

We have two minutes remaining. Given that you are here, I'd be remiss if I didn't ask you a question that arose on a number of occasions in our last several rounds.

Could you tell me, Mr. Aumais, whether—from the perspective of international law—it is possible to place predicates or conditions on a people's right to self-determination?

• (1645)

Mr. Louis-Martin Aumais: For a sovereign state to put predicates on...?

The Chair: Is it possible to place predicates or conditions on a people's right to self-determination?

Mr. Louis-Martin Aumais: Thank you, Chair, for your question.

The self-determination of peoples, as I mentioned, is a peremptory norm of international law. It's not one that states can avoid. I would suggest that a state seeking to create its own type of observance of that obligation through predicates, for instance, would raise some questions about whether the peremptory norm is respected.

The right to self-determination exists and has been confirmed by the International Court of Justice in its advisory opinion. The right exists, full stop.

Regarding how it is exercised, there are different iterations. However, with regard to putting preconditions—if I understand your meaning of “predicate”—on its exercise, I cannot see that rule excepting those kinds of preconditions.

The Chair: Thank you for bringing clarity.

That concludes our questions.

Mr. Aumais and Madame Netley, thank you very much for your time, expertise and perspective on all of the issues that were raised. We're very grateful.

We will suspend for three minutes.

• (1645) _____ (Pause) _____

• (1645)

The Chair: We can resume.

For the second panel, we're grateful to have Mr. Richard Arbeiter, associate assistant deputy minister, international security and political affairs. We're also incredibly grateful to have Mr. Alexandre Lévêque back once again. He is the assistant deputy minister for the Europe, Middle East and Arctic branch.

I take it, Mr. Lévêque, that you already have returning to our committee in your schedule for the remainder of the year. We're very grateful you've taken the time. Would you like to make opening remarks?

Mr. Lévêque, you have five minutes for your opening remarks.

• (1650)

Mr. Alexandre Lévêque (Assistant Deputy Minister, Europe, Middle East and Arctic Branch, Department of Foreign Affairs, Trade and Development): Thank you very much, Mr. Chair, for welcoming me back.

Mr. Chair and honourable members of the committee, I want to thank you for this opportunity to discuss Canada's advancement of a peaceful resolution to the Israeli-Palestinian conflict. I will use it to briefly describe Canada's long-standing position in support of a two-state solution and how we have responded to developments on the ground in this regard.

However, I will flag from the outset—much like my colleague did in the previous session—that this issue is evolving rapidly and is under active consideration at this very moment. Consequently, I hope the committee will appreciate that while I will do my best to provide analysis and offer views on the various considerations, I am not in a position to comment on any advice the department may be providing to the government.

Canada's position on questions relating to the Israeli-Palestinian conflict remains guided by a historic commitment to a two-state solution, as it has always been. Support for the creation of a sovereign, independent, viable, democratic and territorially contiguous Palestinian state, one living side by side with Israel in peace and security, has been the standing position of consecutive Canadian governments over the decades.

[Translation]

In 1947, Canada played a key role as a member of the United Nations Special Committee on Palestine, or UNSCOP. It was one of seven members of the committee to approve the partition plan for Palestine.

On November 29, 1947, Canada was one of 33 UN member states to vote in favour of Resolution 181, which recommended the creation of independent Jewish and Arab states and a *corpus separatum* for Jerusalem.

Twenty years later, in the aftermath of the 1967 Six-Day War, Canada also voted in favour of UN Security Council Resolution 242, which called for a comprehensive, just and lasting peace

within the framework of a negotiated peace agreement and full diplomatic recognition between the parties.

In 1993, Israel and the Palestine Liberation Organization, or PLO, signed the Declaration of Principles, also known as the Oslo Accords, which included the creation of an interim governmental entity in the West Bank and Gaza, the Palestinian Authority, as well as mutual recognition of Israel and the PLO. Canada has fully supported the peace process defined by the Oslo Accords, and has always maintained that a negotiated two-state solution is the only way to achieve the goal of a comprehensive, just and lasting peace in the Middle East.

