

Canada closer to compliance with export control obligations after decision on arms transfers to Israel, but must go further

MARCH 21, 2024

Project Ploughshares welcomes Canada's decision to halt future arms exports to Israel, as legally obligated under domestic legislation and international law.

The decision follows a House of Commons motion of March 18, 2024, which included a directive for Canadian officials to “[c]ease the further authorization and transfer of arms exports to Israel to ensure compliance with Canada's arms export regime and increase efforts to stop the illegal trade of arms, including to Hamas.” The motion passed with a vote of 204 to 117.

This is a positive step that brings Canada closer to compliance with its arms control obligations, which dictate that arms exports cannot be authorized when there is a substantial risk that they could be used by the end-user to commit serious human rights violations.

At the same time, we lament that the new policy does not apply to export permits that have already been issued, and which Global Affairs Canada has the full authority to revoke. Canada's decision to halt future arms exports is founded on a recognition of substantial risk of misuse, a risk that is equally applicable to extant arms export authorizations.

Ottawa approved nearly \$30 million in arms transfers to Israel between October and December 2023 alone. The new directive continues to allow the transfer of these weapon systems to Israel along with any other permits that were authorized prior to January 8, 2024. It also fails to address Canada's transfer of military end-use parts and components to Israel via the United States, which remain unregulated and unreported.

Given Israel's conduct during its ongoing operation in Gaza, which has been characterized by a blatant disregard for the most fundamental precepts of international humanitarian law – including the principles of distinction, precaution, and proportionality – the substantial risk threshold has clearly been crossed.

More than 31,000 Palestinians, most civilians, have been killed in the current conflict in Gaza. Credible human rights monitors, including UN experts, have stated that Israel has violated international humanitarian and human rights law throughout the conflict.

Project Ploughshares calls on the Government of Canada to act in good faith and take concrete action towards realizing all objectives of the motion passed on March 18, including through a presumption-of-denial policy on the further authorization of military exports to Israel, and an immediate cessation of previously authorized transfers.