

Up in Arms about the Arms Trade
Testimony for the Senate of Canada, November 22, 2018
Professor Erika Simpson

Many people in Southwestern Ontario cheered in February 2014 when General Dynamics Land Systems in London scored a multi-billion dollar contract to build armoured vehicles for Saudi Arabia, creating and sustaining about 3,000 jobs in economically hard-hit London. Prime Minister Justin Trudeau says that he does not want to renege on the deal, which was negotiated by the previous Conservative government. But Stéphane Dion, the minister of foreign affairs told reporters at the United Nations in New York in 2016 that Canada would strengthen rules on sales of weapons “to ensure that the equipment that we sell is not misused.”¹

Now that the tidal wave of enthusiasm for the contract has subsided, we should ask ourselves how to ethically link the sale of military armaments, like light-armoured vehicles (LAVs), to the human rights record of undemocratic regimes that are regularly cited as serious human rights abusers by organizations such as Amnesty International and Human Rights Watch.

Saudi Arabia shocked the world in 2016 by executing 47 people in a single day, including the Shi’a Muslim cleric Sheikhi Nimr al-Nimr.² The arrest of prominent human rights defender Samar Badawi and the killing of the journalist Jamal Khashoggi are just the latest examples of Saudi Arabia’s contempt for its human rights obligations and provide further proof of the authorities’ ongoing campaign to suppress all signs of peaceful dissent.³ “The reality is that the human rights situation in Saudi Arabia is abysmal and anyone who risks highlighting flaws in the system is branded a criminal and tossed in a jail cell,” says Said Boumedouha, Amnesty International’s deputy director for the Middle East and North Africa.⁴

By executing prominent critics of the regime and locking up prominent human rights activists, Saudi Arabia is brazenly flouting its international obligations and displaying a flagrant disregard for rights to freedom of expression and association.

Additionally, there are very serious concerns that Saudi forces have been responsible for human rights violations and breaches of international law in other countries, notably Bahrain and Yemen. John Polanyi, a Nobel laureate in chemistry at the University of Toronto, cites UN reports that Saudi Arabia is targeting civilians as it bombs Yemen, and therefore we have a “moral and legal obligation to reconsider the sale of this large number of lethal armoured vehicles.”⁵

Canada previously sold light-armoured vehicles to Saudi Arabia, with more than 1,000 delivered in the early 1990s and 700 in 2009.⁶ By now the Saudis have used our LAVs for more than twenty years, so tradition and familiarity are considerations when they are going to buy.⁷ Canada’s LAVs are some of the best multi-role wheeled vehicles in the world, and Saudi Arabia’s geography and road network is challenging, so the Saudis will get all the benefits of the vehicles’ low maintenance, high performance, and flexibility with fewer rollovers, stuck vehicles, and other terrain issues.

“This is an Olympic win for Canada and for Canadian manufacturers,” Canadian Manufacturers and Exporters president Jayson Myers said in a press release. “Like all victories, it has been the result of a team effort in which the government has played a crucial role. All Canadians should be proud of this record achievement.”⁸

With this major contract, Canada beat out competition from France and Germany, so if we had not won the contract, presumably the Saudi government would have bought similar systems from the Europeans.

One powerful argument against ending the Saudi deal and sanctioning the country is cogently made by U.S. President Donald Trump. Like generations of arms dealers before him, Trump says if America’s \$110-billion arms deal with Saudi Arabia, worth hundreds of thousands of U.S. jobs, is cancelled, the Saudis would buy elsewhere.

“Think of that, US\$110 billion. All they’re going to do is give it to other countries, and I think that would be very foolish.”

Trump believes Washington should not block military sales to Riyadh even if the allegations over Khashoggi are proven: “I actually think we’d be punishing ourselves if we did that,” he said. He claims that if the Saudis do not buy arms from the United States, they will buy their weaponry from Russia.⁹

But brokering our equipment for Saudi cash does mean Canada is helping prop up the Saudi government until 2028 – the end of this 14-year deal, which is a very long time to tolerate Saudi Arabia’s terrible human rights record.