[English]

In recent years, prospects for a negotiated two-state solution have diminished. They deteriorated significantly following Hamas's brutal terrorist attack against Israel of October 7, 2023, in light of the human toll of the Israeli military offensive in the Gaza Strip, and the broader escalation in the region. This grim context has reignited discussions around the world on the prospects for a two-state solution and the path to peace.

[Translation]

It is clear that we urgently need to build a credible path to a two-state solution whose process cannot indefinitely delay the creation of a Palestinian state.

In response to developments on the ground, Canada's Permanent Representative to the United Nations indicated to the UN General Assembly in May of this year that the Government of Canada was prepared to recognize the State of Palestine at the time most conducive to a lasting peace, and not necessarily as the final step in the process.

[English]

State recognition does not negate the critical need for direct bilateral negotiations between the parties. The Government of Canada considers that key final status issues, such as the status of Jerusalem, can only be resolved through negotiations among the parties concerned in the context of a final status peace agreement.

Canada has historically played a role in the search for a viable and comprehensive solution on those issues and stands ready to support new negotiations in the future.

The government also believes that durable peace needs to be regional and include the full integration of Israel in the Middle East. The government has welcomed the 2020 Abraham Accords as a positive step towards Israel's integration into the region. Global Affairs Canada will continue to work with the international community to advance these efforts, keeping in mind the need for long-term security guarantees for Israel.

Mr. Chair, the issue that you are studying today is one that merits thoughtful consideration and an understanding of the various implications. I hope our testimony today will contribute to this endeavour.

• (1655)

[Translation]

Thank you.

[English]

The Chair: Thank you very much, Mr. Lévêque.

We now turn to the members.

The first member up is Mr. Chong. You have four minutes.

Hon. Michael Chong: Thank you, Mr. Chair.

Clearly, the recognition of statehood is an inherently political decision for the political executive to make, and I would add that this decision is not made in isolation from what our closest allies are doing.

I note that when the Government of Canada recognized the statehood of Kosovo in 2008, it did so after Canada's closest allies, and our G7 colleagues, did the same. Currently, none of Canada's closest allies and none of our G7 partners have recognized Palestinian statehood.

I'll make a statement, which I assume you agree with. It is that Canada's closest and most important ally is the United States that and our most important bilateral relationship in the world is with the United States. Almost equally important are close allies like the United Kingdom and France, with whom we are bound by treaties such as the NATO treaty, and the Five Eyes agreements with the United States and the United Kingdom, with whom we also have close military co-operation in training of each other's forces and the like.

What would be the implications or the fallout if Canada were to recognize Palestinian statehood ahead of any one of our partners in the G7, or ahead of our closest military allies in the Euro-Atlantic alliance?

Mr. Alexandre Lévêque: Mr. Chair, obviously it would be very speculative of me to start commenting on a decision that has not yet been made by the government and the incomplete information as to what like-minded partners and allies would do.

What I can say, however, is that this issue is very much alive, and not just in our capital. It is discussed in a very intense way in the capitals of the very countries you've listed—France, the United Kingdom, Germany, a few European partners, Australia, New Zealand. These are very live conversations.

Obviously, I don't know the kinds of conversations that are taking place in the transition team that is being formed in Washington. We can expect a number of changes to the United States' policy towards the Middle East.

Of course, we're comparing notes. We're talking to each other, and we're weighing the considerations as a group of very like-minded countries.

Hon. Michael Chong: Is the government of Canada cognizant of the fact that a decision regarding Palestinian statehood is not to be taken in isolation from what our closest allies are doing?

Mr. Alexandre Lévêque: I think it is a fair statement to say that what others are doing and how they are planning their pronouncements on this is an important consideration.

Hon. Michael Chong: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Chong.

We next go to Mr. Zuberi.

You have four minutes.

[Translation]

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): I'd like to thank the witnesses for being here.

• (1700)

[English]

Thank you to all members for this study.

