



Strengthening Export Controls: Canada's Accession to the Arms Trade Treat

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Current Context

- Canada is laying the groundwork to accede to the **Arms Trade Treaty**
- Accession brings Canada back in line with our major Partners (NATO, G7) who have either signed or ratified
- ATT accession part of Canada's **commitment to strengthen rigour and transparency of export controls**
- **Arms sales and export controls subject to heightened public interest:** Minister of Foreign Affairs has stated Canada "will hold itself to a higher standard on the export of controlled goods"



Arms Trade Treaty (ATT)

- **ATT focuses on humanitarian impact of global conventional arms trade, establishes global standards:**
 - Establishes common assessment criteria for arms exports
 - Prohibits exports where “overriding risk” is determined
 - Requires reports and transparency measures
 - Regulates conventional arms “brokers”
- **ATT entered into force December 2014:**
 - 130 signatories; 92 state parties, 89 ratifications, 5 accessions
 - Japan’s Ambassador Takamizawa President of fourth session of the Conference of States Parties to the Arms Trade Treaty (CSP4)
 - Canada currently participates as an Observer

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Canada and the Arms Trade Treaty

- **Canada’s export controls among most rigorous in world: *Export and Import Permits Act* established 1948**
 - Controls military, dual use and strategic goods under authority of Minister of Foreign Affairs
 - on par with allies and partners already ATT members
- **Canadian controls are consistent with ATT provisions**
 - **Export Control List** includes all ATT items
 - Complies with **all explicit prohibitions** listed in ATT article 6
 - **Assess for risks** identified in the ATT (international, regional security, human rights)
- **However, Canada’s practice not to accede to a Treaty until domestic laws and regulations are updated**

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Strengthening Canadian Export Controls

- **Bill C-47 *Act to Amend the Export and Import Permits Act*** introduced April 2017 to ensure compliance with ATT
 - **Regulating arms brokering** (facilitating arms transfers between a second and third country)
 - Creates **legal requirement** to consider ATT assessment criteria before decisions on Canadian export permits
 - Amendments will embed “**substantial risk**” test in law
- **Modernizes** other provisions, i.a.:
 - Updates **penalties** for conviction under the EIPA
 - Establishes **statutory report dates** to enhance transparency
 - Additional **resources** for assessment, outreach, verification and compliance activities

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New Brokering Controls

- **Bill C-47 will define brokering as:**
 - Facilitating or arranging transfer of controlled items from one foreign country to another foreign country
 - Anyone in Canada, and Canadian citizens, permanent residents and Canadian registered organizations outside Canada
- **New Regulations** will follow Royal Assent of the Bill:
 - Brokering Control List
 - Measures to focus controls on the highest risk transactions
- **New territory for Canada:** extra-territorial laws traditionally focussed on prohibitions (sanctions, corruption)

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Transparency and Reporting

- **Canada already among most transparent countries in world with respect to public reporting on military exports**
 - **Since 1991: Report to Parliament on Military Arms Exports:** value of munitions list exports and denials
 - **Annual Report to Parliament on Administration of the *Export and Import Permits Act*:** statutory report of all permit statistics
 - **Reports to United Nations Conventional Arms Register:** quantity/destination of small arms, light weapons, conventional arms

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For more information:

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