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The Ploughshares Monitor is the quarterly journal of Project Ploughshares, the peace centre of The Canadian Council of Churches. Ploughshares works with churches, nongovernmental organizations, and governments, in Canada and abroad, to advance policies and actions that prevent war and armed violence and build peace. Project Ploughshares is affiliated with the Institute of Peace and Conflict Studies, Conrad Grebel University College, University of Waterloo.

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Project Ploughshares gratefully acknowledges the ongoing financial support of the many individuals, national churches and church agencies, local congregations, religious orders, and organizations across Canada who ensure that the work of Project Ploughshares continues.

We are particularly grateful to The Simons Foundation in Vancouver for its generous support.

All donors of $50 or more receive a complimentary subscription to The Ploughshares Monitor. Annual subscription rates for libraries and institutions are: $30 (Canada), US$30 (US), US$35 (international).

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Publications Mail Registration No. 40065122.
ISSN 1499-321X.

PAP Registration No. 11099.
The Ploughshares Monitor is indexed in the Canadian Periodical Index.

Design: Creative Services, University of Waterloo.
Photos of Ploughshares staff by Karl Griffiths-Fulton.
Printed at Waterloo Printing, Waterloo, Ontario.
Printed with vegetable inks on paper with recycled content.

We acknowledge the financial support of the Government of Canada through the Canada Periodical Fund (CPF) for our publishing activities.

Cover photo: The experimental Communications Technology Satellite or Hermes was the first communications satellite to operate in the 14/12 GHz frequency band and it paved the way for the development of future direct broadcast satellites. Credit: Communications Research Centre Canada (CRC).
New competition for a space security regime

Cesar Jaramillo

The European Union’s Code of Conduct for Outer Space Activities, which is expected to be released later this year, will join the Sino-Russian Draft Space Security Treaty, and Canada’s 2009 ‘three-point approach’ as the primary proposals for the international community to consider as the basis for a space security regime. While specific proposals encourage much needed debate on the merits of a normative framework to regulate space activities, the question remains: does every new proposal on the table create a greater chance of deadlock?

The many challenges facing the long-term sustainability of outer space go beyond militarization and potential weaponization. Although the prevention of an arms race in outer space (PAROS) remains the main priority for those involved with policy development for space activities at different multilateral forums, growing attention is being given to non-military threats to space security. Harm can be done to space assets when some actors in space are not aware of the activities of others in the same domain or are not in good control of their own assets. In other words, threats exist from a current lack of transparency and coordination.

The first ever collision between two orbiting satellites in 2009 underscores the need for concrete measures to enhance the safety and predictability of space operations. In what seems to have been an unforeseen event, a retired Russian communications satellite (Cosmos 2251) and a US provider of global mobile phone services (Iridium 33) collided in Low Earth Orbit over the North Pole, creating more than 1,700 pieces of trackable space debris. The fact that this collision occurred, even though the satellites belonged to countries with advanced tracking and surveillance systems, is a testament to the vulnerability of space assets and the importance of data-sharing among their operators.

Thus far, the development of an overarching space security framework has been painstakingly slow. International space actors have been unable to reach a consensus on the exact nature of a space security regime, despite having specific alternatives on the table for consideration. The latest such initiative is the European Union’s Code of Conduct for Outer Space Activities. The final version is expected to be released later this year and will likely differ slightly from the draft (EU 2008) that has already been publicly circulated. However, judging from this draft, it seems unlikely that this Code of Conduct will fix all the limitations of the existing regime on space activities.

The Code of Conduct (EU 2008, p. 8) calls on adherents to “implement national policies and procedures to minimize the possibility of accidents in space, collisions between space objects or any form of harmful interference with other States’ right to the peaceful exploration and use of outer space,” and to “refrain from any intentional action which will or might bring about, directly or indirectly, the damage or destruction of outer space objects.”

In addition, the Code of Conduct contains several provisions that place a great deal of importance on information-sharing, which has traditionally been observed rather inconsistently due to the sensitive nature of information about space activities. The Code establishes consultation mechanisms, commits signatories to annually share information on procedures to minimize the risk of collision, asks for timely notification of changes in space, and calls for the creation of an Outer Space Activities Database. Among the specific activities to be reported are:

- Scheduled manoeuvres that may result in dangerous proximity to other space objects
- Orbital changes and reentries as well as other relevant orbital parameters
- Any collisions or accidents
- Malfunctioning orbiting space objects with significant risk of reentry.

Because the Code is voluntary there is no legal obligation to abide by its precepts. In fact, the voluntary nature of the Code is often highlighted as a principal element that differentiates it from proposals such as the Sino-Russian Draft Space Security Treaty (PPWT) (CD 2008), which would be legally binding. Since the Code is voluntary, the argument goes, there is a greater chance of galvanizing the support of the international community and more spacefaring states will be inclined to embrace it as signatories. Still, it seems unlikely that a state would be inclined to sign on to the Code if there are provisions it is not ready to abide by, even if not compulsory.
Shortcomings

The EU Code of Conduct fails to address some of the most controversial topics related to space security. Indeed, according to *Arms Control Today*, the Code “skirted many thorny issues that have plagued prior international efforts to prevent an arms race in outer space” (Abramson 2009). A statement made to the Conference of Disarmament (CD) by the Czech Republic (2009, p. 4) on behalf of the EU notes, “As the Code of Conduct would be voluntary and open to all states and would lay down the basic rules to be observed by space-faring nations, it does not include any provision concerning the specific question of non-placement of weapons in space.” It may be that the drafters of the Code opted to maximize the potential for widespread support among international space actors by setting a relatively low threshold on commitments, at least with regard to the military uses of space.

Another criticism has been directed at the drafting process. During informal sessions at a recent conference on space security held March 29-30 at the United Nations in Geneva, diplomats expressed reservations about the development of the Code of Conduct. To some, the process could have incorporated the views of more states beyond the EU, making the final document more democratic and reflecting a broader range of concerns. A similar argument can be made for more involvement by non-state actors that have a stake in space, such as commercial satellite operators.

Too Crowded a Table?

What are the potential implications of having several proposals competing for support? Conventional wisdom would suggest that proposals put forth by states—either as draft treaties or as non-binding Transparency and Confidence-Building Measures—are welcome developments that advance the space security agenda. However, there is a latent risk of polarization as proponents of each initiative look inward and focus on the merits of their own proposal to the neglect of others. Thus, efforts to forge consensus and galvanize support around each proposal may in fact result in further division and competition.

Speaking off-the-record at the March 2010 space security conference in Geneva, a non-European diplomat speculated that, after the EU’s Code of Conduct is open for signatures by states in a few months, it will likely be at least five years before the EU countries even consider the merits of other proposals.

Currently two major space security proposals are vying for international support, in addition to the
soon-to-be-unveiled EU Code of Conduct. The Sino-Russian draft treaty proposal, which seeks to place a prohibition on the placement of weapons in space, continues to be discussed in international space security forums. Although unable to get support from such major space-faring powers as the US, the Russian and Chinese governments are still strong advocates of the merits of the draft treaty. Moreover, Russian and Chinese government officials have expressed a willingness to engage with the US in discussions, with the ultimate goal of producing a final version of the treaty that will be acceptable to all.

Another initiative recently presented at the CD is the 2009 Canadian proposal for space security regulations that would

• Ban the placement of weapons in space
• Prohibit the testing and use of weapons on satellites in order to damage or destroy them
• Prohibit the use of satellites as weapons.

Canada’s position has been seen by many as the middle ground between a ‘hard-law’ legally binding treaty such as the PPWT, and the ‘soft-law’ EU Code of Conduct. In fact, beyond naming the three principles on which space regulations should be based, Canada has expressed openness vis-à-vis the specific form that such a normative framework may take. On a statement to the CD on this topic, Ambassador Marius Grinius (Canada 2009) said that, to implement these principles, the CD should consider security guarantees “such as a declaration of legal principles, a code of conduct, or a treaty.”

Ideally, instead of three competing proposals producing deadlock, ways will be found to unite complementary elements from all serious proposals that address the most pressing space security challenges.

The EU Code of Conduct should not be dismissed outright as an ineffective instrument for advancing space security because it is not legally binding. As stated in a recent assessment by the European Space Policy Institute (2009, p. 4), “abiding by transparency and confidence building measures, such as the EU CoC, would play an essential role in international relations, and contribute to the progressive development of international law.” It remains to be seen whether it will also play an important role as a stepping stone on the path to a more robust space security regime.