Our key goal and objective in this study is to ensure that each and every person in the region, regardless of ethnicity, faith or which border they live within or outside of, lives in peace and security, which is exactly a two-state solution.

The uncertainty with respect to Palestine relates to the fact that it's not fully recognized by the international community, despite the fact that there are 149 countries currently recognizing it, to my knowledge.

Has the fact that the full international community has not moved towards recognition created uncertainty and instability in the region?

Mr. Alexandre Lévêque: I would not want to propose direct causality between the lack of unanimity in the international community and the state of instability in the region.

Mr. Sameer Zuberi: Maybe I'll put this more precisely.

Has the current lack of recognition led to a differential type of policy in the way in which Canada engages with the occupied Palestinian territories vis-à-vis how we would engage if we recognized the State of Palestine? I think, for example, of international tribunals, international bodies like UNESCO, etc.

Mr. Alexandre Lévêque: I apologize. I'm not sure I really understand the point of the question.

Mr. Sameer Zuberi: Currently, Canada does not recognize the State of Palestine. As a result, to my knowledge, we do not respect the standing of the Palestinian territories in different instances.

Would that change if we recognized the State of Palestine?

Mr. Alexandre Lévêque: Thank you for the clarification.

Yes. Obviously, with the recognition of statehood would come a number of triggers—for lack of a better term—as to what the status of the new country Canada would recognize would signify.

How exactly would that take form? So many of the international instruments that link us to states are negotiated bilaterally and are part of international agreements. It's not to say that one day you don't recognize a state and the next day you do, and then they're part of all the possible agreements that you would have as part of the international community. It would trigger—

Mr. Sameer Zuberi: The way in which we would reply to requests for a state to join an international body would obviously change.

Mr. Alexandre Lévêque: Yes.

Mr. Sameer Zuberi: Can you outline some strategic advantages that would be gained by recognizing the State of Palestine, in particular for our doing so as a G7 country?

Mr. Alexandre Lévesque: Any decision that would eventually be made.... I would remind this committee that the underlying goal of the Government of Canada is to promote all gestures, negotiations and posturing that will lead to a negotiated settlement between Israelis and Palestinians.

This is what the international community, writ large, aims to do, for the most part. If the government were to choose to trigger this element, which has always been part of the sandbox within which negotiations between parties were included, it would be as an incentive, as a boost to encourage dialogue and a return to a framework that has been in steady decline since the Oslo accords of 1993.

What we've seen instead is a cycle of violence, an expansion of settlements in the West Bank and a denial of one another's existence in a higher and higher proportion, both on the Israeli side and the Palestinian side.

The consideration here is this: What do we need to do as an international community—and as a country—to trigger a reset, to create incentives for parties to come to the table and start negotiating in good faith and to return to a peaceful dialogue, rather than to the vortex of violence that we have been observing?

• (1705)

Mr. Sameer Zuberi: Can you provide us with a list of countries, particularly our allies, that are currently considering state recognition?

Mr. Alexandre Lévesque: Ones that are currently considering....

Mr. Sameer Zuberi: I mean in any shape or form.

Mr. Alexandre Lévesque: Right.

Look, I obviously can't betray whatever confidential diplomatic conversations are taking place. I will say that a number of our like-minded countries are struggling with the same concepts and are reflecting on when the right time to recognize a Palestinian state would be.

However, I would say that a number of NATO countries have already done so. There's now a total of 145 countries that have recognized it. Recently you saw that Norway, Spain and Ireland have been the latest ones to join that group.

The Chair: Thank you.

Next we go to Mr. Bergeron. You have four minutes.

[Translation]

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

Last May, the United Nations General Assembly adopted a resolution by 143 votes in favour, 9 against and 25 abstentions, including Canada, in which the assembly expressed its conviction that the State of Palestine met all the conditions required for membership of the United Nations. The previous panel mentioned these conditions. In a World Affairs press release, Canada cited a number of reasons for its abstention. Curiously, it referred to illegal settlements and settler violence in the West Bank, which is increasing at an alarm-

ing rate and often with impunity; it also referred to the fact that Benjamin Netanyahu has made it clear, both in his words and actions, that he rejects the two-state solution.

