

Question for Civil Society Organisations

1. What is the role of civil society in developing and promoting post-delivery verification measures within the ATT context?

Response by the Rideau Institute on International Affairs (17 June 2021)

Introduction

It is appropriate to situate our response in the context of the overall role of civil society in helping ensure strict national adherence to the letter and the spirit of the Arms Trade Treaty, in the context of a broader international effort with the same objective.

Promoting full ATT adherence is pursued by civil society organizations in a variety of ways that include contributing to the development of best practices through policy relevant research and reports; monitoring national export regulation practices and reporting publicly thereon through expert testimony to relevant parliamentary committees, media commentary, consultations with GAC officials and public advocacy.

In Canada's case, for example, the CSO coalition including Rideau Institute, Project Ploughshares, Amnesty International Canada and Oxfam-Québec, among others, has been instrumental in strengthening Canada's ATT implementation legislation, Bill C-47, and in consistently highlighting the failure to include specific measures to address diversion in these amendments. Subsequent to Canada's accession to the ATT, Canada's failure to take effective measures to prevent diversion (whether to the illicit trade or to unauthorized end users or for unauthorized end uses) has been a subject of ongoing CSO public advocacy and parliamentary committee testimony.

Civil Society Organisations, like Amnesty International or its Canadian affiliate, that compile regular, authoritative reports on the human rights situation in particular countries, can also provide important information on risks and trends in proposed or post-export destinations including in relation to diversion. Humanitarian organizations such as Oxfam International (and Oxfam-Québec and Oxfam Canada) may also become aware of relevant information in the course of their work locally in export destinations of potential concern. In addition to international CSOs, there are many local CSOs in places of armed conflict that have established reputations for their work on human rights.

CSO's like Project Ploughshares undertake studies providing evidence of specific Canadian exports, such as [WESCAM sensors \(for drone targeting\) exported to Turkey](#), being diverted to unauthorized end users and/or uses in specific conflict environments including most recently Nagorno-Karabakh.

Post-delivery verification (PDV)

Civil society organizations, often with the support (through partnering and/or financial aid) of governments, have been instrumental in helping develop and refine best practices in relation to

the regulation of arms transfers in accordance with the Arms Trade Treaty and national legislation of states parties to that end.

In relation to diversion, a prime example is the [February 2021 Stimson Centre Report: Diversion and the Arms Trade Treaty: Identifying good practice and opportunities for progress](#). The Department of Foreign Affairs of Ireland provided financial support for this report.

This report in turn references a key foundational report by the Small Arms Survey: [Possible measures to prevent and address diversion: supporting effective implementation of the Arms Trade Treaty](#). This sets out, in an extremely clear info graphic, the range of national measures to prevent diversion, types of international cooperation to prevent and detect diversion and responses to diversion.

Both documents make clear that the essential starting point for strong PDV, and international cooperation thereon, is to have a comprehensive approach with systematic measures in place for assessing the risk of diversion at the outset, as an integral part of the overall export permit approval process. Equally important are measures that address the entirety of the transfer chain, as is made clear on page 5 of the Stimson Centre report:

“Incidents of diversion occur during all stages of the transfer chain and therefore States should establish preventive and mitigation measures that address the entirety of the transfer chain.”

See also Question 3 on page 19 of the Guidance Questionnaire on Diversion which asks:

“Does your State take systematic measures to prevent diversion and to mitigate the risk of diversion?”

Regular Government – Stakeholder engagement including with CSOs

As outlined earlier, civil society organizations have a range of credible, relevant information that can potentially aid governments in the decisions regarding arms exports. Best practices identified by the Stimson Centre and others recognize and support this role.

Page 11 on the Stimson list of Best Practices includes “regular meetings with stakeholders engaged in process or that can provide information”.

Page 16 of the Stimson Report, in its list of further Best Practices includes:

- Engage with non-government stakeholders, such as industry and civil society, to exchange views and share information on a range of issues, such as incidents and risks of diversion, concerns relating to alleged serious violations of human rights and international humanitarian law, company liability considerations, establishing internal compliance systems, and other practical applications of control measures

Conclusion and Recommendations on role of CSOs in PDV

Civil society organizations can play an important role in the development of best practices in relation to post-delivery verification in general and can also be a potentially important resource

for the provision of information of relevance to the assessment of post-delivery risks in specific situations.

There should be regular, institutionalized GAC-CSO engagement on best practices in relation to Canada's Arms Trade Treaty obligations, including in relation to the prevention, detection and mitigation of diversion.

In addition, there is the need for GAC to develop the methods and means of ensuring timely transmission and receipt of relevant CSO information in respect of specific risks in a manner that, for example, fully takes account of the sensitivities relevant to humanitarians working locally in export destination countries.