We can believe that other countries, with weaker safeguards, will hawk their wares – and so arms races and weapons proliferation continue.¹⁰ We are caught in a structural dilemma, with no way out except to “trust but verify” – as President Ronald Reagan’s reasoned when signing the Intermediate Nuclear Forces (INF) Treaty, which Trump is about to cancel.¹¹

Caught in such dilemmas, proven strategies are to speak out, make our views known, be more transparent and ‘speak truth to power’.¹² On the other hand, what dissident Saudi students and Londoners say and do hardly matters; it may be more far-sighted and smarter to avoid such discussions, so our community gains financially on the backs of the oppressed.¹³

Each year’s crop of university students has a few Saudi nationals, along with students from other non-democratic countries. I will never forget one go-getter from Saudi Arabia who explained to us the travesty of the Crown Prince’s rise to power, and his subsequent clamp-down on hundreds of princes, retained in a sumptuous hotel. If bands of people, like that student, take courageous stands, the prospect of more countries cancelling arms deals, further scandal, and worldwide abhorrence could lead to changes at the top of the ruling Al Saud family. The White Rose German anti-Nazi group published leaflets opposing Hitler, a pitiful gesture in the face of totalitarianism, yet those young students will never be forgotten.¹⁴

Moderate tensions within Saudi Arabia are already escalating into a strategic game with war in Yemen, growing conflict with Iran, and power politics with the United States as well as Turkey. Presumably the LAVs could be used in Bahrain and Yemen and in Saudi Arabia by the National Guard, which is separate from the rest of the military and acts as a political counterbalance. But the LAVs' end use remains uncertain. It should be transparent.

Michael Byers, a University of British Columbia professor who holds the Canada Research Chair in Global Politics and International Law, wrote in 2016 that evidence from a UN panel indicated Saudi actions in Yemen were possible war crimes and crimes against humanity, and because the prohibition on targeting civilians in a widespread and systematic manner has the same legal weight as the prohibition on genocide, "The contract with Saudi Arabia is void."¹⁵

A couple of years ago, Global Affairs Minister Stéphane Dion said the federal government "will not cancel" the contract but Canada would engage in a "very vigorous process" to ensure the LAVs are not misused.¹⁶ In fact, exactly how many LAVs have been or still will be exported has not been revealed – only that the contract is worth \$13 billion to \$15 billion here in Ontario – and since Canadians will make the money and get the work, few questions have been asked about the Saudi government's human rights record in Bahrain and Yemen.

At first the Conservatives, defence experts, and executives at General Dynamics effusively praised each other for their stalwart efforts to win the bid for Ontario's manufacturing industry.¹⁷ In reality, while millions of people in Saudi Arabia suffered under the restrictions imposed by the undemocratic Saudi government, it was unclear how many people in General Dynamics would be hired – reports are that many are short-changed with short contracts, the numbers of permanent and newly-created positions due to the contract vary, and it is unclear how many workers and employees at other spin-off companies will lose their jobs if the contract is delayed or cancelled.¹⁸

Project Ploughshares has since established that at the time that the Saudi deal was announced in February 2014, the required export permits had not been issued.¹⁹ This is especially significant, as a key element of the export permits is a human rights assessment to determine that the deal in question does not contravene Canada's export control policies. The government should have enforced, from the very beginning, the strict export regulations that guarantee our military equipment is not used against civilians. "Existing norms are already sufficiently clear, and there are no needs to go out of our way to be creative," said Cesar Jaramillo, executive director of Project Ploughshares in 2014. "The purpose of these rules is precisely to ensure that Canadian-made goods are not misused."²⁰

We can see every day on our television screens what other authoritarian governments, such as Egypt, Iraq, Jordan, and Syria can do to their civilian populations. More ethical questions needed to be asked from the outset, particularly as Canada's arms industry turns to sell to more clients in the Middle East. Saudi Arabia, like many other states in the Middle East, has an excessive accumulation of weapons because Saudi oil titans seem not to be able to think of anything better to buy with wads of oil cash. Linking our military sales to progress made on improving the Saudi regime's human rights record could be one effective solution.