On the substance, does Palestine meet the conditions to be recognized as a state?

Mr. Alexandre Lévesque: This is an extraordinarily complex question, and I don't know if it was asked of my legal colleagues on the previous panel. Canada's political decision on whether or not to recognize the State of Palestine is not strictly linked to a list of specific triggers. In other words, it could very well be that several indicators or conditions have not yet been met, but that a political gesture causes a move in that direction.

Mr. Stéphane Bergeron: Curiously, the reasons mentioned by Global Affairs Canada seemed to rather justify a vote in favour, yet Canada abstained. Recently, the Government of Canada has indicated its willingness to recognize a Palestinian state at the most propitious time for a lasting peace, even if this is not the final step towards the realization of the two-state solution.

Given the arguments put forward by Global Affairs Canada to justify its abstention on last May's resolution, when would be the right time to recognize the State of Palestine?

Mr. Alexandre Lévesque: I'll turn it over to my colleague, Mr. Arbeiter, in a second.

First, I'd say there's an important distinction to be made between UN membership and Canada's national bilateral recognition. The triggers are different, and so are the legal implications.

Mr. Stéphane Bergeron: I understand that very well, but the resolution was about Palestine fulfilling all the required conditions. You invoked a whole series of arguments that seemed to plead against Israel to justify not recognizing that Palestine fulfilled all the conditions. You told us that the government told you it was ready to recognize the State of Palestine at the most propitious moment. When will that be? Now that we've drawn up a list of the things we find reprehensible in the attitude of the State of Israel towards Palestine, isn't it time to recognize the State of Palestine?

Mr. Alexandre Lévesque: The most propitious moment is the moment that will lead to the greatest chances that this decision, this recognition, will contribute to a peace effort. As for the exact moment, I unfortunately don't have an answer to that question.

Mr. Stéphane Bergeron: Let's just say that Canada's lack of action means that the war continues.

I'll let your colleague continue.

• (1710)

Mr. Richard Arbeiter (Associate Assistant Deputy Minister, International Security and Political Affairs Branch, Department of Foreign Affairs, Trade and Development): Thank you.

The draft resolution at the United Nations in May was the fifth to deal with UN issues relating to the function of the Palestinian delegation at the UN since 1974. Each time, the draft resolutions were aimed at adding powers to the delegation. It wasn't necessarily a question of recognizing a state. This time, it was about adding additional powers.

[English]

The Chair: Thank you.

MP McPherson, you have four minutes.

Ms. Heather McPherson: Thank you, Mr. Chair.

Thank you very much for being here today and for sharing your expertise with us.

I wanted to start by reminding the committee that there are 145 countries that have recognized Palestine, including many of our allies. I would certainly not want to say that Spain, Norway and Ireland are not allies.

I also want to remind this committee that when the Rome Statute was put into place, the U.S. never signed on. While it is still our key trading partner and, of course, our key ally, Canada has a history of taking decisions and taking steps that are not in line with the United States. We do not share a foreign policy. We have our own sovereignty and can make our own decisions. I wanted to make that very clear.

One of the things I'd like to talk about is the right of return for Palestinians.

Months ago, I raised this issue with the minister. He was unable to answer my question at the time. Recent developments have demanded an urgent response. The IDF has now openly stated—we've seen this in reports that have come out in just the last few days—that Palestinians from northern Gaza will not be allowed to return home, which is a clear act of forcible transfer and ethnic cleansing. This systematic displacement not only steals land but undermines any future prospect of a viable Palestinian state.

What is Canada doing to condemn this blatant violation of international law? Is Global Affairs Canada prepared to speak out against this policy, or will we remain complicit through silence as this land theft and ethnic cleansing continue to shape the reality on the ground?

Mr. Alexandre Lévesque: Thank you, as always, for the question.

