



What is the Arms Trade Treaty?

The Arms Trade Treaty (ATT) is an international treaty which seeks to regulate the international arms trade and prevent human rights violations and armed conflict. In the words of the ATT itself, it seeks to “[e]stablish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms [...]” for the purpose of “Contributing to international and regional peace, security and stability [and] [r]educing human suffering...”¹

It is clear that international arms sales lead to economic losses and increased instability in the Middle East² and around the world.³ With many arms sellers competing for a piece of the arms market, only an international treaty has any hope of stemming the trade and resulting conflict.

Negotiations for the ATT began initially in 2012 under the auspices of the UN, and continued into the Spring of 2013. The treaty was passed by the UN General Assembly in April 2013 and entered into force on December 24, 2014. At the writing of this factsheet, 130 countries have signed the treaty, of which about 50 still need to ratify it.

Basically, a country’s obligations under ATT fall into four categories:⁴

1. Export controls: Under the ATT, countries must establish and maintain a nation control list which defines and regulates arms exports.
2. Export prohibitions: Under the ATT, a country must prohibit exports if they:
 - a. Violate Security Council and UN Charter obligations, or other international agreements;
 - b. Risk being used in the commission of genocide, a crime against humanity, grave breaches of the Geneva Conventions, attacks directed against civilians, or other war crimes.

3. Export assessments: Under the ATT, a country must assess the risk that exported weapons could undermine peace and security, could be used to violate international law, or used for terrorism or transnational organized crime.
4. Documentation: Under the ATT, countries must provide document proof of their implementation of the treaty, including the authorizations for export and annual reports to the UN.

Ultimately, the idea of the ATT is to ensure that arms sales be conducted with broad transparency, such that the risk of human rights violations by arms buyers can be clearly assessed.

What are Canada’s existing export controls?

Canada maintains export controls under the authority of its Export and Import Permits Act and guidelines set out by Canada’s Cabinet in 1986.⁵ The Export Controls enforce Canada’s Export Control List, its Area Control List and its Automatic Firearms Country Control List. As such, Canada has certain controls on military and strategic goods and technologies, as well as firearms. In the context of these controls, Canada can limit exports:⁶

- to countries which pose a threat to Canada and its allies;
- to countries involved in or under imminent threat of hostilities;
- to countries under United Nations Security Council sanctions; or
- to countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.

Aren’t Canada’s existing export controls sufficient?

No. Canada’s existing export controls don’t align to the terms of the ATT, they aren’t as exacting as the

terms of the ATT, and enforcement appears haphazard.

On paper, Canada's controls may seem strong, but the example of Canada's \$15 billion arms deal with Saudi Arabia demonstrates that they are highly susceptible to political interference and/or indifference. Despite the apparent incompatibility between the arms deal and Canada's export controls, two different Canadian governments – one Conservatives, and one Liberal – both supported the deal. This support came regardless of the fact that:

- Saudi Arabia is a well-known and persistent violator of human rights against both its own citizens, and the citizens of neighbouring countries (e.g. Yemen, Bahrain)^{7 8}
- The Canadian government never convincingly disputed claims that Canadian light armoured vehicles like the ones involved in the 2015 contract were also used by Saudi Arabia to “crush” protests in Bahrain in March, 2011;⁹
- The deal with Saudi Arabia was announced in February, 2014, before the deal's export permits had been issued, suggesting that there was a presumption that any export barriers could be circumvented.¹⁰

A “secret” memo released by the Canadian Justice Department in April, 2016 indicated that the Liberal government was far from transparent in its representations on the deal:

- The Liberal government presented the arms deal as an incontrovertible *fait accompli* with exports already pre-approved by the previous Conservative government. At the time, Minister Dion argued, “The government simply refuses to terminate a contract that has already been approved by the former government.” In fact, Dion himself approved the export permits of 70% of the deal on March 21, 2016.¹¹
- When in opposition, the Liberals opposed the deal vociferously, but when in power, they sought to justify the deal and downplay the Saudis' rights abuses and the potential for the Canadian vehicles to be used in rights abuses.¹²

Given the behaviour of the government with the Saudi arms deal, it is clear that Canada's existing

export controls are inadequate to ensure that arms don't get into the wrong hands.

Why should Canada want to sign the ATT?

Canada should want to sign the ATT as quickly as possible for all of the following reasons:

1. Because it was a Liberal campaign promise in the 2015 Federal election;¹³
2. Because the profusion of arms around the world is a prime source of suffering and poverty, and the ATT is a key step in mitigating this issue;
3. Because Canada is part of a distinct minority (among 60 of about 193) at the UN who have not signed it. “Canada is the only country in North America, the only member of the G7 group of industrialized nations, and the only one of the 28 members of the North Atlantic Treaty Organization that has not signed the Arms Trade Treaty”;¹⁴
4. As a non-signatory, Canada has no role to play in the shaping of the treaty and its processes.

¹ “The Arms Trade Treaty,” United Nations, 13-27217, p.3

² Beaumont, Peter, “The \$18bn arms race helping to fuel Middle East conflict,” The Guardian, April 23, 2015

³ “Africa's missing billions: International arms flows and the cost of conflict,” IANSA, Oxfam, and Saferworld, October 2007

⁴ “ATT Implementation Toolkit, Module 2, Overview of Obligations,” UN Office for Disarmament Affairs (UNODA), p.13

⁵ “Export Controls Handbook: F. Administrative Procedures and Other Issues,” Foreign Affairs, Trade and Development Canada, ISBN 978-1-100-23330-7, p. 54

⁶ Ibid.

⁷ Jaramillo, Cesar, “Ten facts about Canada's arms deal with Saudi Arabia,” OpenCanada.org, September 25, 2015

⁸ See also Amnesty International's country report and related information at <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/>

⁹ Ibid., Jaramillo, Cesar, “Ten facts about Canada's arms deal with Saudi Arabia”

¹⁰ Jaramillo, Cesar, “Trading principles: How Canada's pursuit of military exports has left a trail of secrecy and lax standards,” Project Ploughshares, Briefing 15-1, February 5, 2015

¹¹ “The secret Saudi memo: Dissecting how the document contradicts what Ottawa has said,” The Globe and Mail, April 18, 2016.

¹² MacDonald, Neil, “On Saudi arms deal, the new boss in Ottawa is just like the old boss,” CBC News: Politics, April 14, 2016.

¹³ “Guns: We will take action to get handguns and assault weapons off our streets,” RealChange.ca on Liberal.ca Website, Liberal Party of Canada Website, <https://www.liberal.ca/realchange/guns/> accessed April 13, 2016

¹⁴ Ibid., Jaramillo, Cesar, “Ten facts about Canada's arms deal with Saudi Arabia”