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The Automatic Firearms Country Control List and Canada's firearms exports

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The Automatic Firearms Country Control List (AFCCL) was created by the Canadian government 15 years ago as an instrument to control the export from Canada of automatic firearms. Although the government can too readily expand the number of countries that may receive Canadian automatic weapons, the AFCCL is nevertheless an innovative and effective export control tool. With improvements it could provide a model for other exporting states to follow.

For more than a quarter of a century, the Canadian government has required strict regulation of automatic weapons—those weapons that repeatedly fire by a single trigger action. In 1977 the Criminal Code of Canada prohibited the possession of automatic firearms by any group or individual other than members of Canadian military and police forces. As prohibited weapons, automatic weapons remain illegal for private use today. In 1991, however, the government passed Bill C-6 to amend the Criminal Code and the Export and Import Permits Act, both to permit Canadian industry to import and possess automatic weapons and to authorize the External Affairs Minister to approve exports and imports of automatic firearms.

Bill C-6 stemmed directly from the lobbying efforts of Canadian companies that wanted to export automatic weapons. Speaking to the Canadian Senate Committee on Foreign Affairs before final approval of the Bill, then International Trade Minister Michael Wilson referred to the “anomalous situation” of the Criminal Code and how it was “of particular concern to two Canadian companies, Diemaco of Kitchener and General Motors (Diesel Division) of London, Ontario.” He went on to explain: “Diemaco is attempting to win a contract to sell its automatic firearms and other small arms to the Netherlands. General Motors has a contract to sell light armoured vehicles armed with automatic weapons to Saudi Arabia. Neither can proceed unless the anomalous situation...is corrected” (Senate of Canada 1991, 2:8).

The opening clauses of Bill C-6 mandated the federal Cabinet (Governor in Council) to establish an “Automatic Firearms Country Control List.” This became a list of states “with which Canada has an intergovernmental defence, research, development and production arrangement and to which the Governor in Council deems it appropriate to permit the export of a prohibited weapon.”¹ The first AFCCL list contained the names of 13 countries: 10 NATO-member states,

Australia, Sweden, and Saudi Arabia—the last the recipient of more than 1,500 Canadian-built light armoured vehicles since 1991.

States have been added to the AFCCL list as contracts or perceived markets for Canadian-exported automatic weapons emerged. In 2001, Botswana was added so that CF-5 fighter aircraft surplus to the Department of National Defence and equipped with 20 mm aircraft cannons could be legally exported to that southern African country. (The Order amending the AFCCL spoke of Botswana as “a well-governed and relatively wealthy Commonwealth member with a good human rights record, and good relations with its neighbours” [*Canada Gazette* 2001, 2865].) Greece and New Zealand were added to the AFCCL in 2002 so that, respectively, CF-5 fighters and light armoured vehicles equipped with automatic weapons might be shipped to the two countries. Most recently, in 2005 Finland, Latvia, Poland, and Portugal were also added to the list because of emerging markets in these countries, bringing the total current AFCCL membership to 20 states (see Table A).

Table A

Automatic Firearms Country Control List countries

Country	Year added to AFCCL
Australia	1991
Belgium	1991
Botswana	2001
Denmark	1991
Finland	2005
France	1991
Germany	1991
Greece	2002
Italy	1991
Latvia	2005
Netherlands	1991
New Zealand	2002
Norway	1991
Poland	2005
Portugal	2005
Saudi Arabia	1991
Spain	1991
Sweden	1991
United Kingdom	1991
United States	1991

Inclusion of a state on the list does not guarantee approval of exports of automatic weapons to that state, since all military export applications must be reviewed on a “case-by-case basis,” but it does mean that if a state is not on the list it is denied any shipment of automatic weapons from Canada. The establishment of the list is thus an innovative and unique regulatory instrument. The AFCCL in effect turns the typical export control process on its head. Instead of the usual presumption that a state may receive Canadian military goods unless there are concerns that preclude such a transfer, the AFCCL establishes a presumption against exports of automatic

weapons, with specific government action needed to include a state on the list. There is also a refreshing transparency regarding those countries not eligible to receive automatic weapons exports.

