Mr. Chairman:

The Canadian delegation would like to thank you for the draft paper that you provided us when we last met in March 2011. We believe that the paper is a good basis in serving to guide delegates’ thinking on the details of a potential treaty.

Mr. Chairman:

Canada regards the opening section of your paper, entitled “Principles” to be a very good encapsulation of the purpose of a future ATT and could well serve as the preamble for the treaty. We welcome all 19 clauses in this section. Canada would like to propose one more clause for inclusion in this section.

Canada would like to see language in the “Principles” section that explicitly recognizes that there is a legal trade in small arms for legitimate civilian uses, including for sporting, hunting and collecting purposes. To that end, therefore, Canada would propose the addition of a 20th clause to the “Principles” section that would read as follows:

“Reaffirming that small arms have certain legitimate civilian uses, including sporting, hunting and collecting purposes.”

Canada has some concerns about the wording of Clause 10 which states that, inter alia, States have a right to “…manufacture, develop, acquire, import, export, transfer and retain…” conventional weapons. This language is identical to that found in UN General Assembly resolution 64/48 except for one important addition: it has added the word “acquire” to the list of States’ rights. Canada would prefer to revert to the language used in resolution 64/48 and already agreed to by a large majority of States. Canada would also like to point out that States’ inherent right to self-defence is noted more than once in the Chair’s draft paper.

Mr. Chairman:

The section entitled “Goals and Objectives” begins with the phrase “An Arms Trade Treaty will.” Canada suggests that a more appropriate introductory clause to this section would be “The purpose of the Arms Trade Treaty is to:”

We welcome the clean and simple categories set out in the Scope section. However, with regard to the inclusion of small arms and light weapons, Canada supports the proposal made by Japan and Italy in March to exclude sporting and hunting firearms for recreational use from the treaty.
As you know, Mr. Chairman, one of the contentious items under Scope is that of “ammunition”. Canada believes that it is important to include this item under the scope of the ATT, but it is also important that we be flexible in how the issue of ammunition is considered in order to promote the maximum possible participation in a future treaty and thus achieve balance with respect to the substance of the treaty and subscription to it. We must also take into account each state’s legislation and respecting existing national legal frameworks. Canada is willing to work with other delegations to develop a compromise to address the concerns of some delegations and thereby promote maximum possible participation in a future ATT.

In addition, Canada supports the suggestion made by some delegations in March that high volume items such as ammunition be exempted from reporting requirements.

Canada notes the inclusion of both, ‘Parts and Components’ and ‘Technology and Equipment’ within the scope of items to be covered by the treaty. While Canada has no objection over the control of these items and technology per se, their inclusion in an ATT could require the development of detailed control lists to allow states full knowledge of what is to be controlled.

Canada also has thoughts about the activities listed under Scope but I will discuss these concerns later when we come to the Annex.

With respect to the section entitled “Criteria”, as we saw when we last met in March, there continue to be differences over the inclusion of sub-clauses dealing with socio-economic development and with corruption, namely clause 5 and the second part of clause 6 under sub-section B of Section I. Canada is not convinced that including such criteria in an ATT would be workable.

Finally, Mr. Chairman: I would like to address the definitions of transactions or activities as outlined in Annex A of your draft text.

On the item “Transfer”, your draft has what amounts to two different definitions of “transfer.” The first one, in brackets, is a list of possible types of movement of goods that would be considered “transfers” such as imports, exports, loans and so on. The second, more general, definition is contained in the text following the bracketed list which contains elements of physical movement and of control. These two definitions do not necessarily coincide. Clarity is needed on this item based on one of the two definitions of “transfer” that now exists in your draft text, perhaps by choosing and clarifying one or the other of these definitions. In either case, Canada would make two small suggestions, first, we would propose the removal of the term “transport” from the proposed definition of “transfer”, and secondly we suggest that the language to be used should ensure that the ability of military and police forces to move arms across borders for their own use during operations conducted in accordance with international law, is not impacted by an ATT.
On the item “Brokering”, while Canada supports taking action to address illicit brokering, Canada would also note that many important questions will need to be answered in terms of the scope of activities and of regulation envisioned for brokering within an ATT before Canada can pronounce on this issue. Specifically, further clarification will be needed on a range of aspects in order to better define what is meant by brokering, including the responsibilities of State-Parties to a future ATT. The aspects that would need clarification would include:

1. The precise definition of the term “brokering”; and
2. Whether or not brokers should be regulated in the same way as exports and, if so, should an ATT set out how this is done, or should it be left to national authorities to determine their own national regulatory process?

Canada also has concerns over the extraterritorial application of brokering measures.

The issue of extraterritoriality arises again when we consider the issue of “re-export” under transfer. Canada is very cautious about the extraterritorial application of national laws. Therefore, should “re-export” be included in an ATT, care has to be taken to define what this means and to ensure that extraterritorial application of laws does not undermine the national discretion of receiving states.

On the issue of treaty implementation, States Parties should take the necessary legislative and administrative measures to implement the treaty, but there must be national discretion on how such measures are put in place. There is no “one-size-fits-all” model. As such, Canada does not wish to see overly-detailed and prescriptive provisions on implementation.

Mr. Chairman: Let me again thank you for your work in drafting the text that you provided us when we last met in March.

Thank you.