NOTES
2. The conference was co-sponsored by the United Nations Institute for Disarmament Research and Secure World Foundation, with the support of the Russian and Chinese governments.

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Having just come through its first nationwide elections since 1986, Sudan now faces the last major hurdle in the six-year transition period mapped out in the Comprehensive Peace Agreement (CPA): a referendum on Southern Sudan independence planned for January 2011.

Much attention has been focused on the measured public diplomatic pressure being applied by US Special Envoy Scott Gration on the regime of Sudanese President Bashir to maintain the peace and to respect the anticipated choice of independence by the Southern Sudanese. Less attention has been given to the key role of countries in Sudan’s immediate neighbourhood that recently revived the use of the Intergovernmental Authority on Development (IGAD) as a strategic diplomatic channel in their dealings with Sudan.

IGAD is the little known subregional intergovernmental body in the Horn of Africa to which Sudan, Kenya, Uganda, Djibouti, Ethiopia, Eritrea, and Somalia belong. For the most part IGAD is an underfunded shell organization struggling to advance limited common goals among a conspiratorial and conflict-ridden group of member states, all found near the bottom of the Human Development Index of the United Nations Development Programme (Siebert 2009). That shell is occasionally filled with

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John Siebert
diplomatic activity, when it suits some of Sudan’s IGAD neighbours—for example, when they want to mobilize pressure on Khartoum to allow the referendum to proceed on schedule.

IGAD in Sudan

A recent report from the International Crisis Group (2010) reviews the interests and roles of the nine countries that share borders with Sudan as the CPA moves toward its referendum apotheosis in 2011. It notes that IGAD sponsored the CPA negotiations, with US pressure visible in the background, but that it was Kenya that provided the negotiator in the person of Lieutenant-General Lazarus Sumbeiwo and it was then Kenyan President Daniel Arap Moi who forced the main Sudanese protagonists to the negotiating table. While widely acknowledged to be covertly aiding the southern Sudanese, Kenya could address its direct interests in achieving peace in Sudan by using the IGAD shell.

Once the CPA was signed, IGAD effectively went into dormancy on Sudan. Then, in October 2009, IGAD suddenly shifted back into prominence when the semi-autonomous Government of Southern Sudan (GOSS), headed by Salva Kiir of the Sudan People’s Liberation Army (SPLA), requested that IGAD refocus on the implementation of the CPA. “The primary aim was to re-engage the body that had negotiated the peace process and keep its member states’ eyes on the CPA process, the elections and, most importantly, the self-determination referendum” (ICG 2010, p.18). The IGAD summit meeting on Sudan, held March 9, 2010 in Nairobi, confirmed IGAD involvement and commitment (IGAD 2010).

Regional bodies such as IGAD, the Economic Community of West African States, and the Southern African Development Community are playing increasingly important roles in peace processes in Africa. Even if plagued by a lack of resources and spotty support by their members, they gather together those players—near neighbours—that usually have the most at stake in resolving the conflict. The flipside of the coin is that these players may also be parties in the conflict, either directly or by providing support to proxies. At the end of the day, however, those nearest (even if not dearest) need to be party to the peace if it is to be sustained.

After the Sudanese themselves, no one has a greater stake in post-referendum peace in Sudan than Kenya, Uganda, and Ethiopia. In the most recent phase of Sudan’s north-south civil war between 1983 and 2005, these three countries suffered the most from the spillover effects of Sudan’s turmoil with massive refugee influxes, disrupted regional trade, and increased insurgency in their own countries, supported by Khartoum. The implications for these countries of possible renewed nationwide turmoil in Sudan do not have to be imagined, only remembered. Unless the Sudanese and these immediate neighbours own and reinforce the constituent parts of the Sudan peace process, all the help in the world from others will likely be wasted.

A useful role

In the past IGAD has proven to be a useful diplomatic channel, particularly when these neighbours of Sudan needed a local multilateral channel to advance interests at odds with those of the Bashir regime in northern Sudan. By using the multilateral IGAD, the bilateral diplomatic face-to-face is avoided, thus allowing all sides to save face.

IGAD’s orphan-like status between periods of perceived usefulness is an impediment to sustainable peace in the Horn. IGAD is kept alive largely through the efforts of the small secretariat at IGAD headquarters in Djibouti, which struggles to maintain, let alone expand, its relevance and services.

Should international support for IGAD be increased? The European Union, the German development organization, and others have provided financial and management assistance to strengthen the IGAD secretariat. At the same time, IGAD member states have failed to pay their minimal dues and often ignore it. As a result, in spite of the African Union aspiration to find African solutions to African problems, doubt has been cast on their stated collective aspirations to build peace and security in the Horn of Africa through IGAD.

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New campaign: Canadians for Peacekeeping

Its objective: mobilize Canadians to call on their government to increase its commitment to United Nations peace operations. Project Ploughshares has already endorsed the campaign statement:

Canada must increase its commitment to international peace operations. Beginning in 2010 and 2011, Canada’s overseas defence commitments, including major troop deployments, should be largely directed to United Nations peace operations.

For more information, go to http://peacekeepingcanada.com.
More than empty promises at the NPT

Ernie Regehr

The storyline adopted by many nongovernmental organizations in the immediate wake of the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was one of “empty promises” (Deen 2010). But now, with broad expressions of disappointment out of the way, observers increasingly point to the achievements.

A primary and notable accomplishment was avoiding the disaster of the 2005 Conference. But there were others. Indeed, assessments by states ranged from “historic success” to “re-launched momentum” to Canada’s characterization of the Conference final document as “a modest product” that contains “seeds of hope.” Mexico might have put it best: “While not bringing us to heaven, it does distance us from hell, the hell of nuclear war” (Roche & Regehr 2010).

The final document (2010 RevCon 2010b), agreed to by consensus, is divided into two parts, with the first the Conference President’s report on the discussions. It notes issues of general agreement and other issues favoured by a majority of states. This overview is followed by a set of conclusions and recommendations, referred to as the Action Plan (AP), with 64 actions. States parties accepted both parts as the official final document. The President’s overview is taken to accurately reflect the sense of the meeting, but the proposals and measures included there are not politically, and certainly not legally, binding. AP measures, on the other hand, represent firm commitments made by all states parties.

Much of the disarmament language in both parts of the final document is familiar and aspirational. The pledge to “achieve the peace and security of a world without nuclear weapons” (2010 Rev Con 2010b, p. 17) may raise suspicions of ‘empty promises’, but, on the other hand, it was the complete absence of such pledges that earned the 2005 Review Conference the label of ‘disaster’. And this time, the final document goes beyond platitudes.

Middle East Nuclear Weapon Free Zone

Arguably, the most prominent and far-reaching action is in support of “the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction” (p. 27).

In 1995, when the NPT was transformed into a permanent Treaty, the Middle East was a central point of contention. Arab States were unprepared to permanently disavow nuclear weapons when one state in their midst, Israel, was not party to the Treaty, would not make the same commitment, would not admit that it was in possession of nuclear weapons, and would not open all its nuclear facilities to inspection by the International Atomic Energy Agency (IAEA). To bridge that commitment gap, the United States, the United Kingdom, and Russia set out a resolution, agreed to by all Parties to the Treaty, in support of a nuclear weapons free zone in the region—an old idea, but with a new impetus to serious treatment.

Of course, this proposal wasn’t taken seriously. Now, in 2010, the NPT States have made another promise—with two core elements.

First, they promise to convene a conference in 2012, “to be attended by all States of the Middle East” (p. 27). At this time, Israel says it will not attend (Teibel 2010). The conference is to be convened by the UN Secretary-General and the co-sponsors of the 1995 resolution. In addition, the IAEA, the Organization for the Prohibition of Chemical Weapons, and other relevant international organizations are tasked to prepare appropriate background documentation.

Second, the UN Secretary-General and the 1995 co-sponsors, in consultation with the states of the region, are to appoint a “facilitator” with a mandate to support implementation of the 1995 resolution, to support preparations for the 2012 conference, to carry out post-conference follow-on activities, and then to report to the 2015 Review Conference.

