



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.

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;⁵
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”;⁶
4. As a non-signatory, Canada has no role to play in the shaping of the treaty and its processes.

What is Bill C-47?

Bill C-47 is a bill which would have Canada accede to the ATT. It was introduced on the same day that the marijuana legalization bill was introduced – perhaps as a way of enabling it to pass under the radar. C-47 details the precise changes to the existing controls under Canada’s Export and Import Permits Act. Currently, Canada maintains export controls under this Act, and via guidelines set out by Canada’s Cabinet in 1986⁷ which limit exports:⁸

- 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.

Why is Bill C-47 Insufficient?

Foremost, Bill C-47 is flawed because it maintains an existing loophole which excludes Canada's arms trade with the US. Not only is the US the world's number one arms exporter, but it is also the largest recipient of Canadian military exports, typically accounting for over half of Canada's military exports – likely around \$2 billion per year.⁹ Canada exports massive amounts of arms and arms components for larger weapons systems to the United States. According to Cesar Jaramillo of Project Plowshares, the flaw in C-47 exists through an omission. Unless C-47 addresses the Defence Production Sharing Program¹⁰ — which currently veils all arms transactions between the two countries — the Canada-US weapons commerce will remain outside the Arms Trade Treaty processes.

Thus, under C-47, Canadian accession to the Arms Trade Treaty would be largely meaningless, as it will not subsume sales to the largest consumer of Canadian arms sales.

In addition to the loophole on arms exports to the US, Canada has a poor enforcement record for arms sale control. Apart from the US loophole, Canada's current export controls are strong, but it has not shown sufficient resolve to apply them. For example, despite the apparent incompatibility between the Canada's deal to sell light armoured vehicles (LAVs) to Saudi Arabia, and Canada's current export controls, two different Canadian governments – one Conservative, and one Liberal – both enabled the deal. This despite 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)^{11 12}
- 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;¹³
- 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.¹⁴
- 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, 2016.¹⁵

- In defending the deal, Prime Minister Trudeau suggested that Canada must “stick to its word” or lose its reputation for honouring business deals. But if Trudeau is so convinced of this argument, he should use it with the US as President Donald Trump prepares to rewrite NAFTA.¹⁶

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 “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

⁶ Ibid., Jaramillo, Cesar, “Ten facts about Canada's arms deal with Saudi Arabia”

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

⁸ Ibid.

⁹ Powers, Lucas, “Canadian arms trade much larger than data suggests, expert says,” CBC, Feb. 23, 2016, <http://www.cbc.ca/news/business/canada-arms-technology-trade-1.3458608> accessed May 6, 2017

¹⁰ “Defence development sharing agreement between Canada and the United States of America,” Industry Canada Website, accessed May 6, 2017, <https://www.ic.gc.ca/eic/site/ad-ad.nsf/eng/ad01691.html>

¹¹ Jaramillo, Cesar, “Ten facts about Canada's arms deal with Saudi Arabia,” OpenCanada.org, September 25, 2015

¹² See also Amnesty International's country report and related information at <https://www.amnesty.org/en/countries/middle-east-and-north-africa/saudi-arabia/>

¹³ Ibid., Jaramillo, Cesar, “Ten facts about Canada's arms deal with Saudi Arabia”

¹⁴ Jaramillo, Cesar, “Trading principles: How Canada's pursuit of military exports has left a trail of secrecy and lax standards,” Project Plowshares, Briefing 15-1, February 5, 2015

¹⁵ “The secret Saudi memo: Dissecting how the document contradicts what Ottawa has said,” The Globe and Mail, April 18, 2016.

¹⁶ Chase, Steven, “Canada must ‘stick to its word’ on Saudi arms deal, Trudeau says,” The Globe and Mail, May 11, 2016.