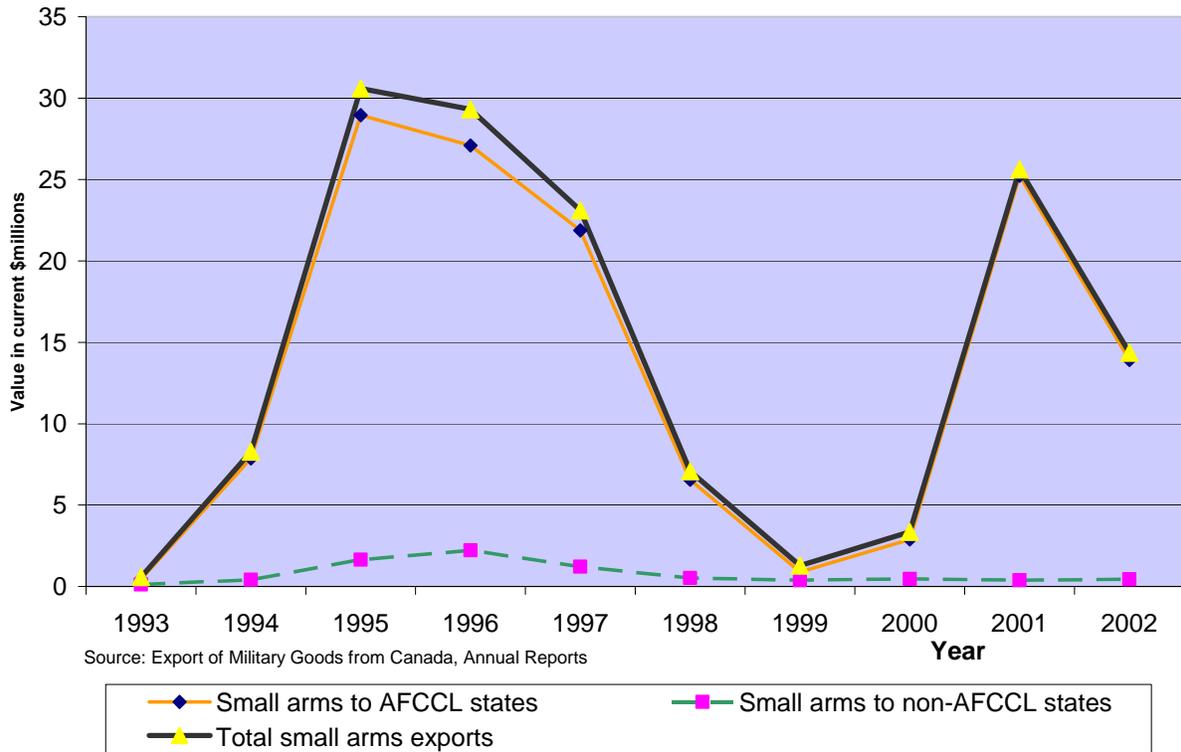
As noted above, a potential automatic firearms recipient state may be added to the list following a formal defence agreement between the governments of Canada and the state. List membership is not conditional on other obligations such as those—like human rights conditions—that might arise from state responsibilities under international law. Thus Saudi Arabia—a state whose government is persistently criticized by international monitors for serious human rights violations—has remained on the AFCCL since its founding in 1991.

The vast majority of Canada's reported military small arms exports² are shipped to AFCCL member states (see Figure A). In the decade from 1993 to 2002, reported small arms shipments to all recipients totaled \$143.6-million, \$135.7-million of which was the value of shipments to AFCCL countries. The annual value of Canadian small arms exports to all non-AFCCL states never exceeded \$2.3-million and in most years it was well under 10 per cent of total exports. Indeed, it is apparent from the graph that the variation in volume of Canadian small arms exports is due to shipments to AFCCL countries. The recent history of Canadian military small arms exports is largely the history of shipments to AFCCL countries.

It should be noted that the reported trade of Figure A does not include exports to the US. Unique military trade arrangements between the US and Canada preclude the tracking of Canadian military exports to the US and consequently the compilation of data. Sources outside International Trade Canada, however, show that the US is by far the largest recipient of Canadian firearms exports. Thus, the addition of US data to Figure A would emphasize the concentration of Canadian small arms exports to AFCCL states.