Nuclear weapons convention

Another notable breakthrough is the final document’s clear affirmation of a nuclear weapons convention (NWC). While the idea of an NWC has wide public appeal, some governments that support the idea in principle, including Canada, argue that now is not its time. They say that more of the specifics of nuclear disarmament—e.g., a test ban and a ban on the production of fissile material for weapons purposes—need to be in place before a convention is doable. But others argue that the convention is precisely what is needed to guide the disarmament yet to come.

This latter view prevailed at the Review Conference. In “noting” Secretary-General Ban Ki-Moon’s disarmament proposals, the Conference drew special attention to his call to “consider negotiations on a nuclear weapons convention or agreement on a framework of separate mutually
reinforcing instruments, backed by a strong system of verification” (para 82, p. 11). In that context the final document concludes that “the final phase of the nuclear disarmament process and other related measures should be pursued within an agreed legal framework, which a majority of States parties believe should include specified timelines” (para 83, p. 11).

The Action Plan itself includes an indirect reference to a convention: “The Conference calls on all Nuclear Weapons States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons.” The reference to a framework is immediately followed by another reference to the Secretary-General’s support for negotiations toward a convention or a framework of separate mutually reinforcing instruments (B.iii, p. 18).

As a result, there is now an informal mandate for supportive governments and civil society to convene international consultations to thoroughly explore the focus, scope, verification, and other elements relevant to a nuclear weapons convention.

**Institutional deficit**

Canada has for some time led efforts to build an institutional infrastructure for the NPT, and to improve its review and decision-making processes. A working paper (2010 RevCon 2010a), initiated by Canada but with a broad group of co-sponsors, proposed three specific and fairly far-reaching changes.

The first proposal was to change the present arrangement in which a Treaty conference occurs only every five years, supported by three Preparatory Committee meetings. The proposal was for every five-year review cycle to include three annual decision-making conferences, plus the Review Conference, supported by one Preparatory Committee meeting. This proposal was ultimately rejected and received no mention in the final document.

Though not a fully mandated action, the incoming chairs obviously would have the support of Treaty states parties to implement the proposal.

The second proposal was for a “Chairs’ Circle” comprised of the past, incumbent, and incoming chairs or presidents of the annual preparatory committee meetings and the Review Conference. This group would meet as required to share best practices, provide advice, and transfer knowledge to produce a more effective review process. This proposal was well received, and although it was not part of the Action Plan, the Conference President reported (para 111, p. 14):

*The Conference recognizes the importance of ensuring optimal coordination and continuity throughout the review cycle. In this context, the Conference encourages the past and incumbent Chairs to be available for consultations by the incoming Chair, if necessary, regarding practical matters relating to their responsibilities. Participation in these meetings will be voluntary and without affecting the costs assessed to States parties.*

Cost implications are a particularly sensitive matter, but the working paper offered a detailed assessment of the costs of all the recommendations, including a three-person support unit, and showed enough potential savings from a reduction in overall meeting days to more than cover the new costs. But as the recommendation to change the pattern of meetings was not accepted, these savings will not be realized. The support unit, if pursued, would have to be financed through special contributions. There was a specific call to further consider institutional changes during the next review cycle (para 113, p. 14).

**Reporting and transparency**

The importance of transparency in all nuclear activities and of providing specific reporting on actions taken in support of implementing the Treaty received renewed emphasis in the Review Conference. The primary reference is in the Action Plan (Action 20, p. 21), which repeats the 2000 agreement:

*States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of this Action Plan, as well as of article VI, paragraph 4(c) of the 1995 Decision on “Principles and Objectives for Nuclear Non-Proliferation and Disarmament”, and the practical steps agreed*

For the first time States added a more specific call for Nuclear Weapon States to report (Action 21, p. 22):

As a confidence building measure all the nuclear-weapon States are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General is invited to establish a publicly-accessible repository which shall include the information provided by the nuclear-weapon States.

Nuclear weapon states have been reluctant to submit formal reports—that is, they have been reluctant to acknowledge that they are accountable to all states parties for action taken, or not taken, to meet their obligations under Article VI of the Treaty. However, there are signs of that resistance breaking down. China and Russia reported formally in 2005 and did so again in 2010 (documents NPT/CONF.2010/31 and NPT/CONF.2010/28 respectively).

The United States also reported, but still refused to acknowledge its paper as a report under the reporting provision. Instead the US referred to it as “United States information pertaining to the Treaty on the Non-Proliferation of Nuclear Weapons” (NPT/CONF.2010/45).

Reaffirming the basic disarmament agenda

The 2010 Review Conference reaffirmed the important decisions and agreements reached at the 1995 and 2000 Review Conferences (para 5, p. 2). In doing so, the 2010 action plan endorses the overall nuclear disarmament agenda contained in those decisions.

The nuclear weapon states reaffirmed their commitment to an “unequivocal undertaking” to “accomplish ... the total elimination of their nuclear arsenals” (para 80, p. 11), and in the course of implementing that undertaking they committed “to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional, and multilateral measures” (Action 3, p. 18).

They accepted the call to further diminish the role of nuclear weapons in their security policies, develop measures to prevent their use and reduce the risk of accidental use, and to increase transparency. Notably, the nuclear weapon states are “called upon to report the above undertakings to the Preparatory Committee at 2014” (Action 5, p. 19).

In the action plan states resolve to “achieve the peace and security of a world without nuclear weapons, in accordance with the objectives of the Treaty” (I.A.i, p. 17). The final report highlights a number of specific policies:

- Entry into force of the Comprehensive Nuclear-Test-Ban Treaty (paras 84-86, p. 11; Actions 10-14, p. 20),
- Negotiating a Fissile Material Cut-off Treaty and encouraging nuclear weapon states to declare surplus fissile materials and bring them under IAEA safeguards (Actions 15-18, p. 21),
- Honouring negative security assurances (Actions 7-8, p. 19), and
- Promoting nuclear-weapon-free zones (Action 9, p. 19).

The importance of universality. India, Israel, and Pakistan were called upon to join the NPT as non-nuclear weapon states (para 115, p. 15), and the weapons tests of the Democratic People’s Republic of Korea were deplored (p. 28).

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NPT states still avoiding accountability

The Project Ploughshares report on reporting, Transparency and Accountability: NPT Reporting 2002-2009 (see back page), was distributed at the Review Conference and was the focus of a roundtable hosted by the Canadian delegation at the Canadian Mission at the United Nations.

The New York discussions welcomed ongoing efforts to tabulate reports and emphasized the importance of expanding the commitment of all states parties to reporting and transparency. Poor levels of reporting to date reflect the reluctance of states to be held accountable for their actions, or failure to act, on the full implementation of the Treaty.
In early 2010 Project Ploughshares hosted, with local partners, two expert roundtables on the international Arms Trade Treaty (ATT) in Washington, DC and Cape Town, South Africa. The purpose was to engage a range of stakeholders with expertise in conventional arms control in a review of the key challenges and issues facing imminent UN negotiations of the treaty.1

The Washington roundtable, held February 18 at the Carnegie Endowment for International Peace, was co-hosted by the Arms Control Association, the Center for International Trade and Security at the University of Georgia, Oxfam America, and Project Ploughshares. Ambassador Roberto Garcia Moritan of Argentina, the chair of ATT negotiations at the UN, was the opening panel speaker. The keynote address was read by Ambassador Donald Mahley, the US lead negotiator on the ATT, on behalf of Under Secretary of State Ellen Tauscher.2

The South Africa roundtable was held March 4 at the Cape Town offices of the Institute of Security Studies, which co-hosted the event with Project Ploughshares and the International Action Network on Small Arms. Panel speakers included Clare da Silva, the legal advisor to the international NGO coalition on the ATT, and other experts from the South African government, academia, and parliament.

The two sessions engaged representatives of common stakeholder groups: civil society and defence industry experts, state officials responsible for arms control policy and multilateral negotiations, academics with expertise in relevant national and international law, and legislative committee representatives. Although the size and structure of the two roundtables differed, discussions overlapped in several thematic areas.

Roundtable briefing documents outlined the political and economic influence of the US and South Africa on the international arms trade, which is dominated by a few suppliers and recipients. The United States is the largest supplier of conventional arms, and its market share alone underlines the importance of its participation in Arms Trade Treaty negotiations. A small number of African states, most notably Egypt and South Africa, manufacture and export conventional weapons. South Africa’s role in arms production and export, combined with its political influence in a region that is heavily affected by the trade in weapons, suggests that it also can play an important and constructive role in treaty negotiations.