This is a recurring theme at this committee. As the honourable member will have heard me say several times before, the legal determination of whether these accusations and reproaches meet the legal definition is not something that can be done lightly. It is not something that can be done expeditiously or through simple political statements. It requires a body of evidence, which takes time to collect.

Ms. Heather McPherson: To be clear, we have direct quotes from Israeli officials. For example, Brigadier-General Cohen recently indicated that Palestinians displaced from northern Gaza will not be allowed to return, effectively denying their right to return

under international law, including article 49 of the fourth Geneva convention.

We don't need to study it, because they said it. It's very clear.

Mr. Alexandre Lévesque: It is. There are two things I would say to that.

The first is that if one element of a government claims something, it does not necessarily mean that the entire government puts its weight behind it.

The second thing I would say is that the return of Palestinian refugees is one of those final status issues that the international community has always recognized must be negotiated between Israelis and Palestinians.

Ms. Heather McPherson: Wait just one second. Are you saying that there must be a negotiation for Palestinians to return to northern Gaza?

Mr. Alexandre Lévesque: I'm sorry; I thought you were talking about the general....

Ms. Heather McPherson: I might have misunderstood you, sir. Please go ahead.

Mr. Alexandre Lévesque: I was referring to Palestinian refugees following the partition of Palestine, not Palestinians having been displaced as part of the current conflict.

I apologize if I misunderstood you.

Ms. Heather McPherson: Then do you not recognize that Palestinians who are refugees should be permitted to return to Palestine at some point?

Mr. Alexandre Lévesque: No, that's not what I said. What I'm saying is, again—

Ms. Heather McPherson: I'm not trying to put words into your mouth. I'm just trying to clarify.

Mr. Alexandre Lévesque: If we're talking about Palestinians who were displaced out of Gaza through the current conflict, absolutely, they should be able to return home, and that's a clear position that has been publicly stated by the government several times.

If we're talking about the return of Palestinian refugees who have been displaced for generations, that is precisely and by definition one of the final status issues that is to be negotiated, even under the Oslo accords, directly between Palestinians and Israelis.

• (1715)

Ms. Heather McPherson: Just to clarify, one other—

The Chair: Your time is up, Madam McPherson.

Ms. Heather McPherson: I always am.

The Chair: We now go to the second round.

Mr. Epp, you're up for three minutes.

Mr. Dave Epp (Chatham-Kent—Leamington, CPC): Thank you, Mr. Chair.

Again, thank you for coming before the committee.

It was on a just and lasting peace that I began my questioning at the last session, and I appreciated your articulation of that and Canada's long-standing position and support for the two-state solution.

That just and lasting peace must provide dignity and security for all. Would you agree with the statement that for that just and lasting peace to be durable, it must enjoy popular support, both within the State of Israel and within the Palestinian people?

Mr. Alexandre Lévesque: I would say that citizens who live in Israel and Palestine must find themselves in whatever final accord would be negotiated in order to be inspired by it and to trust that it is a just and lasting peace.

Mr. Dave Epp: Thank you.

You articulated, in your opening statement, Canada's position, going back to the 1940s and the creation of the State of Israel, and where Canada positioned itself throughout. I'm encouraged, actually, by the fact that this issue is very alive in all of our closest allies' capitals. I would assume that the decision on the timing of the recognition of the state is done—and you basically said that—in conjunction with our allies.

Over time, has Canada's consideration of its weight—not directly within the State of Israel, but the political considerations—also taken into account the relationship with our closest allies?

Mr. Alexandre Lévesque: I would say that yes, that would be one of many considerations.

Mr. Dave Epp: Again, it has been asked that Canada step out in front of our closest allies, when I would make the claim that Canada's position and weight in the Middle East has diminished over time, even since the 1940s, for a whole host of other reasons. Would that increase the likelihood that our allies would see us in a positive vein in our stepping out and forward, or should more caution be exercised by our government, even though there's unanimity that the State of Palestine should be recognized at some point when it leads always to that lasting and durable peace?

Mr. Alexandre Lévesque: What I would say is that there's an important line between acting in concert with like-minded allies and abdicating the sovereignty of our foreign policy.

