

Intervention by Canada
Arms Trade Treaty Working Groups Meetings (Feb. 15-18, 2022)

Mr. Facilitator,

We first wish to thank you for your excellent work as facilitator of this group.

We also wish to congratulate Germany for its nomination to the Presidency of the Eighth Conference of States Parties.

With this statement, we would like to respond to the issues raised in the meeting agenda and note some of Canada's ongoing efforts in the implementation of the Arms Trade Treaty.

Mr. Facilitator,

On Topic 5, the **Voluntary Guide**:

Canada sees Articles 6 & 7 as the core provisions of the Treaty. It was on this basis that we were pleased to participate in the process of unpacking key concepts in Articles 6 & 7 of the Treaty by providing our own interpretations. Our participation was predicated on the view that the Voluntary Guide recognises that States Parties have the primary responsibility to establish and implement their respective national control systems. We saw value in States Parties sharing information in support of Treaty implementation. Canada is pleased to see the first draft of this chapter and thanks the Facilitator and Secretariat for their work on this document, as well as all States Parties that made a submission.

On Topic 6, the **Scope of Article 6**:

Due to the fundamental nature of Article 6 to the Treaty, we wish to advise that Canada intends to submit written views to the questions on the Scope of Article 6.

Please allow me to switch to English now.

On Canada's implementation of the Arms Trade Treaty:

On September 1, 2019, legislative amendments were made to the *Export and Import Permits Act*, which forms the basis of Canada's national control system.

These changes included embedding the ATT assessment criteria of Article 7.1 directly in the *Export and Import Permits Act*. In recognition of the importance of addressing gender-based violence and violence against women and children, as set out in Article 7.4, Canada made the conscious decision to give this criterion the same weight and importance as those of Article 7.1.

In addition, Canada embedded the concept of "overriding risk", known in our legislation as "substantial risk". As a result, if there is a substantial risk of any of the negative consequences listed in Article 7.1 and Article 7.4, the Minister of Foreign Affairs, who is responsible for the issuance of export and brokering permits, is required to deny the permit application.

We viewed ATT accession as an opportunity to further enhance the rigour of our trade controls and therefore chose to apply the ATT criteria and substantial risk test not only to proposed exports and brokering of ATT items but also to all military and dual-use items.

As mentioned during the last CSP, in Canada's Report on Exports of Military Goods for 2020 that we tabled in our Parliament, we reported that Canada denied 5 permit applications that year because there was a "substantial risk" that the proposed export would have resulted in one or more of the negative consequences set out in the ATT assessment criteria. More specifically, these denials were made on the grounds of a substantial risk of serious violations of international humanitarian law; serious violations of international human rights law, and serious acts of gender-based violence.

Mr. Facilitator,

With this information, we would like to assure you and the Presidency of our full support throughout this meeting and in your efforts leading up to the Eighth Conference of the States Parties.

Thank you.