We must take stronger action to ensure that more equipment built by workers here in Canada is not used to trample even more on the rights of people in the Middle East including women and homosexuals. Under the discriminatory Saudi guardianship system, women and girls are forbidden from driving and prevented from traveling, conducting official business, or undergoing certain medical procedures without permission from their male guardians. Very strict workforce and clothing requirements are enforced so governmental decrees regulate women's work and impose strict sex segregation in the workplace, mandating that female workers not interact with men. Women are barred from certain professions and treated as second-class citizens. All Saudi women are required by law to obtain the permission of a male guardian before getting married, undertaking paid employment, or enrolling in higher education. Punishment for domestic violence is almost nonexistent. Such discriminatory rules mean that millions of women continue to be trapped in violent and abusive relationships or prevented from pursuing an education and career that would free them from government-imposed patriarchal oppression.

But women's rights are not the only ones regularly violated under Saudi Arabian restrictions.²¹ Beheading, stoning, and flogging are all acceptable forms of criminal punishment. Homosexual acts are punishable by flogging, imprisonment, and even death, as is drug use. Courts can impose sentences of flogging of 1,000 to 2,500 lashes, and thousands of people receive unfair trials and are subject to arbitrary detention. The country's anti-terrorism regulations can be used to criminalize almost any form of peaceful criticism of the authorities, and dozens of human rights defenders and others are serving long prison sentences for criticizing authorities or demanding political and human rights reforms.

Initially Prime Minister Stephen Harper, International Trade Minister Ed Fast, and former London Mayor Joe Fontana all touted the deal's economic benefits for London.²² Headline news revealed that London's mayor Matt Brown and top city manager Art Zuidema emailed 14 city councilors not to speak publicly about the \$15-billion arms deal. Councilors were directed to refer interview requests to a city hall spokesperson who would give a corporate response to media inquiries about the local contractor's deal to build LAVs for Saudi Arabia. Brown pledged during his 2014 mayoral campaign to create a new era of accountability and transparency at city hall but the directive co-signed by "Matt and Art" raised questions about muddied waters at the federal, provincial and local level, as well as city councilors' individual autonomy and right to express opinions contrary to corporate policy.²³

In future, the federal government needs to be allowed to carefully review any proposed arms exports before granting permits in order to ensure that human rights considerations are seriously taken into account. We should not have to wait for the 2019 federal election or for more international opprobrium concerning the death of yet another Saudi critic in order to raise such issues. Already officials linked to Saudi Arabia's Crown Prince Mohammed bin Salman (MBS) are implicated, and Turkish President Recep Tayyip Erdogan wants 18 suspects to face trial in Turkish courts.²⁴

Notably MBS - as Khashoggi and others refer to him - is only 33 years old. Perhaps he'll grow up and learn hissy fits, like the abrupt decision to order all Saudi students out of Canada, have low pay-offs? Yet the hereditary-male kingdom overly reacts with anger, as evidenced by the

over-the-top steps after a mild reprimand on Twitter from our Foreign Minister Chrystia Freeland, for unjustly imprisoning two women who criticized the regime.

I am reluctant, like Conservative Leader Andrew Scheer, to countenance the loss of jobs if Trudeau were to suspend or cancel the deal. (Figures on its worth range from \$13 billion to \$15 billion with between 2,000 and 3,000 jobs at General Dynamics in London, Ont.).²⁵ Trudeau says it could cost taxpayers “in the billions” to cancel or suspend the sale and the “extremely difficult contract,” signed by the Harper government, included a requirement for “total confidentiality.”²⁶

We do know that in May, Dr. Tarek Loubani of London was shot in the leg by a sniper on the Gaza border with Israel. According to reports, he was shot by a professional sniper deployed by the Israeli defence force while he was wearing an outfit that identified him as an emergency surgeon helping injured Palestinians during their protest at the border. The media and pundits were quick to blame Israel’s Netanyahu government for deploying snipers and Gaza’s Hamas rulers for fomenting protests along the border. But if we examine the broader international picture, the global arms trade in weapons should be mainly to blame.

“Weapons are the most versatile form of currency,” says Samantha Nutt, another medical doctor and founder of the international humanitarian organization War Child. She recently travelled to Somalia where she saw abject poverty, rampant lawlessness and irascible young men with automatic rifles who sabotage progress at every turn.