National regulatory frameworks

The regulation of the international trade in conventional weapons occurs at the national level, but many national standards are inadequate to the task of effectively controlling the trade. In his remarks Ambassador Moritan3 noted:

The current situation, as I see it, is full of gaps and loopholes and inconsistencies. Some countries have national controls with different standards, in many cases barely enforced. A large number do not have controls or those criteria are too weak.

Consequently, a key objective of the Arms Trade Treaty must be to rectify the inadequacy of national controls.

Participants lauded the comparatively high export control standards of the United States and South Africa. The background paper prepared for the Washington roundtable by arms control analyst Rachel Stohl (2010, ch. 6) notes that US law and the proposed global principles for an Arms Trade Treaty are quite compatible. Cape Town participants referred to the high standards of South African export control legislation. After arms transfer decisions early in the post-Apartheid period were
criticized, the National Conventional Arms Control Act was passed in 2003, resulting in the codification of constitutional values and international norms, such as important human rights standards.

Others suggested that, as comparatively high as US and South African standards may be, significant questions and concerns about past and future export control operations remain. At the Washington roundtable several participants noted that multilateral negotiations for the ATT coincide with US efforts to overhaul and liberalize domestic export controls. They asked how the US will match the ATT call for high common international export standards with this interest in easing US export control requirements and practices. Others at the Washington roundtable drew attention to the US practice of a “licence-free” weapons trade, which would contravene basic ATT provisions that require states to authorize all transfers of conventional weapons across their borders. For example, the “Canadian exemption” under the US International Traffic in Arms Regulations currently allows unlicensed trade in military goods between the United States and Canada.

In Cape Town some roundtable participants noted that a recent report by the Auditor General identified failings in the South African export control system, while others suggested that the legislation was fundamentally sound and remained a potential model of best practice for other states. Yet, the Auditor-General also identified capacity as a challenge for the South African export control system. If South Africa, with the largest economy in Africa, faces a capacity shortage, what would be the case for other African states?

Risk assessment criteria and transfer decisions

Many participants emphasized that the treaty should require that the criteria used in arms transfer decisions preserve the comparatively high standards of the US and South Africa. Under Secretary of State Tauscher warned that treaty negotiators should not accept the lowest common denominator to achieve a quick agreement. Others reinforced this point, noting that there would be no benefit to a treaty that merely endorsed the current wide range of standards and practices.

Civil society representatives argued that an effective ATT must require case-by-case assessments of the risks of weapons transfers (as is already required in the US and South Africa). The risk assessment process should involve criteria derived from the commitments and obligations of states under international law and multilateral norms. When there is a substantial risk that the transferred arms will be used in serious violations of these laws and norms, the transfer should not be authorized. Sometimes states can draw on the analysis and expertise of international agencies and credible civil society organizations when making risk assessments.

Roundtable participants noted that arms transfer decisions may be subject to, or even driven by, national strategic, political, and economic policies and interests. In the US “national priorities, existing circumstances, and interpretation often guide U.S. arms transfer decisions” (Stohl 2010, p. 19) and the executive branch maintains significant discretion over the implementation of laws governing arms transfers. In South Africa, participants acknowledged the influence of national political and economic interests and discussed the roles that parliamentarians and civil society groups should play to hold government officials to account.

Treaty text and scope

The roundtables discussed anticipated treaty text and some aspects of the treaty’s scope.
Washington participants noted that some stakeholders, such as the defence industry and Congress, are not likely to become engaged in the ATT process until a draft treaty text is available. In Cape Town, some emphasized the importance of a common African position on the treaty text or at least significant treaty elements. However, such agreement faces challenges beyond the short negotiation timeframe. Most significantly, several North African states are ATT skeptics.

Both sessions reviewed proposals for the scope of the treaty. Washington participants discussed the “common minimum acceptance” of the “7+1” proposal regarding the categories of conventional weapons to be governed by the treaty. The UN Register of Conventional Arms tracks seven major weapons categories and to this would be added the category of small arms and light weapons. It is not obvious, however, that states using this categorization recognize its limits—that, for example, the UN Register category of combat aircraft excludes other kinds of military aircraft.

Will ammunition be included in the scope of the treaty? While some in Washington stated that including ammunition would be problematic for the US, citing the problems of monitoring end-use when large volumes of goods are transferred, others noted that many states strongly support the inclusion of ammunition in the treaty. Indeed, it was noted at the Cape Town meeting that ammunition was the category most often cited by states in their 2007 submissions to the UN Secretary-General on the scope of the Arms Trade Treaty.

**Negotiations**

Each roundtable reviewed the schedule for treaty negotiations and acknowledged the comparatively short formal period available. In Cape Town, participants noted that the negotiation schedule poses a significant challenge for developing text that could be endorsed by African states.

In Washington, Ambassador Moritan expressed hope that a draft of substantive elements of the treaty would be available by the end of 2011. As he noted, four weeks of scheduled preparatory sessions in the next two years provide 120 hours for negotiations in advance of the 2012 treaty conference. Washington participants discussed the need for states to undertake “intersessional” meetings—informal multilateral meetings between the formal UN sessions to allow states more time to develop consensus on treaty text in advance of negotiation sessions.

When the UN General Assembly adopted the October 2009 First Committee ATT resolution, it also adopted the stipulation that the 2012 conference be undertaken “on the basis of consensus.” Some Washington participants stated that negotiations on security issues such as arms transfers should aim for universality and that the consensus process is central to achieving this aim. Others expressed concern that consensus could result in a treaty that is universal but weak. Or, if consensus results in treaty commitments that drop below a “minimum threshold,” it may lead to alternative treaty processes outside the UN, such as those that occurred in the development of the Landmine and Cluster Munitions Treaties.

**Conclusions**

The roundtables in Washington and Cape Town successfully engaged a range of expert stakeholders in an informed discussion of the challenges of ATT negotiations. Both were applauded as constructive platforms for an open exchange among participants with different perspectives and concerns.

The two roundtables arrived at common questions and views about ATT negotiations and treaty provisions. Although unanimity was not achieved, it is apparent that further policy discussion and elaboration of detail in these areas are warranted. Indeed, roundtable participants expressed support for additional events in the US and South Africa to widen the circle of people and institutions aware of, and engaged in, the ATT process.

With detailed export control policies and some of the highest standards, the US and South Africa are well placed to bring proposals for treaty provisions and text to the negotiation table. Yet the evidence of the roundtables suggests that both states need to undertake further consultation to formulate clearer policy details in advance of the negotiation sessions. Without significant commitment to treaty preparations from such supportive states as the US and South Africa, states opposed to or skeptical of an ATT will have an easy task resisting or undermining progress in negotiations.

Other states may be no better prepared. It would seem that the expert roundtable format could be constructive in all influential states that are committed to negotiating an effective Arms Trade Treaty.

This article is an abridged version of “Towards Arms Trade Treaty Negotiations,” available at www.ploughshares.ca.

**NOTES**

1. The Glyn Berry Program within the Global Peace and Security Fund of Foreign Affairs Canada provided funding support for the two roundtables.


3. From the transcript of the morning panel (see Note 2).

**REFERENCE**


Kenneth Epps is Senior Program Associate with Project Ploughshares.
Following recent major Canadian military industry acquisitions, US corporation General Dynamics has emerged as the dominant recipient of Pentagon contracts brokered by the Canadian Commercial Corporation (CCC).

The crown-owned Canadian Commercial Corporation has reported that three subsidiaries of US-based General Dynamics Corporation together won more than $1-billion in Pentagon contracts during the 2008-09 fiscal year. General Dynamics Canada in Ottawa, the country’s largest military electronics manufacturer, was awarded $131.1-million in Pentagon contracts in 2008-09. General Dynamics OTS-Canada, the sole Canadian manufacturer of military explosives and ammunition, received US orders totaling $165.2-million. And General Dynamics Land Systems Canada, the sole Canadian manufacturer of military vehicles and munitions, received US orders totaling $944-million. The combined contract value of $1.12-billion for the three subsidiaries made General Dynamics by far the largest recipient of Pentagon orders placed with Canadian-based companies during the 2008-09 fiscal year. Indeed, it is the first time that the annual value of US military contracts brokered by the CCC has exceeded $1-billion for a single parent corporation. The total is more than three times the $360-million reported by the Canadian government as the total value of military equipment shipped by the three General Dynamics subsidiaries—the total of subcontracts with US military contractors and Pentagon prime contracts arranged through CCC—likely far exceeds the $1.12-billion reported by CCC.