Committing to something only if it is done with others would be a bit of an abdication of the independence that we can exercise. As one of the members said, we have an independent foreign policy and we can choose to act according to our own values and objectives.

Having said this, I will reiterate that yes, one of the important considerations is whether this.... Whenever and if the government chooses to go that route, an important consideration would be to assess what others are doing and to consider the weight of going at it alone versus going at it with a larger group of countries.

Mr. Dave Epp: Thank you, Mr. Chair.

The Chair: We next go to Ms. Zahid. You have three minutes.

Mrs. Salma Zahid (Scarborough Centre, Lib.): Thank you, Chair.

Thank you to our witnesses.

My first question is from a legal and international law perspective.

Is there anything stopping the Government of Canada today from announcing a recognition of the Palestinian state, should it choose to?

Mr. Alexandre Lévesque: Our legal representative was here a few minutes ago. I don't know if that question was posed to him. If it was, the answer would be.... I don't believe that from a legal point of view there are restrictions on this.

As I think has been mentioned, the recognition of a state is a political decision and one that can be triggered via the usual political decision-making processes in our political system and then communicated outwardly using.... I think the expression that was used before was a letter and a microphone.

From a legal point of view, I don't believe there are any limitations, no.

• (1720)

Mrs. Salma Zahid: Thank you.

Does the Government of Canada agree that no one country should be allowed a veto on the recognition of any other state, whether by Canada or by any other country?

Mr. Alexandre Lévesque: I would agree with the sentiment of that statement, but put the emphasis on the fact that as a government, we have control only over the decisions that we can make and the pronouncements that we can make. In the case of recognition, that's why it really comes down to that political decision and how we pronounce ourselves.

In other words, we cannot influence or force other countries to decide what to do with their own sovereign decisions.

Mrs. Salma Zahid: Professors Mark Kersten and Ardi Imseis told the House of Commons Standing Committee on Foreign Affairs and International Development that the right to self-determination is a fundamental and inalienable right that cannot be made conditional on anything—that is, the right cannot be held conditional on Palestinian governance reforms or a successful negotiation with Israel.

Does the Government of Canada agree that the right to self-determination cannot be made conditional?

Mr. Alexandre Lévesque: It is indeed the Government of Canada's position that Palestinians have the right to self-determination.

Mrs. Salma Zahid: The Government of Canada agrees that the right of self-determination cannot be made conditional.

Mr. Alexandre Lévesque: We might get into legal definitions that take me a little bit outside of my zone of expertise, so I don't want to comment on that specifically, but I can reiterate that it is and has been Canadian government policy for a very long time that Palestinians have a right to self-determination.

Mrs. Salma Zahid: What message would Canada's recognition—

The Chair: You're out of time.

We will now go to Mr. Bergeron for a minute and a half.

[*Translation*]

Mr. Stéphane Bergeron: Thank you very much, Mr. Chair.

Last July, G7 leaders stressed the importance of economic stability in the West Bank, and called on Israel to return to the Palestinian Authority the customs revenues withheld for many years, given its urgent budgetary needs, and to remove or relax other measures in order to avoid further aggravating the economic situation in the West Bank. This is in addition to the other criticisms that Canada raised in justification of its abstention from the resolution that was adopted by the UN General Assembly.

What are we waiting for to make a move?

Mr. Alexandre Lévesque: If I may, I would ask for a clarification. What exactly do you mean by “to make a move”?

Mr. Stéphane Bergeron: I'm talking about inaction. Simply condemning the Israeli government with words has not prevented us from arriving at the present situation.

Isn't it time to raise our voices? Shouldn't recognition of the State of Palestine be one of the gestures to be made precisely to signify Canada's impatience with all these violations we've been talking about just now?

Mr. Alexandre Lévesque: Okay. Thank you for that clarification.

You're asking a question that is eminently political.

As I explained earlier, our role is really to give advice, particularly on the ins and outs, the pros and cons. The decision of the moment rests with the government, and it's up to them to make that decision.