Murray Thomson, the 96-year-old co-founder of Waterloo-based Project Ploughshares, a non-governmental organization that opposes the arms trade, laments that the Canadian Association of Defence and Security Industries (CANSEC) held a trade show in Ottawa in 2018 for companies that manufacture and promote the export and sale of weapons designed to maim or kill.²⁷

Harjit Sajjan, Canada’s minister of national defence, announced a new initiative at CANSEC to benefit industry players who will now be able to search online for more than 200 possible contract opportunities by capability, investment area or key words.²⁸

In the Democratic Republic of the Congo, more than three million Congolese have been forced to leave their homes by armed militia, and thousands of women have been gang-raped. Guns fuel the violence in that resource-rich country and other conflicts in Africa.

Michael Simpson, executive director of the British Columbia International Co-operation Council (and my brother), has witnessed child soldiers under the age of 12 in Sierra Leone equipped with illegal guns. Combined with drugs to fuel their anger, it’s led to atrocities that nobody, including the children, could later recall or believe.

In Syria, millions of people are trapped by armed militias. At least four distinct fighting groups in Syria are armed with small arms and light weapons. In Honduras, thousands denounced the fraudulent elections but were repressed by security forces using lethal weapons. Dozens were killed and many more injured.

Many people (especially in the United States) argue guns do not kill people, people that kill each other, and if people can't obtain guns easily, they will slaughter each other with swords, machetes and knives. It's true that swords, machetes and knives can wreak havoc, but guns and mechanized armour vehicles are far more dangerous when placed in the wrong hands.

In Pakistan, 15-year-old Malala Yousafzai was deliberately shot in the head but miraculously went onto champion education for children and young people. When it was announced Yousafzai was a co-recipient of the Nobel Peace Prize, she identified guns as part of the problem. "My goal," she said, "was not to get the Nobel Peace Prize but to end the gun violence and ensure that all children have the opportunity of learning."²⁹

Like the slave trade, the arms trade is immoral – yet Canada has soared in global rankings to become the second biggest arms dealer to the Middle East on the strength of its massive sale of combat vehicles to Saudi Arabia. General Dynamics' \$15-billion contract for LAVs manufactured in London is the largest arms sale in Canadian history.³⁰

Officials at the Department of Global Affairs have tried to deflect ongoing criticisms of the Saudi deal by retorting that Canada will abide by the international Arms Trade Treaty (ATT). According to a briefing paper issued by Amnesty International, the treaty obligations will not apply to arms exports to the United States, including in cases where those weapons may be further transferred to other governments and armed groups. Critics charge the value of Canada's arms exports to the U.S. exceeds the worth of all other Canadian arms exports. They maintain the exclusion of the Saudi arms sale, as well as Canada's arms exports to the U.S., are major gaps in Canada's proposed treaty implementation.³¹

The ATT and Bill C-47 promise to be strong legal instruments to establish robust global rules to stop the flow of weapons, munitions and related items.³² They should be used to stop people from committing or facilitating genocide, crimes against humanity, war crimes or serious human rights violations.

However, it is difficult to discover whether Bill C-47 allows Canada to exempt its military exports to the United States from government authorization by the Minister of Global Affairs. Does the 1956 Defence Production Sharing Agreement (DPSA) with the U.S. supersede and permit such exemptions? Moreover, will information on Canada's military exports to the U.S. be subjected to high transparency and common international standards? For example, will Canadian citizens be able to access online information on Canada's military exports to the U.S., as well as to countries that the Minister of Global Affairs considers acceptable? Federal Access to Information forms can take months to fulfill – past 90-days – meaning that academics, journalists and students may cease their research too early.

To conclude, the Canadian government needs to act transparently and meaningfully to achieve the full intent of the treaty. Politicians and policy-makers at all levels of government must take stronger action to prevent grave human rights abuses using guns and tanks.

Honourable Senators, thank you for examining these issues and the courage to make strong recommendations to our federal government.