Figure A

Canadian Small Arms Exports 1993-2002 (not including US)



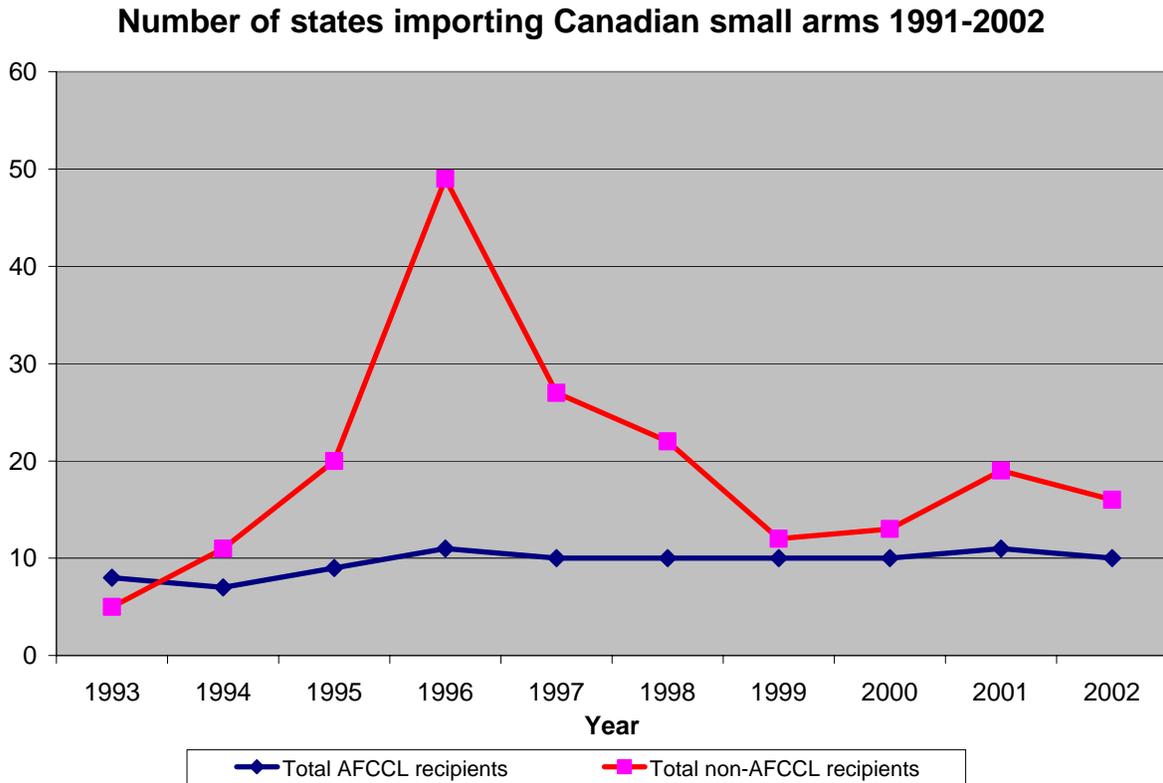
While not all reported AFCCL shipments are of automatic weapons, public sources indicate that most shipments are from Diemaco Inc, now operating as Colt Canada, a subsidiary of the US-based Colt Defense Inc. Diemaco/Colt Canada manufactures C-7 and C-8 automatic weapons for the Canadian Forces and has won export orders from the NATO countries of Denmark, Netherlands, Norway, and the UK. Table B lists the contracts reported by Diemaco during the 10-year period of the most recent government reports. The export contracts to the four NATO countries (and members of the AFCCL) total over \$130-million.

Table B
Automatic firearms export contracts reported by Diemaco Inc, Kitchener, Ontario

Date	Description of contract (and comments)	Amount in Cdn\$	Recipient Name
1993	Buffered gun mounts for light armoured personnel carriers	\$5,000,000	NATO
1994	Over 52,000 C-7 assault rifles Three-year contract. Deliveries to begin in 1995	\$50,000,000	Netherlands
1995	Rifles for Danish troops on UN peacekeeping missions	\$5,000,000	Denmark
1996	Follow-on order for 5,000 C7A1 5.56 mm rifles for Danish International Brigade Brigade assigned to NATO's Rapid Reaction Corps Deliveries by December 1996	\$8,000,000	Denmark
1999	Special Forces Weapons & M-203-A1 Grenade Launchers for Army Special Forces Estimated contract date	\$0	Norway
1999	Rifles & related equipment Two contracts via Canadian Commercial Corporation	\$20,000,000	Denmark
2000	Rifles for special forces	\$5,000,000	United Kingdom
2000	C7 rifles & carbines for Danish Army & Home Guard Five-year contract in addition to two December 1999 contracts Via Canadian Commercial Corporation	\$38,000,000	Denmark
2001	Components Recipient not reported 73 per cent to be delivered in FY 2001-02 and 27 per cent the year after	\$6,000,000	Not reported
2001	Delivery of first 200 M203A1 40 mm grenade launchers for 5.56 mm Steyr AUG assault rifles Total order: 640 launchers For Irish Army	\$0	Ireland
2002	Small arms for Danish Navy	\$3,000,000	Denmark
2002	Small arms for Norwegian Armed Forces	\$3,000,000	Norway