I would just say that words are important, especially when a large number of countries unite to say the same words. We should not underestimate the pressure that can be brought to bear by all the G7 countries speaking out, for example, on the release of funds that are being preserved by the Israeli government, even though they belong to the Palestinian Authority.

Mr. Stéphane Bergeron: Respectfully, since 1967, we've done nothing but talk—

[*English*]

The Chair: I'm afraid you're out of time, Mr. Bergeron.

[*Translation*]

Mr. Stéphane Bergeron: —and that has led to the result we have right now.

[*English*]

The Chair: For the last question, we go to Madam McPherson.

You have a minute and a half.

Ms. Heather McPherson: Thank you very much, Mr. Chair.

Again, thank you to the witnesses for being here.

I just want to get some clarity from you with regard to the Government of Canada's position.

Mr. Lévesque, obviously you know about the international court's decision that the illegal occupation of the territories is in fact illegal.

Canada does have a free trade agreement with Israel. I am wondering what the implications would be on the Canadian government if we were to recognize Palestine. Are there further actions that would need to be taken with regard to the fair trade agreement, considering that even at this point we're not adhering to international law by continuing to allow a free trade agreement that has specific indications for human rights abuses that are very clearly being committed?

• (1725)

Mr. Alexandre Lévesque: This is actually a really important question. I don't want to deflect, but I would like to defer because of the legalities involved in how to interpret. I'm not a trade policy lawyer. The implications that are part of that free trade agreement and how they would translate into a new state of Palestine are too important and too technically specific for me to comment on without a strong base.

I would like to come back to that question. It is a fairly important one.

Ms. Heather McPherson: Would you be able to bring that back to the committee before the end of the study, as in quite quickly?

Mr. Alexandre Lévesque: I can, with pleasure.

Ms. Heather McPherson: Thank you.

I think that's all the time you're giving me, Chair.

The Chair: Thank you.

Mr. Lévesque, I have just one final question, if I may.

You did suggest during your testimony that you are comparing notes with friends and allies as to the possibility of recognizing the state of Palestine. We heard from another witness that Japan, France and the United Kingdom are currently going through some semblance of hearings or studies to determine whether it would be appropriate to do so. However, when Mr. Zuberi asked you about that, I didn't quite get a response from you.

I'm wondering if it would be possible for you to look into whether Japan, France and the U.K. are doing anything at the moment to examine that question and the feasibility of promoting peace by doing so. If you could get back to us in the next week as to whether any of those three countries or any other European country is examining the question, we would be very grateful if you could let us know in writing.

Mr. Alexandre Lévesque: I would be happy to do that, Mr. Chair.

I would also say that to the best of my knowledge, no public exercise like the one you are conducting in this committee is taking place in any of those countries. Of course, like the good policy planners and functionaries of the state that they are, my colleagues in the foreign ministries of these countries are having reflections very similar to the one we are having right now.

I will endeavour to come back to you and do a little bit of research to see if any of what they're thinking is taking place in a public setting like this committee.

The Chair: It could be in a public setting or by their parliamentarians, or maybe not by the government but by other entities.

Mr. Alexandre Lévesque: Indeed.

The Chair: Thank you very much. That concludes our questions.

Again, thank you for always making yourselves available to us, Mr. Lévesque and Mr. Arbeiter. We are very grateful for your time.

Colleagues, we have one last budgetary item before we leave.

Is it the will of the committee that the proposed supplementary budget in the amount of \$3,000 for the study of Canada's advancement of a two-state solution be adopted?

Some hon. members: Agreed.

The Chair: That's it, right?

Go ahead, Mr. Bergeron.

[*Translation*]

Mr. Stéphane Bergeron: I'd just like to ask a question. What justifies this supplementary budget?

[*English*]

The Chair: Did you want to speak to that, Sacha?

The Clerk of the Committee (Mr. Alexandre (Sacha) Vassiliev): It's to cover the meals for the meetings.

The Chair: Okay. Thank you.

Thank you, everyone.

The meeting stands adjourned.

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