Biographical Note:

Erika Simpson is an associate professor of international relations at Western University. She is the author of the book *NATO and the Bomb* and many scholarly articles. She is a regular columnist with the Postmedia Network, Canada's largest newspaper chain. She is the vice-president of the Canadian Peace Research Association, and past vice-chair of the Canadian Pugwash Group, the national affiliate of the Nobel prize-winning Pugwash Conferences on Science and World Affairs. In November 2015, she was awarded the Shirley Farlinger Lifetime Achievement Award for Peace Writings by Canadian Voice of Women, an NGO with consultative status at the United Nations.

Endnotes

1 Daniel Leblanc and Laura Stone, "Dion vows to toughen rules on arms sales to rogue regimes," *Globe and Mail*, March 16, 2016, <https://www.theglobeandmail.com/news/politics/saudi-arms-contract-must-be-honoured-trudeau/article29259042/>; quoted in Erika Simpson, "Canada's Arms Deal with Saudi Arabia," *Peace Magazine*, Vol. 32, No. 2, Apr.-June, 2016, p. 13.

2 Saudi Arabia executes 47 people in one day including Shia cleric," *The Guardian*, Jan. 2, 2016, <https://www.theguardian.com/world/2016/jan/02/saudi-arabia-executes-47-people-in-one-day-including-iranian-cleric>

3 Ben Hubbard, "Saudi Arabia arrests Samar Badawi, human rights advocate," *The New York Times*, Jan. 12, 2016, <https://www.nytimes.com/2016/01/13/world/middleeast/saudi-arabia-arrests-samar-badawi-human-rights-advocate.html> and Mark Landler and David D. Kirkpatrick, "Turkey's President says recording of Khashoggi's killing was given to U.S.," *New York Times*, Nov. 10, 2018, <https://www.nytimes.com/2018/11/10/world/middleeast/jamal-khashoggi-murder-turkey-recordings.html>

4 Amnesty International, "Saudi Arabia: Arrest of human rights defender Samar Badawi latest attempt to intimidate activists," press release, January 12, 2016 and "Free Saudi Arabian human rights activists on hunger strike," press release, March 6, 2014, <https://www.amnesty.org/en/press-releases>

5 Peter Kuitenbrouwer, "Federal Liberals look to ramp up weapons sales in Middle East," *National Post*, March 18, 2016

6 Lee Berthiaume, "Government touts \$10 billion contract to arms Saudi Arabia amid human rights concerns,"

7 Erika Simpson, "Canadians keep asking questions about Saudi arms deal," *MPC Journal: Mashreq Politics and Culture*, April 10, 2016, <http://mpc-journal.org/blog/2016/04/10/canadians-keep-asking-questions-about-saudi-arms-deal/>

8 Canadian Manufacturers & Exporters, "General Dynamics Land Systems-Canada announces multi-billion dollar contract" *Canada.com News*, Feb. 14, 2014, <https://o.canada.com/news/canadian-arm-of-weapons-maker-wins-10-billion-saudi-deal>

9 Reuters, "Missing scribe: Trump against cancelling arms sales to Saudis," *China Daily*, Oct. 14, 2018 <https://www.chinadailyhk.com/articles/166/105/29/1539487625860.html>; quoted in Erika Simpson, "Dissent, daring – and death," *Special to Postmedia News*, Nov. 2, 2018, <https://lfpres.com/opinion/columnists/simpson-dissent-daring-and-death>