Source: Canadian Military Industry Database, Project Ploughshares

Most of the volume of small arms exports is determined by AFCCL states. However, in every year in the past decade the number of non-AFCCL state recipients that have received Canadian small arms has increased. In the period 1993–2002, the number of non-AFCCL recipient states exceeded the number of AFCCL recipient states in every year except 1993 (see Figure B). Moreover, while the annual number of AFCCL recipients has remained reasonably steady at about 10, the number of non-AFCCL recipients has varied from a low of five to a peak of 49.³ The subsequent fall in the number of non-AFCCL recipients corresponds to instructions in June 1996 from then Foreign Affairs Minister Lloyd Axworthy to his export control officials “to apply even stricter controls where firearms are concerned.”⁴

Figure B

The Canadian small arms export record of the last reported decade suggests that the Automatic Firearms Country Control List could become an effective export regulation tool for other supplier states. However, before it is recommended to others, the AFCCL would benefit from at least two amendments that would reduce the risk of the irresponsible use of exported firearms:

- The current criteria for a state's inclusion on the AFCCL are weak and susceptible to the financial benefits of new firearms export opportunities. Additional criteria that are based on Canada's responsibilities under international law should be made explicit and compulsory before a country is put on the list. For example, there should be reasonable guarantees that the imported firearms will not be used against domestic populations.
- Given the particularly egregious impact of the trade in small arms and light weapons, the AFCCL should become the Firearms Country Control List (FCCL) and apply to Canadian exports of all firearms. According to Export Control Division figures, the recent value of non-automatic firearms exports to countries not on the AFCCL has been relatively low, so military industry concerns about the economic costs of new arms controls do not apply to any significant degree. There would be little economic cost and more effective control by precluding all firearms transfers to countries not on the AFCCL.

Although born of political and economic expediency, for 15 years the Automatic Firearms Country Control List has confined Canadian exports of automatic weapons to 20 or fewer

known, mostly allied states. If other exporting states were to adopt a similar regulatory instrument, many future irresponsible transfers of automatic weapons could be prevented, and many innocent lives spared.

Notes

1. During parliamentary debate of Bill C-6, opposition members attempted to add amendments to the bill to require more of a potential AFCCL country than a defence agreement with Canada. The amendments, which contained criteria addressing regional security, human rights, and excessive armaments, were voted down by the government.

2. The small arms export totals were compiled from figures reported for Item 2001 of the Export Control List (ECL) in the *Export of Military Goods from Canada: Annual Report* for the years 1993 to 2002 (see the Export and Import Control Bureau webpage at http://www.dfait-maeci.gc.ca/eicb/military/milit_tech-en.asp). It is worth noting that Item 2001 does not include all small arms and light weapons (SALW) categories defined by the accepted United Nations definition. Some small arms are included in ECL categories in which no distinction is made with larger weapons.

3. It is not apparent why the number of non-AFCCL states that received Canadian firearms rose so dramatically in 1996. The recipient states that year included Andorra, Argentina, Bangladesh, Barbados, Bulgaria, Burkina Faso, Chile, Central African Republic, Costa Rica, Cyprus, Gabon, Guadeloupe, Guyana, and India. In most cases, the value of these exports was less than \$10,000 and in some cases only a few hundred dollars.

4. Axworthy instructed the Department to “apply even stricter controls where firearms are concerned, including examining the gun control-laws and practices in recipient countries to satisfy ourselves that Canadian firearms would not slip into the illegal arms trade, or fuel local lawlessness or violence” (DFAIT 1996, 4).

References

Canada Gazette. 2001. Vol. 135, No. 26, December 19.
<http://canadagazette.gc.ca/partII/2001/20011219/pdf/g2-13526.pdf>.

Department of Foreign Affairs and International Trade. 1997. *Annual report 1996: Export of military goods from Canada*.

Senate of Canada. 1991. Proceedings of the Standing Senate Committee on Foreign Affairs, June 20.