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**Srdjan Vucetic. "A Nation of Feminist Arms Dealers? Canada and Military Exports."**

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*Arms Exports, the Arms Trade Treaty, and a Feminist Foreign Policy*

Canadian military export policies came to unusual public attention following Canada's 2014 agreement to sell \$15 billion worth of armored vehicles to Saudi Arabia. The deal was negotiated under the Conservative government of Prime Minister Stephen Harper and was subsequently given official approval, through the granting of export permits, by the Liberal Government of Prime Minister Justin Trudeau, who was elected in 2015. In the debate that ensued, the greater indignation was reserved for the Liberals, who had come to power on the promise of a return to multilateralism and re-engagement with the United Nations—a posture that raised expectations of a renewed exercise of Pearsonian internationalism<sup>1</sup> rather than of record-breaking arms sales to one of the world's most egregious violators of global human rights standards.

Happily, the controversy also caught the attention of Canadian academics. The University of Ottawa's Srdjan Vucetic uses the occasion and arms exports more broadly as a test case to explore the extent to which successive Liberal and Conservative governments adhered to what had been a long-term foreign policy consensus between Canada's two primary political parties—one or the other of which having led the federal government since World War II. In "A nation of feminist arms dealers? Canada and military exports," he asks three key questions. Have Liberal and Conservative governments been equally permissive, or restrictive, in permitting Canadian-built military commodities to go to destinations with records of serious human rights and International Humanitarian Law (IHL) violations? How do Canadian military export practices compare

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<sup>1</sup> Former Liberal Prime Minister Lester B. Pearson, who was awarded the Nobel Peace Prize in 1957, promoted the development of regional and global institutions and structures to support a rules-based international order, combat poverty, promote economic well-being, and resolve and prevent armed conflict.

with those of like-minded states? And, notably, how have the military export policies of the current Liberal government of Justin Trudeau been impacted by its prominent embrace of feminism?

On the latter question, the current Canadian Foreign Minister, Chrystia Freeland, describes the Liberal government as proudly feminist. She declares “women’s rights” to be “human rights,” and along with “gender equality,” those rights are said to be at the core of the Government’s foreign and international assistance policies.<sup>2</sup> Sweden’s Foreign Minister, Margot Wallstrom, was the first to promote the idea of a “feminist foreign policy,” proffering it as a stand “against the systematic and global subordination of women.” She sees advancement of the rights and welfare of women as a “precondition” for achieving wider international development and security policy objectives. Gender equality is put forward as a central principle and regarded as a potent ingredient in combating terrorism and supporting economic growth and public health.<sup>3</sup>

### *The Saudi deal*

The language of a feminist foreign policy is unequivocal and confidently progressive, making it reasonable to expect that adherents to its tenets would be disinclined to support the sale of weapons of repression and war to states best known for their systematic subordination of women. But both Sweden and Canada have supplied arms to Saudi Arabia. In Canada’s case, when the current Liberal government took power in 2015, Canada had for almost 30 years been shipping Canadian-built armored vehicles to Saudi Arabia’s National Guard—the National Guard’s key attribute being loyalty to the Royal Family, and its key mandate being to protect the Saudi Royals from dissidents, coup attempts, and, ultimately, democracy.

The 2014 deal, the details of which emerged primarily due to the efforts of non-governmental researchers and investigative journalists, drew unusual public attention given its size, and also in response to persistent reports of Saudi violations of international norms, both at home and in Yemen. As summarized by the Canadian Broadcasting Corporation (CBC),<sup>4</sup> the deal committed General Dynamics Land Systems-Canada (GDLS) of London, Ontario, a subsidiary of the US General Dynamics, to deliver 928 armored vehicles, 354 of which were characterized as troop carriers, 119 as “heavy assault” vehicles with 105 millimeter canons, another 119 as anti-tank vehicles, with another 119 designated “direct fire” support vehicles with 30 millimeter chain guns, the rest being ambulances, mobile command posts, recovery vehicles, and VIP transporters. When the deal was signed, Prime Minister Harper called them “trucks,” and when the export permits were granted, Prime Minister Trudeau called them “jeeps.” The CBC uncovered an important detail that helped to explain the deal’s high dollar value—namely, that the deal “involves a 14-year support program that covers

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<sup>2</sup> Chrystia Freeland, Speech to the House of Commons, 6 June 2017, [https://www.canada.ca/en/global-affairs/news/2017/06/address\\_by\\_ministerfreelandoncanadasforeignpolicypriorities.html](https://www.canada.ca/en/global-affairs/news/2017/06/address_by_ministerfreelandoncanadasforeignpolicypriorities.html).