The Defence Production Sharing Agreement between Canada and the US mandates the CCC to operate as the prime contractor for all US military orders worth more than US $100,000 with Canadian companies. As its website notes, the CCC offers “the US DoD [Department of Defense] a guarantee of contract performance according to the terms and conditions of the contract, backed by the Government of Canada. This ensures that the specifications, terms and conditions of the contract will be met. CCC signs a separate domestic contract with the Canadian supplier.” This procedure is not required for military subcontracts, however.

Every year Canadian companies ship a significant but unreported volume of components, parts, and services to US military manufacturers, including parent companies. (When the Canadian government reported the value of military goods subcontracts with US companies up to the early 1990s, the total was roughly equal to the value of prime contracts with the Pentagon, i.e., to the value of contracts arranged through the CCC.) This means that the real value of all military equipment shipped by the three General Dynamics subsidiaries—the total of subcontracts with US military contractors and Pentagon prime contracts arranged through CCC—likely far exceeds the $1.12-billion reported by CCC.

The rise of US-based General Dynamics to become the preeminent actor in Canadian military exports stems from recent corporate acquisitions. In the early 2000s the key

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Kenneth Epps
Canadian subsidiary producing military goods was General Dynamics Canada, created by the parent corporation purchase of Computing Devices Canada, based in Ottawa and Calgary. In 2003 General Dynamics acquired the London, Ontario manufacturing facilities of GM (General Motors) Defence to form General Dynamics Land Systems Canada. Most recently, General Dynamics OTS-Canada arose from the acquisition in 2006 of SNC Technologies Inc (SNC TEC) of Le Gardeur, Quebec.

The results of corporate acquisitions can be seen in accompanying figures. Figure 1 shows the dramatic increase in the value of Pentagon contracts with General Dynamics Canadian subsidiaries, from a total of less than $30-million in fiscal year 2000-01 to $1.12-billion in 2008-09. The concomitant rise in General Dynamics’ portion of the total value of Pentagon orders with Canadian companies is shown by Figure 2. The figure tracks the

**NOTE**


Kenneth Epps is Senior Program Associate with Project Ploughshares.

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**Global Week of Action against Gun Violence**

*Maribel Gonzales*

The 2010 “Global Week of Action against Gun Violence” from May 10-16 “saw a record number of events, participation, impact and media coverage in over 90 countries” (IANSA 2010). On May 14-15 in Calgary, Project Ploughshares and Ploughshares Calgary co-hosted the showing of documentary film *Devil’s Bargain: A Journey into the Small Arms Trade* and a day-long workshop.

**Events in Calgary**

The workshop, “Small Arms, Big Impact: Addressing Armed Violence in Communities,” examined measures to prevent and reduce armed violence from global, regional, national, and local perspectives. Participants included members of Ploughshares Calgary, Alliance to End Violence, Alberta Provincial Rifle Association, Responsible Firearms Owners of Alberta as well as officials from the Canada Firearms Program, Royal Canadian Mounted Police, Calgary Police Commission, and the Calgary City Council. Following are some key points from presentations given at the workshop.

**A lack of development and community violence**

Ploughshares Program Associate Maribel Gonzales noted that armed violence is both a cause and consequence of the lack of development. This two-way relationship is acknowledged in the Geneva Declaration on Armed Violence and Development (2006). Gonzales also drew attention to the armed violence “lens” developed by the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD 2009, pp. 49-50). The “lens” applies a people-centred perspective to the analysis of the victims of violence; the perpetrators and their motivations; the instruments or weapons; and the institutional and cultural environment at the local, national, regional, and global levels.

Around the world, two-thirds of the people who die violently die in non-war settings. Joyce Hewett, Coordinator of Public Education and Legal Reform at Woman Inc, a Jamaican nongovernmental organization, provided a compelling regional (Caribbean) and national perspective of this trend.

The Caribbean’s homicide rate of 18.1 per 100,000 in 2004 is more than double the world average of 7.6 per 100,000 inhabitants (Geneva Declaration Secretariat. 2008, p.73). In this region, Jamaica fares worst, with a 2008 homicide rate of 61 per 100,000 (IMPACS 2009). Hewett stated:

The proliferation of guns and ammunition has heightened the violence to untold proportions, particularly in the inner-city communities ... described as “war-torn,” as many lives were lost over the years because of the “borders” [a physical barrier or invisible line or point of separation] established between “warring” communities.
Ironically, these garrison communities were originally carved out by competing political parties in the early 1970s. Politicians armed the young men of poor inner-city communities, most of them unemployed and unskilled, to get out the vote and protect their territory from political rivals. In exchange for delivering votes, the “Dons” (gang leaders) earned preferential access to jobs, contracts, and other services. In recent years the political influence has declined as the links of the garrison communities with organized crime, to move illegal guns and drugs, have strengthened.

**Reducing community violence**

Gonzales gave a presentation on the Peace Management Initiative (PMI) in Kingston, Jamaica and RCMP Constable Robert Humphries described the Chestermere, Alberta Crime Reduction Partnership (CCRP). Both of these youth violence programs include a combination of most or all of the following strategies: prevention, intervention, rehabilitation, and law enforcement.

The PMI is an early intervention mechanism that aims to prevent conflict from escalating to violence; and to support structures that strengthen stability, resilience, and pride in inner-city Kingston communities. PMI intervenes at a community’s request and works with the community and civic organizations. Key strategies include:

- Prevention through extensive information gathering, early detection, mediating to broker ceasefires and peace agreements between conflicting factions, promoting surrender of weapons and community unity;
- Intervention by providing youth at risk social and economic alternatives such as cultural and sporting events; opportunity fairs to access skills training, education, and job opportunities; and support for small business;
- Rehabilitation by organizing retreats and providing psychological counselling and therapy to both victims and perpetrators of violence.

Because the police are not trusted in these communities, a link with law enforcement is notably absent in PMI’s approach.

In contrast, the CCRP focuses on youth under probation orders. Siblings with no criminal record are also given priority. CCRP is implemented by an integrated enforcement team of social workers and the police. Hence, law enforcement is a key strategy, along with:

- Prevention by employing community agencies (schools, social service agencies) to raise awareness of the consequences of violent behaviour;
- Intervention through provision of support and referral services tailored to the youth and their families and alternative activities such as sports;
- Rehabilitation through counselling services.

The PMI and the CCRP both aim to prevent youth from getting involved in criminal gangs, employ multi-pronged strategies, and recognize the value of partnerships in the community.

**Curbing the misuse**

One of the drivers of armed violence is the proliferation and misuse of small arms. Firearms Officer Bernie Coles outlined the licensing and registration provisions of the Canadian Firearms Act, which governs the possession, transportation, use, and storage of firearms. Ploughshares Senior Program Associate Kenneth Epps outlined key regional and international policy. Epps noted that Canada has complied well with some policies, but not all. Canada leads in the strict regulation of exports of automatic firearms, but lags in implementing regulations on firearms marking and tracing.

Even with all these current policy instruments, Epps emphasized that there was a need for a strong ATT. He stressed that the ATT does not seek to ban legitimate firearms ownership, but to stop irresponsible arms transfers from fuelling poverty, war crimes, and human rights abuses.

In the open forum session of the workshop, some participants expressed concern over losing their right to own and use firearms. The view that people, not guns, were the source of violence was repeatedly expressed. Still, it was apparent that all parties and sides were engaged in active listening. As Diane Janzen, Ploughshares Calgary’s program director, noted, “I do think that we were able to create a space to share information and answer questions that did not cause anyone to dig in their heels.” Certainly one shooting club member felt that the workshop was useful. As he noted, “there is considerable misinformation in the firearms community” and he was eager to pass along his newfound knowledge.

