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The Honourable John Baird, P.C., M.P.
Minister of Foreign Affairs
House of Commons
Ottawa ON K1A 0A2

6 March 2013

Dear Mr. Baird,

I am writing to express my hopes and concerns regarding the upcoming negotiations of the Final United Nations Conference on the Arms Trade Treaty (ATT) to be held in New York from March 18-28, 2013.

As the second leg of the first comprehensive global effort to create rigorous, legally binding norms for the control of the international trade in conventional arms, this conference represents a unique historical opportunity. Its humanitarian import and potential to save lives cannot be overstressed.

My first reason for writing is to commend you for the efforts you and your department have already made to support the success of ATT negotiations to date and to encourage you to take even greater steps to strengthen the provisions of the treaty, upholding the highest standards of transfer controls on arms destined for sites of conflict and armed violence.

I also urge you to take every action possible to ensure that the minority of skeptical countries do not succeed in weakening or derailing the existing achievement of these high standards during the upcoming negotiations. This will require a strong commitment from Canada to be a persuasive proponent of a meaningful and robust treaty that places global human rights above the narrow commercial interests of states.

My second reason for writing is to bring attention to the many flawed aspects of the existing treaty which Canada can improve upon. In this matter, I would like to echo the calls for improvement already put forward by Ploughshares Canada, Amnesty International, Oxfam Canada, and Oxfam Quebec. Among other things, these groups have demonstrated the importance of broadening the scope of the treaty to include all arms, their related parts, and ammunition, as well as all methods and types of

transfers. The current draft of the treaty does not include all types of conventional weapons and contains a limited definition of 'transfer' which leaves out the possibility of arms being supplied as gifts, loans, leases, or aid.

In order to effectively stop the flow of conventional weapons to sites of conflict and war, the treaty needs to be as comprehensive as possible. Other needed improvements that these groups have highlighted include the institution of clearer prohibitive language related to the prevention of genocide, war crimes, crimes against humanity, and gender-based violence; the requirement of public reporting mechanisms and strong implementation measures; the exclusion of loopholes for 'defence cooperation agreements,' and the adoption of strong criteria to assess the risk of human rights violations.

Finally, I would like to comment on several problematic positions that Canada has taken on certain of the treaty's draft provisions in the first round of negotiations. Canada cannot act as a global role model and champion of human rights if its actions on the world stage fall short of its standards for measuring its own success at home. Therefore, I am perplexed by Canada's unhelpful and internally inconsistent stance on corruption and brokering.

Transparency International says that the international trade in weapons is rife with corruption. In many poorer countries, corruption not only instigates conflict, it also undermines governments' capacity to fight poverty. The negotiations of the ATT offer an effective means to address this problem. Given that Canada recently improved its own rules on bribery with amendments aimed at strengthening the Corruption of Foreign Public Officials Act, why then is Canada against treating corruption as a central criterion for evaluating whether an arms deal should go forward?

Similarly, Canada's stance on brokering in the negotiations is equally counterproductive to achieving rigorous global standards. Canada's opposition to the brokering provision undermines its international commitments to control brokering, including its recent effort to incorporate into regulations its obligations and commitments under the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. This opposition threatens to altogether forestall the adoption of a brokering provision in the treaty. I am not certain of the principled grounds Canada has for opposing the extension of its legal and judicial responsibilities under the treaty to Canadians who broker arms deals outside of the country, but its reluctance to do so suggests that there are more important imperatives than the protection of human life that justify the exemption.

I profoundly hope that Canada will emerge from the ATT negotiations as a leader in getting the strongest possible treaty.

Sincerely,



Elizabeth May, O.C., M.P.
Member of Parliament for Saanich - Gulf Islands
Leader of the Green Party of Canada