<sup>3</sup> Lyric Thompson and Christiana Asquith, “One Small Step for Feminist Foreign Policy,” *Foreign Policy*, 20 September 2018, <https://foreignpolicy.com>.

<sup>4</sup> Murray Brewster, “Canada’s Arms Deal with Saudi Arabia Includes ‘Heavy Assault’ Vehicles,” *CBC News*, 19 March 2018, <https://www.cbc.ca>.

ammunition, crew ‘training in Canada/Europe’ and ‘embedded’ maintenance, with a fleet management team in 13 workshops.”<sup>5</sup>

### *Canadian military exports to human rights violators*

Assessing Canadian exports to countries inclined to violate human rights and IHL is not as straight forward as it should be. Canada reports on its annual exports of military commodities (major systems as well as sub-systems, components, and parts) to all destinations, with one major exception. It does not report on sales to Canada’s number one customer, the United States.<sup>6</sup> And while some critics may quarrel with America’s own record of respect for IHL in certain circumstances, the more immediate problem is that major Canadian-built subsystems, like aircraft engines, and components are incorporated into major military systems in the U.S. and then sold to third-party end users, and Canada makes no effort to track those military sub-systems and commodities to their final destination. Canadian reporting also does not include sales of civilian systems (like helicopters with a civilian designation) to military end-users (for example, Canadian-built civilian helicopters sold to the Pakistan military). All of which means that Canadian-generated military export data are not easily compared with those of other states.

Vucetic thus relies on the standardized military transfer records developed by the Stockholm International Peace Research Institute (SIPRI)<sup>7</sup> rather than Canadian reporting. That has its own challenges, since the SIPRI data includes only major systems transfers—excluding small arms as well as subsystems. That means that most Canadian military exports are not included in his analysis, but the focus on major systems, including some civilian systems going to military end-users that SIPRI includes, affords a credible and important window on Canadian military export decision-making. Vucetic compensates for SIPRI’s exclusion of small arms by including data from the Norwegian Initiative on Small Arms Transfers (NISAT).<sup>8</sup>

Vucetic looks at Canadian military exports 1970 to 2015, a period in which Liberals and Conservatives alternated as the governing parties. While there were certainly fluctuations in levels of military exports during that period, the data leads Vucetic to conclude that “the highs and lows of Canada’s exports have little to do with the party in power” (507).

He also compares Canada’s overall military exports with those of two ‘like-minded’ countries, Sweden and the Netherlands, both of which show higher exports than Canada; in Sweden’s case they are significantly higher (Sweden’s industry is oriented to building major weapons systems, while Canada is focused more on

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<sup>5</sup> Brewster, “Canada’s Arms Deal with Saudi Arabia Includes ‘Heavy Assault’ Vehicles.”

<sup>6</sup> Canada-U.S. Defence Production Sharing Arrangements, which date back to the 1950s, provide for the free movement of military commodities across the border. Canada does not require export permits for transfers to the U.S., and, the government argues, since military exports are normally tabulated by tracking shipments against permits, tracking shipments to the U.S. is not practical.

<sup>7</sup> Stockholm International Peace Research Institute (website), <https://www.sipri.org/>.

<sup>8</sup> Norwegian Initiative on Small Arms Transfers (website), <http://nisat.prio.org/>.

components and sub-systems, the majority of which go to the U.S. and are not, as already noted, included in the SIPRI data).