**REFERENCES**


Maribel Gonzales is a Program Associate with Project Ploughshares.
A South African view of the arms trade

Andrew Feinstein

I come at issues related to the arms trade from two related perspectives: as a former African National Congress (ANC) Member of Parliament in South Africa, who witnessed at first hand the pervasive and damaging consequences of the arms trade on South Africa’s young democracy; and as a researcher and author who is developing an understanding of the global trade, legal and illegal, and the inextricable link between the two, as I write a book on the impact of the arms trade on democracy around the world.

While I obviously accept that every state has the right to defend itself, especially in an ever more complex and dangerous world, I believe that the manner in which the arms trade is organized and conducted means that

• by virtue of its products, it fuels and often sustains conflicts, not just in the most obvious sense, but also because of the remarkably high incidence of political and military blowback, where weapons end up in the hands of those they were meant to defend against, thus further intensifying conflict.

• the arms trade contributes directly and indirectly to human rights abuses—not just in war zones, but on the political battlefields of Zimbabwe, Myanmar, and many other states.

• it is the most corrupt of all trading activity (accounting for about 40 per cent of all corruption), depriving millions of people in purchasing countries of much needed socioeconomic development, and resulting in massive wastage of the taxpayer money of selling countries through subsidies and incentives. As a consequence it often undermines accountable democracy, transparent governance, and the rule of law, both in countries that buy and countries that sell.

These effects are only possible because, currently, decisions about arms deals—whether they are worth many billion or a few thousand dollars—involves very few people in the decision-making process and are hidden behind the veils of national security and commercial secrecy.

The South African arms deal

This year the world celebrates the 20th anniversary of Nelson Mandela’s release from jail. As we celebrate we should reflect on how the arms trade has undermined the very institutions of democracy that Mandela and hundreds of thousands of others sacrificed so much to achieve.

As early as 1991, with Mandela free from prison and the ANC unbanned, big arms companies from Europe attempted to persuade key ANC leaders that arms deals were, inter alia, a good way to raise money for the party. After the 1994 elections in South Africa brought Mandela to power, government leaders from European Union member states fell over each other trying to convince the new government to buy their country’s wares.

The ANC came to power promising to cut defence spending in order to increase social spending. As early as May 1990, Mandela (1990), in introducing the ANC plan for social reform to South African business executives, had said, “Enormous savings will be made as a result of the abolition of the multi-headed hydra represented by the various apartheid administrative structures. Defence spending will also have to be reduced radically as a result of the thinning down of the defence establishment.”

Nevertheless, in 1998–99 South Africa committed to spend over $6-billion US (over the life of a contract that would run until 2018) on arms and weapons it didn’t need and barely uses today (Ensor 2007). Even senior members of the South African National Defence Force thought that such expenditure was absurd.

It appears that, as part of the arms deal, over $300-million in bribes was paid to senior politicians, officials, and the ANC itself (Feinstein 2009, pp. 139, 158). While these allegations have not been proven, it would seem that bribes were a key motivator, because the ANC was bankrupt and needed to finance an upcoming election. On the most expensive contract for jet planes, the winning bidder didn’t even make the technical short-list. The South African Air Force made clear that it didn’t want the equipment (which was 2.5 times the cost of the equipment that had topped the short-list). They went so far as to say that they would only accept the equipment if forced to do so by the politicians.

To overcome these hurdles, two-thirds of the way through the process, the Minister of Defence took the...
extraordinary decision that on this, the most expensive contract democratic South Africa had ever entered into, cost would be excluded as a procurement criterion (p. 142). On that deal alone there is evidence that £116-million was paid in bribes to the Minister, his political advisor, and others.

Social and political costs

South Africa has paid for this deal in lives. At almost the same time that he signed contracts to spend all this money on arms, President Thabo Mbeki announced that the country could not afford to buy the antiretroviral drugs required to keep alive the more than 5 million South Africans living with HIV/AIDS (Gumede 2008). A Harvard University study (Chigwedere et al. 2008) stated that, between 2000 and 2005, “more than 330,000 lives or approximately 2.2 million person-years were lost because a feasible and timely ARV [antiretroviral drug] treatment program was not implemented in South Africa.” These AIDS victims were, as a leading AIDS campaigner has said, “too poor to buy life sustaining treatment” (Kaunda 2000).

Social groups and journalists2 have pointed out that the money spent on the arms deal could have been used to build and staff new schools, hire new doctors, and pay out a monthly Basic Income Grant (for the duration of the contracts) to the almost 30 per cent of South Africans then unemployed. According to a Treasury study presented to the cabinet but never made available to the public (Sole 2008), the deal could be responsible for reducing GDP between 0.1 and 0.4 of a percentage point for every year of the contract.

To prevent the corruption from being exposed, Parliament and the prosecutorial and investigative bodies have been fatally undermined, diminishing the institutions of our young, hard-won democracy. Many of them continue to deteriorate.

This deal was the point at which the ANC lost its moral compass. It marked the beginning of a series of similar corrupt transactions that have continued to benefit the ANC and undermine the provision of basic social services.3

The need for a strong arms trade treaty

The UK’s Serious Fraud Office has recently decided to settle with the major British company concerned, closing its investigation into the South African deal, and raising myriad legal questions (Radebe 2010).

The arms trade is unique in that its products generate significant profits while its losses are measured in lives. Therefore, the trade in weapons should be subject to the greatest scrutiny and regulation.

In the interconnected age in which we live, where communications and finance are truly global in scope and impact, the world is crying out for a set of global principles and values that prize honesty, accountability, and integrity over corruption, intrigue, and deceit; that value a better life for all over profit and ever increasing inequalities; and that value enhancing life over ending it.

Over the next two years the members of the Arms Trade Treaty Steering Committee can make an enormous difference to the lives of hundreds of millions of people by working without ceasing for a robust, just, and enforceable international arms trade treaty that brings greater regulation and transparency to this most opaque of trades.

This article is based on a presentation given in Vienna in February at a meeting of the Arms Trade Treaty Steering Committee. Andrew Feinstein is an author and lecturer, as well as chair of the AIDS charity, Friends of the Treatment Action Campaign. An updated paperback version of his book After the Party was published in May.

NOTES

1. For more detail, see Feinstein 2009. Page references in the text are from this source. See also The Arms Deal Virtual Press Office at http://www.armsdeal-vpo.co.za.
2. See, for example, Streek 2001 and Coetzee 2005.
3. See Feinstein, chapter 18, “The story that won’t go away.”

REFERENCES


Canada is currently about five years into a live experiment in Afghanistan with a public policy approach called “whole of government.” It attempts to coordinate the many departments and agencies involved in international missions.

A new government approach

New machinery within the federal government has been created to advance international whole-of-government solutions. For example, Foreign Affairs Canada’s Stabilization and Reconstruction Task Force (START) was created in September 2005 “to help answer the growing international demand for Canadian support and involvement in complex crises—conflict or natural disaster related—and to coordinate whole of government policy and program engagements in fragile states, such as Afghanistan, Haiti and Sudan” (DFAIT 2010).

Whole-of-government language was embraced by the Liberal Government of Paul Martin in the 2005 International Policy Statement. The current Conservative Government in Ottawa has continued its application in Afghanistan and elsewhere.

Now this concept has evolved beyond the coordination of government departments and agencies to include non-governmental and civil society organizations. According to Kerry Buck, an Assistant Deputy Minister at Foreign Affairs Canada, Whole of government really means synchronized Canadian engagement on the ground, and this is part of an evolution from different departments doing their stuff in silos a few years ago on international missions.... It’s gone from ‘3D’—development, defence, diplomacy—to what we inside are calling ‘1C’: One Canada. One Canadian synchronized coordinated engagement plan from the beginning. (Davis 2010)

Despite the laudatory goal of synchronizing Canadian efforts in a difficult environment such as Afghanistan, challenges continue to surface in the practice of whole of government—and not just turf, logistical, and personnel problems that often plague complex human enterprises. It may be time to explore whether a whole-of-government approach, particularly in Afghanistan, is masking more fundamental challenges. In trying to coordinate multiple government agencies and nongovernmental organizations (NGOs), are the proper and desired differences between various entities being smoothed over, to the detriment of democratic governance?

Between development and defence

The need to clearly distinguish between, rather than integrate, development and military functions in the field is a principle that NGOs have been espousing for some time. The Canadian Council for International Co-operation (CCIC) has not been alone in pointing (CCIC 2007) to the adverse effects of an “integrated” whole-of-government approach in Afghanistan.

