

Remarks by Peggy Mason, President of the Rideau Institute to the Standing Committee on Foreign Affairs.

10 December, 2020

Thank you very much for inviting me here today. Merci pour cette invitation.

Canada needs an independent impartial Canadian Arms Export Control Agency

Since I became President of the RI in June 2014, we have been tracking the long and sordid saga of our continuing arms exports to Saudi Arabia, no matter what.

These exports have continued despite heinous internal repression in the Saudi kingdom, state-planned assassinations potentially reaching onto Canadian territory and, the ultimate black eye, a UN Human Rights Expert Report explicitly naming and shaming arms exporters, including Canada, Iran and the UK, for quote “perpetuating the conflict in Yemen” unquote and the almost incalculable human suffering it has engendered.

But, alas, there is more, much more.

As you have heard, Project Ploughshares has exhaustively documented evidence of Canadian drone technology exported to Turkey being used in conflicts in Libya, Syria and Iraq. The allegations of Turkey transferring this equipment to armed groups in Libya, contrary to a decade-long UN Security Council-imposed mandatory arms embargo, are particularly shocking. And then there is Nagorno-Karabakh.

We have seen a cynical pattern of Global Affairs suspending *new* export permits under the glare of media scrutiny, announcing an internal investigation and then lifting the suspension when the media hype dies down, all the while in most cases continuing the actual exports anyway under existing permits.

The GAC report, justifying the lifting of the latest Saudi arms permit suspension, even argued that, despite repeated calls by UN experts for *all* countries to cease their arms exports, Canadian arms were somehow not implicated. This in turn led

the UN Expert Group in their *next* report to explicitly name Canada. Never, as a former Ambassador, did I ever imagine seeing the name of Canada in such a report.

So I ask the question: what is the point of Global Affairs investigating itself?

There is an obvious conflict of interest because Global Affairs Canada is pursuing two contradictory policy objectives: enabling sales of weapons to foreign buyers on the one hand and adhering to international and national obligations designed to protect human rights and international security that require strict limits on those sales, on the other. In addition, when the Minister announces an investigation by Global Affairs, he is really asking officials to determine whether they gave him bad advice the first time round. How likely are they to do that?

The new regulatory framework in place, that allowed Canada to accede to the Arms Trade Treaty, puts hard legal limits on the discretion of the Minister to approve export permits.

But the problem is not *these* provisions as written. The problem is the law as applied, or more accurately, as not applied.

How can the Government of Canada be compelled to act in accordance with Canadian law?

Currently the only recourse citizens have (aside from the court of public opinion) is to take the Government of Canada to Federal Court.

But such legal proceedings are lengthy and expensive and necessarily after the fact. **That is why we need a new independent agency to impartially administer our arms exports in full accordance with Canadian and international law.**

The arguments in favour include:

- No conflict of interest on the part of the administrators between trade promotion and respecting human rights, UN arms embargoes and other Canadian legal obligations;
- Officials not being asked to review their own past recommendations;
- Independent expert legal advice based on all available evidence together with other requisite expertise guiding the decisions.

And, a House of Commons Committee, could be mandated to provide parliamentary oversight as recommended by Project Ploughshares here today.

And the ultimate benefit for elected officials is taking the domestic politics out of the equation.

In the meantime, there are **two immediate steps** that Global Affairs Canada (GAC) can take to help improve its current dismal record:

- Begin consultations on the creation of an “arms-length advisory panel of experts” as promised in April 2020, and
- Mandate an independent expert legal opinion on compliance with Canada’s international legal obligations as an integral part of the *current* GAC export permit application process.

Thank you