The author also compares the records of the three countries in military sales to human rights and IHL violating countries, with Vucetic including a clear explanation of the methodology for measuring the human rights records of recipient states. The results indicate that the three like-minded exporters have similar records for exports in the years 1981-2010, but the data does suggest that Canada was slightly more inclined than the other two to ship military commodities to serious human rights violator countries. While 70 percent or more of arms transfers from Netherlands and Sweden went to states with “very good” or “good” human rights records, in Canada’s case it was about 65 percent. Some 15 percent of Canadian military exports went to states with “bad” or “very bad” human rights records, compared with 14 percent in the case of Netherlands and 10 percent for Sweden. Overall, however, Vucetic judges these three “global good Samaritans” as having similar records. Throughout most of the 1981-2010 period, Canada was exporting armored vehicles to Saudi Arabia, so it is likely that the Saudis account for most of Canadian sales to states with problematic human rights records.

#### *Export Guidelines, the ATT, and Feminist Foreign Policy*

Canada has now acceded to the 2013 Arms Trade Treaty (ATT)<sup>9</sup>—the ratification legislation having worked its way through Parliament by late 2018. That begs an obvious question—will adherence to the ATT bring Canadian military exports into closer alignment with what might be reasonably expected from a feminist foreign policy? Vucetic puts it bluntly: “If, indeed, the Canadian government truly wishes to help build gender-equitable societies around the world, then a good place to start would be nixing massive arms sales to countries with lousy records on women’s rights” (517). At the close of 2018 some newspaper articles suggested that Canada was looking for ways to terminate the current armored vehicle deal with Saudi Arabia,<sup>10</sup> but does that mean that the ATT, and a feminist foreign policy, will shift decision-making in the future?

The ATT, among other provisions, reinforces the existing Canadian guideline on military exports to countries with records of serious and persistent violations of human rights. In neither case is there any broad prohibition based on a state’s overall record on human rights. Rather, exports are to be restricted or prohibited if there is evidence of a serious risk that the specific commodities being transferred will be used to violate human rights or international humanitarian law.

Canadian policymakers have formulated the principle as follows: “Canada closely controls the export of military goods and technology to countries whose governments have a persistent record of serious violations

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<sup>9</sup> The complete text is available at: Arms Trade Treaty, United Nations Office of Disarmament Affairs, <https://www.un.org/disarmament/convarms/arms-trade-treaty-2/>.

<sup>10</sup> See, for example, Steven Chase, “Ottawa seeks path to end arms contract with Saudis,” *Globe and Mail*, 17 December 2018, <https://www.theglobeandmail.com/>.

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.”<sup>11</sup>

The formulation of that same principle in the Arms Trade Treaty comes in Article 6 (Prohibitions), subparagraph 3: “A State Party shall not authorize any transfer of conventional arms...if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such, or other war crimes as defined by international agreements to which it is a Party.” Article 7 (Export Assessment), paragraph 1. (b), (ii) requires that any export not already prohibited under Article 6 be reviewed “in an objective and non-discriminatory manner,” to “...assess the potential that the conventional arms or items...could be used to...commit or facilitate a serious violation of international human rights law.” Paragraph 3 of Article 7 directs that if that assessment identifies an “overriding risk” that the military commodity being exported would be used in the serious violations referred to in paragraph 1 (for example, of international human rights law), then “the exporting State Party shall not authorize the export.”

In other words, neither Canadian guidelines nor the ATT set out a general prohibition on the export of arms to states which are guilty of serious and systematic human rights violations. They only prohibit the export of military commodities when, at the time of the export, there is in the considered view of the exporting state a serious risk that those particular commodities will be used against civilians or in the violation of the laws of war or human rights.

The usual rationale for formulating the restriction in this conditional way is the assumption that even states with serious records of human rights abuse have obligations to protect sovereignty and territorial integrity. For example, Saudi Arabia has a long coastline and has an obligation to patrol it, so under this formulation it would be regarded as legitimate to sell coastal patrol vessels to Saudi Arabia on grounds that they are needed for national security and that there is little risk that they would be used to violate the rights of Saudis.

During the negotiations of the ATT, many experts and non-governmental organizations (NGOs) rightly advanced the view that any weapons sales to countries engaged in gross and systematic violations of human rights should be prohibited, whether or not those particular weapons were likely to be directly used to commit human rights violations, on grounds that any weapons bolster state power and authority, the very authority that systematically violates the rights of its people. That, however, is not the operating principle in either the Canadian guidelines or the ATT.