Despite this well known NGO concern, expressed often and reinforced by internationally endorsed principles, the NATO Secretary General was quoted in March 2010 advocating for much closer integration of NATO and NGOs in Afghanistan (CBC News 2010):

Anders Fogh Rasmussen, [NATO’s] secretary general, said the military no longer provides “the complete answer” for complex conflicts such as Afghanistan. Instead, it needs the support of international development organizations and non-governmental organizations to provide the “soft power” needed to prevail in such crises. Fogh Rasmussen complained in a video blog, released Thursday, that military and civilian aid groups currently “don’t plan together, don’t train together” and hardly share information. To change that, he said, NATO plans to organize a conference for military planners, NGOs and other organizations.

Within days, however, the Agency Coordinating Body for Afghan Relief (ACBAR) issued a stiff press release, “NGOs are not a ‘Soft Power’: Highlighting the Impartiality of NGOs in Afghanistan” (ACBAR 2010). ACBAR, which represents over 100 NGOs operating in Afghanistan, made reference to the 2003 Stockholm principles (endorsed by Canada) and the 2007 European consensus on good practices for humanitarian assistance. These include impartiality and neutrality in delivering assistance in an equitable and impartial manner, without political conditions and without engaging in hostilities or taking sides in controversies of a political, religious, or ideological nature. Humanitarian actors are required to retain their operational independence and neutrality, without the appearance of military engagement. Médecins Sans Frontières (MSF 2010) was even more pointed in its reply to Fogh Rasmussen.
Here it would be helpful to make a distinction between Canada’s whole-of-government role in countries such as Haiti, where Canada’s military was part of a recent quick response to a devastating earthquake, and in Afghanistan, where Canada is a party to an armed conflict. START director general Elissa Golberg praised the Haiti efforts as a concrete demonstration of the benefit of coordination. In a recent interview she stated that “START’s whole-of-government team is not ‘exchanging business cards when the disaster happens.’ These [previously] established connections paid off big in the Haiti response...which rolled out with unprecedented speed” (Davis 2010).

And yet CCIC (2010, p. 1), in its policy-coordinating role for a range of NGOs that were responding to the Haiti earthquake, was still cautious about the military’s role in the initial stages of Canada’s response: “Military forces currently on the ground are providing crucial logistical and operational support, while civilian agencies have the experience and expertise needed to deliver assistance. Assistance currently being provided by military personnel should be handed over to civilian agencies as soon as possible, leaving the military to focus on providing logistical and operational support.”

NGOs are not being obstinate about working with NATO or the Canadian military. They are stating that, by their very nature and the principles by which they operate, they cannot integrate their activities with military planning, training, and information sharing—or, for that matter, with the tactical or strategic pursuits of any side in an armed conflict.

Beyond good development principles

The disagreement actually goes a step further. When NATO military operations ape humanitarian assistance or is completely inconsistent with these internationally sanctioned norms.”

Balancing and refocusing the Ds

Criticisms about the priority given to one part of the whole-of-government response in Afghanistan—namely defence—presents a different kind of argument. CCIC (2007, p. 1) claims that the military component of the mission has been elevated above the subsequently neglected development and diplomatic components. As a result, “the integrated whole-of-government approach has served to militarize peace-building and humanitarian and development assistance.”

This is an argument shared by Project Ploughshares’ 5 Ds analysis (Regehr & Whelan 2004; Hamzo & Regehr 2008) that insists that proper prioritizing and balance be given to the traditional 3 Ds—defence, development, and diplomacy—along with the additional Ds of democracy and disarmament.

While it is possible in principle to accept the merits of a coordinated (not integrated) whole-of-government approach, the end goal to which that approach points must still be the right goal. Project Ploughshares has stated that the focus in Afghanistan should be on the protection of vulnerable civilians rather than counter-insurgency fighting. The military would not be excluded, but would be less prominent and operate to support diplomacy and development, which would be given higher priority.

Guarding good democratic principles

Beyond the pressure to inappropriately integrate rather than coordinate in a whole-of-government approach, or to
wrongly elevate or disproportionately weight one D, there may be a more fundamental problem with the implementation of whole of government: pressure to violate good democratic governance principles.

It is elementary political science that governments, to preserve good democratic governance, have evolved systems that prevent the inappropriate or absolute exercising of power by any one branch. The institutions of each democratic country vary, but the basic principles of checks and balances and watchdogs apply.

The executive—the Prime Minister and Cabinet in Canada’s parliamentary democracy—sets overall goals or government policy. The elected legislature has certain powers that the executive cannot override or ignore. Periodic free and fair elections are held so citizens can pass judgment on those elected to the legislature and executive. An independent judiciary tests the constitutionality of government bills and actions. The police investigate and make arrests to protect citizens and property, and the courts guard the rights of citizens from abuse by the police. All in government are reviewed and reported on by independent ombudsmen or auditors to ensure financial and other rules are followed by nonelected officials. A free press builds in transparency and encourages vigilance by all.

Although there are times when the Prime Minister or the Supreme Court are called on to make Solomonic judgements, the complex fabric of democracy is most often preserved by a rigorous guarding of the distinctions in roles and the necessary tensions between different parts of the government and civil institutions.

Are principles of democratic governance being challenged by whole of government?

Back to Afghanistan

The issue of Afghan detainees raises the question of whether principles of democratic governance are being challenged in the whole-of-government approach to circumstances of armed conflict. The continuing scandal illustrates confusion, at best, about the relative roles and responsibilities of various parts of the Canadian government system active in the Afghanistan mission.

Is it the Department of National Defence, Foreign Affairs Canada, or some other body that is responsible to ensure proper treatment of detainees? An early agreement regarding detainees with the Government of Afghanistan was signed by the military’s Chief of Defence Staff rather than the civilian Canadian Ambassador.

Are diplomats or officials from Canada’s correctional system to monitor and supervise detainees handed over by Canadian Forces to Afghan authorities? Were resources such as safe escorts, provided to civilian Canadian officials by the military, appropriate to allow proper performance of civilian duties? The broader question is: Are human rights violations of detainees and Afghan civilians being downplayed or ignored in the quest to accomplish military goals against insurgents? And, are military commissions and courts in Canada being allowed to perform their proper function to determine whether the military followed acceptable practices regarding detainees?

None of these questions are easily answered—in the fog of a war or in the comfortable and secure office of an NGO analyst sitting in Canada. But the question raised here is whether a coordinated whole-of-government approach creates inappropriate pressures to smooth distinctions and override the power balancing and checks inherently and necessarily at play between various organs of the Canadian government. Even if the aim in coordinating Canada’s response in an international mission is worthy, one must be concerned about the inappropriate or unacceptable exercise of power by any one government agency.

REFERENCES

John Siebert
is Executive Director of Project Ploughshares.
Staff transitions

At the end of May, **Grant Birks** retired from Project Ploughshares. During his 15 years as a Ploughshares Program Associate, Grant worked with churches, schools, and Ploughshares local groups; maintained electronic information media such as the website, listservs, and e-newsletter; coordinated the Canadian Foreign Affairs Young Professionals International program; managed data collection on armed conflicts for the annual *Armed Conflicts Report*; and participated in recruiting the intern for the Peace and Human Security Internship sponsored by The Presbyterian Church in Canada. Heartfelt thanks to this valued colleague and friend for his important contributions to our work. We wish Grant all the best in his retirement and are certain that he’ll be busy working for his church and Supportive Housing of Waterloo, also finding time for travel, family, and friends.

**Melanie Ferrier** will be joining Project Ploughshares as the next Presbyterian Church Peace and Human Security intern. Melanie has a BA in Political Science from McMaster University and gained field experience in Bangladesh, where she taught English and assisted local organizations in preparing reports on their programs and operations. We look forward to welcoming Melanie in September.

Former Ploughshares Program Associate **Jessica West** has been awarded a Joseph-Armand Bombardier CGS [Canada Graduate Scholarship] Doctoral Scholarship, valued at $35,000 per annum for 36 months. A student in the Global Governance PhD program at the Balsillie School of International Affairs in Waterloo, Jessica will be examining the current governance architecture relating to the weaponization of space. While at Ploughshares, Jessica managed the Space Security Index project.