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- 10 Erika Simpson, “The prime minister’s dilemma,” Special to Postmedia News, Aug. 24, 2018 <https://lfpres.com/opinion/columnists/simpson-the-prime-ministers-dilemma>
- 11 Erika Simpson, “The INF Treaty,” Special to Postmedia News, forthcoming Nov. 17, 2018
- 12 Erika Simpson, “Game Theory and Peace Research: Professor Anatol Rapoport’s Contributions,” In Factis Pax: In Knowledge there is Peace, Vol. 12, No. 1, 2018, pp. 38-58, <http://www.infactispax.org/wp-content/uploads/2015/06/Simpson-V12.1-.pdf>
- 13 Heather Rivers, “We need to talk about our role in \$15B Saudi arms deal,” London Free Press, Nov. 2, 2018, <https://lfpres.com/news/local-news/lfp-longform-we-need-to-talk-about-our-role-in-15b-saudi-arms-deal>
- 14 Erika Simpson, “Dissent, daring – and death,” Special to Postmedia News, Nov. 2, 2018, <https://lfpres.com/opinion/columnists/simpson-dissent-daring-and-death>
- 15 Michael Byers, “Why the Saudi arms deal is void,” Globe and Mail, March 17, 2017, <https://www.theglobeandmail.com/opinion/why-the-saudi-arms-deal-is-void/article29264871/>
- 16 Emily Chan, “Canada ‘will not cancel’ Saudi arms deal, despite mass executions: Dion,” CTV News, January 5, 2016, <http://www.ctvnews.ca/politics/canada-will-not-cancel-saudi-arms-deal-despite-mass-executions-dion-1.2724037>
- 17 Erika Simpson, “Forgotten amid the cheering,” Special to Postmedia Network, April 4, 2014, <https://ir.lib.uwo.ca/cgi/viewcontent.cgi?referer=https://www.google.ca/&httpsredir=1&article=1063&context=politicalsciencepub>
- 18 Confidential correspondence with former employees at GD in London, April 5, 2014-Nov. 11, 2018.
- 19 Cesar Jaramillo, “Ten facts about Canada’s arms deal with Saudi Arabia,” OpenCanada.Org, September 25, 2015, <https://www.opencanada.org/features/ten-facts-about-canadas-arms-deal-with-saudi-arabia/>
- 20 Daniel Leblanc and Laura Stone, “Dion vows to toughen rules on arms sales to rogue regimes,” Globe and Mail, March 16, 2016, <https://www.theglobeandmail.com/news/politics/saudi-arms-contract-must-be-honoured-trudeau/article29259042/>; quoted in Erika Simpson, “Canada’s Arms Deal with Saudi Arabia,” Peace Magazine, Vol. 32, No. 2, Apr.-June, 2016, p. 13.
- 21 For example, see the annual reports available since 2012 by Human Rights Watch, such as World Report 2018, <https://www.hrw.org/world-report/2018/country-chapters/saudi-arabia>; see the press releases available since 2012 by Amnesty International <https://www.amnesty.org>
- 22 Craig Gilbert, “London epicenter of epic export deal,” The Hamilton Spectator, Feb. 14, 2014
- 23 Erika Simpson, “Canadians keep asking questions about Saudi arms deal,” MPC Journal.
- 24 Mark Landler and David D. Kirkpatrick, “Turkey’s President says recording of Khashoggi’s killing”
- 25 “Canadian arms of weapons maker General Dynamics wins ‘biggie’ Saudi contract worth up to \$13-billion,” February 14, 2014, <http://business.financialpost.com/investing/canadian-arm-of-weapons-maker-general-dynamics-wins-biggie-saudi-contract-worth-up-to-13-billion>
- 26 The Canadian Press Joan Bryden, “Penalty for cancelling Saudi arms contract ‘in the billions,’ Trudeau says,” *Financial Post*, Oct. 26, 2018, <https://business.financialpost.com/news/economy/cancelling-saudi-arabia-arms-deal-would-cost-1-billion-trudeau-2>

²⁷ Correspondence with Murray Thomson in Ottawa, Sept-November 2018

28 Janes 360, “CANSEC 2018: Defence Investment Plan launched,” May 31, 2018, <https://www.janes.com/article/80522/defence-investment-plan-launched-cansec18d2>

29 Erika Simpson, “Up in arms about the global arms trade,” Special to Postmedia Network, June 1, 2018 <https://lfpres.com/opinion/columnists/simpson-up-in-arms-about-the-global-arms-trade>

30 David Chidley, “Canada now the second biggest arms exporter to Middle East, data show,” Globe and Mail, June 14, 2016

31 Amnesty International, Bill C-47 and Canadian Accession to the Arms Trade Treaty: Civil society concerns and recommendations, Submission to the House Standing Committee on Foreign Affairs and International Development, October, 2017, <https://www.amnesty.ca/sites/amnesty/files/Civil%20society%20recommendations%20about%20Bill%20C-47.pdf>

32 Bill C-47 is an act to amend the Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments) <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-47/third-reading>