The current Liberal government relied heavily on the principle that the ATT embodies when video clips emerged showing that Canadian-built armored vehicles, or models just like them, were involved in operations by Saudi Forces to quell dissent in the prominently Shia region of Al-Awamiyah. The Government’s investigation found “no conclusive evidence that Canadian made vehicles were used in human rights violations,”<sup>12</sup> and insisted there was “no verified, credible information that Saudi security forces ...committed serious human rights violations in the conduct of the current operation in Al-Awamiyah,” whether or not

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<sup>11</sup> “Report on Exports of Military Goods from Canada–2017,” Global Affairs Canada, <https://www.international.gc.ca/controls-controles/report-rapports/mil-2017.aspx?lang=eng>.

<sup>12</sup> Brewster, “Canada’s Arms Deal with Saudi Arabia Includes ‘Heavy Assault’ Vehicles.”

Canadian built armored vehicles were involved.<sup>13</sup> Critics found major shortcomings in the investigations, and key NGOs called for a new, “independent, external review into reports of misuse of Canadian military exports by Saudi Arabia.”<sup>14</sup>

As the Saudi deal suggests, Canadian guidelines and the ATT are likely to become significant factors in producing a military export practice that honors feminist values and stands against the subordination of women only when heightened political engagement demands accountability. In February 2018 Foreign Minister Freeland announced that a “substantial risk clause” would become part of Canadian law, meaning that the Government “would need to ensure that [it has] a high level of confidence that [military] exports will not be used to commit human rights abuses.”<sup>15</sup> The ATT also places a major burden of proof on exporters to credibly assess risk, and that makes Article 13 (Reporting) a key provision of the ATT. It requires states parties to the Treaty to submit annual reports of “authorized or actual exports and imports of conventional arms” covered by the Treaty. Indeed, Article 5.5 calls for each state party to maintain a “transparent national control system.”

Transparency is key. Implementation of the Treaty is primarily a political, not a legal or law-enforcement, challenge. There is no sheriff to issue an arrest warrant if the Treaty is violated.<sup>16</sup> Implementation rests on national assessments of risk, which, inevitably, are colored by competing national interests, by international and regional entanglements and influences, and so on—making it critically important that the interpretation process is transparent and exposed to the light of public scrutiny, to the judgements and corrective interpretations of peer states, to evidence gathered by NGOs and think tanks, and to the analysis of independent researchers like Srdjan Vucetic.

Neither declarations of feminist ideals nor the ATT will quickly alter behaviour in the international arms trade, but with improved and persistent public scrutiny and with clear demands for accountability of those who sell and authorize the transfers of military commodities, clearly articulated ideals and clearly defined Treaty obligations will constitute important new tools in the pursuit of restraint and responsibility in that trade.

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<sup>13</sup> Lee Berthiaume, “NGOs demand independent probe into use of Canadian armoured vehicles in Saudi Arabia,” *Canadian Press, CTV News*, 5 July 2018, <https://www.ctvnews.ca/politics/ngos-demand-independent-probe-into-use-of-canadian-armoured-vehicles-in-saudi-arabia-1.4000653>.

<sup>14</sup> Letter to Chrystia Freeland, the Minister of Foreign Affairs, 3 July 2018, by Project Ploughshares, Amnesty International, OXFAM, the Rideau Institute, and others. <http://ploughshares.ca/2018/07/call-for-independent-for-independent-review-into-use-of-canadian-made-armoured-vehicles-in-saudi-arabia/>.

<sup>15</sup> Chrystia Freeland, Testimony, House of Commons Standing Committee on Foreign Affairs and International Development, 8 February 2018, [www.ourcommons.ca/committees/en/FAAE/meetings](http://www.ourcommons.ca/committees/en/FAAE/meetings).

<sup>16</sup> The ATT Enforcement provision (Article 14) is a single sentence: “Each State Party shall take appropriate measures to enforce national laws and regulations that implement the provisions of this Treaty.”

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