August 1st ban on cluster munitions

On August 1, the Convention on Cluster Munitions becomes binding international law for all states that have ratified it. The Cluster Munition Coalition is “calling on all governments to seize the opportunity to get on board the cluster bomb ban by signing and ratifying the Convention.”

Canada has signed but not ratified the Convention. Canada also retains a stockpile of cluster munitions. Paul Hannon, Executive Director of Mines Action Canada, declares, “Now is the time for Canada to take the final step and ratify the clusters treaty. We have never used these horrible weapons and we should make sure no one else ever does again.”

In the days before the Convention comes into force, many civil society organizations around the world are participating in a campaign, “Beat the drum to ban cluster bombs,” to urge governments to sign and ratify the Convention, and to raise awareness about the potentially profound impact of the Convention on civilians and affected communities.

For more information on cluster munitions, the Convention, and the “Beat the drum” campaign, go to the websites of the Cluster Munition Coalition (http://www.stopclustermunitions.org) and Mines Action Canada (http://www.minesactioncanada.org). Project Ploughshares is a member of both coalitions.
University College, University of Waterloo: Paterson School of International Affairs, Carleton University, in cooperation with the Centre for International Governance Innovation by McGill-Queen’s University Press, 2010, paperback, 388 pages, ISBN 9780773536289, $29.95/cloth, ISBN 9780773536272, $95.00.

This edition marks the 25th anniversary of the series and includes contributions by leading Canadian and foreign practitioners and scholars. In chapters focused on different regions of the world and on such topics as international institutions, human rights, and development assistance and food security, these authorities attempt to assess Canada’s prospects in a world in which the United States is “more pre-eminent and pre-eminent”; China, India, Russia, and Brazil are rising powers; and Europe takes on a more significant role.

In the chapter “Nuclear Disarmament: Building a Conducive Environment” from a section entitled “Arms Control and Disarmament,” Ernie Regehr of Project Ploughshares writes:

Chief among Canadian priorities in pursuit of that goal [the elimination of all nuclear weapons] must obviously be continuing political and financial support for implementing the overall disarmament agenda. Canadian prodding may not be a central driver on such issues as the test ban treaty’s entry into force or the pace of strategic arms reductions, but persistent encouragement of the Obama administration to make good on its ambitions is crucial.

Fen Hampson is Chancellor’s Professor and director of The Norman Paterson School of International Affairs, Carleton University. Paul Heinbecker is a Distinguished Fellow, International Relations, at the Centre for International Governance Innovation and director of the Centre for Global Relations at Wilfrid Laurier University.


The Military Balance provides an annual assessment of the military capabilities and defence economics of 170 countries.

Military Balance 2010 explores such topics as the conflict in Afghanistan; the development of Iraq’s security forces; the debate over NATO’s Strategic Concept; and military developments in Africa, including the progress of the African Standby Force initiative. It contains a region-by-region analysis of major military and economic developments that affect defence and security policies and the trade in weapons and other military equipment. Comprehensive tables detail major military training activities, UN and non-UN deployments, and give data on key equipment holdings.


Emerging from a major international conference, Inventing Collateral Damage is a collection of studies of civilian casualties of conflict, covering several centuries and continents. The volume is divided into five parts: “Non-combatants in Civil Wars: France and the USA,” “Collateral Damage in the Partition of Africa,” “Collateral Damage and the Culture of Imperialism,” “Sexual Violence and War,” and “Bombing and Civilian Casualties.”

From “Sexual Violence in War: Mennonite Refugees during the Second World War” by Marlene Epp, Professor of History and Peace and Conflict Studies at Conrad Grebel University College, University of Waterloo.

While one can point to a long history of sexual violence in war, the dramatic increase in the number of civilian casualties—among other collateral damages—in wars of the later twentieth and early twenty-first centuries has heightened the use of sex as a weapon of war.

The number of civilian deaths during war has risen from 50 per cent of all casualties during the Second World War to a staggering 90 per cent in the early twenty-first century, and the majority of those civilian victims are women and children.


As the editors state in the Introduction, small arms [SALW] are misused within domestic settings, as well as in public spaces, and they affect everyone in the community without regard to sex or age. Although the impacts of these weapons can be vastly different for women and men, girls and boys, a careful consideration of gender and age is rare in the formulation of small-arms policy, planning small-arms collection or control, or even in small-arms research. In our view, one important means to counter their effects is to increase our understanding of the role played by prolific SALW in reinforcing and maintaining gender- and age-specific violence before, during and after conflict. [This book] collects a wealth of experiences and insights on the nexus of gender, age, violence and small arms in developing and developed countries on five continents.

One chapter, “Missing men, lost boys and widowed women: Gender perspectives on small-arms proliferation and disarmament in Karamoja, Uganda,” is by Dr. Christina Yeung, currently working for Defence Research and Development Canada in the Department of National Defence. Dr. Yeung is also a graduate of the Project Ploughshares Internship Program.

From the conclusions to this chapter:

The case of Karamoja offers some surprising results about the utility and limitations of weapons collections programmes. The fact that the negative impacts of poorly designed and implemented weapons collections can be highly gendered and actually exacerbate power imbalances between women, men and children in ways that make the lives of the vulnerable even less secure has been entirely overlooked. … In fact, [in Karamoja] the reduction in the number of weapons in circulation proved to be reversible and the disarmament programme actually worsened the precarious strategic balance between the clans. In essence, the weapons collection programme lacked a conception of how to “disarm” the minds of the young men of Karamoja; and it actively undermined women’s influence as disarmament agents. As a result, the worsened socio-economic welfare of the Karamoja has reinforced the notion … that the only way to survive is to be armed.

Vanessa Farr is a Senior Social Development and Gender Advisor with the United Nations Development Programme in the Occupied Palestinian Territories. Henri Myrttinen is a South East Asia Analyst with International Crisis Group, Indonesia. Albrecht Schnabel is a Senior Fellow in the Research Division of the Geneva Centre for the Democratic Control of Armed Forces, Switzerland.


Originally published as Mission en Haiti, con la mochila cargada de esperanza, this first-hand account by Chilean general Eduardo Aldunate, Deputy Force Commander of the United Nations Stabilization Mission in Haiti (MINUSTAH) from September 2005 to September 2006, provides insight on this peace operation. This book includes the events precipitating the deployment of a Provisional Multinational Force after the fall of President Jean-Bertrand Aristide and describes the author’s experiences as the situation was stabilized and presidential elections were held.

Major General Aldunate has served as a Chilean Army officer since 1973.
New Publications


The conference was convened to contribute to the discussion regarding the May 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the current review of NATO’s Strategic Concept.

The opening “call to action” includes the recommendations of the sponsors, which were informed by the conference discussions and background papers. It is followed by two background briefing papers, and a plan for disarmament developed by the International Commission on Nuclear Non-proliferation and Disarmament in its 2009 report.

U.S. Policy and the Arms Trade Treaty, by Rachel Stohl (Ploughshares Working Paper 10-1). Published April 2010. This paper was commissioned by Project Ploughshares as a briefing for the roundtable event, “Towards a Global Arms Trade Treaty (ATT): What role for the United States?” held in Washington, DC in February 2010. The paper and the Washington roundtable are components of an international project to engage legal, academic, industry, and parliamentary experts in the United States and South Africa in widened support for an effective arms trade treaty.

Rachel Stohl is an Associate Fellow of Chatham House, London. She is the co-author of The International Arms Trade (Policy Press, 2009) and was the Consultant to the UN Group of Governmental Experts on the Arms Trade Treaty.

Transparency and Accountability: NPT Reporting 2002-2009, prepared by Cesar Jaramillo and Ernie Regehr, with assistance from Laura Ashfield. Published April 2010.

As agreed in 2000, States Parties to the Non-Proliferation Treaty are called to submit regular reports on their efforts to implement Article VI of the NPT—nuclear disarmament and the eventual elimination of nuclear weapons. This paper tabulates and summarizes reporting at the seven NPT review process meetings since then—the three Preparatory Committee sessions leading up to the 2005 Review Conference (2002-4), the 2005 Review Conference itself, and the three Preparatory Committee sessions for the 2010 Review Conference. The paper briefly reviews the background to the reporting obligation and offers recommendations for enhanced reporting that would more effectively reflect the “permanence with accountability” framework that is at its core.

These publications can be found on the Ploughshares website: www.ploughshares.ca. Hard copies can be purchased by contacting Project Ploughshares.