

THE PLOUGHSHARES MONITOR

VOLUME 40 | ISSUE 3

AUTUMN 2019

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Surveillance tech
comes home

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and detention
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SPACE GOVERNANCE

AT THE BREAKING POINT?

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activity in 2018



CANADA'S 2019 FEDERAL ELECTION

Let's focus on building peace
in a conflicted world



*"and they shall beat their swords into ploughshares,
and spears into pruning hooks; nation shall not lift
up sword against nation; neither shall they learn war
any more." Isaiah 2:4*

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Volume 40 | Issue 3

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From the Director's Desk

2019 Canadian federal election: Building peace in a conflicted world must be an issue

Written by Cesar Jaramillo

Project Ploughshares works to create “a secure world without war, a just world at peace.” We focus on a few particular issues: the abolition of nuclear weapons, arms control, security in outer space, emerging military/security technologies, and the causes and effects of forced migration.

The policies and practices of various federal government ministries, including

National Defence, Foreign Affairs, and Immigration, Refugees and Citizenship have direct bearing on all these issues. Following is a brief outline of current conditions and what we believe needs to be done to create positive change. Canada has a major role to play on the international stage, and we need to find out from those who will shape Canadian defence and foreign policy how they stand on these issues.

Work for the abolition of nuclear weapons

Almost every state that possesses nuclear weapons is currently spending huge amounts of

money to modernize their nuclear arsenals. Such actions not only ensure that the ultimate threat persists for decades to come, but discourage both nuclear- and non-nuclear-weapon states from adhering to their nonproliferation obligations.

At the same time, some agreements that

placed some controls over the use of nuclear weapons have been discarded. For example, the Intermediate-Range Nuclear

Forces (INF) Treaty expired earlier this year, after the United States withdrew.

The North Atlantic Treaty Organization, to which Canada belongs, has an overt policy of nuclear deterrence; three member states—the United States, the United Kingdom, and France—possess nuclear weapons. Under the alliance, a nuclear-weapon state can make its weapons available to other members of the alliance and place weapons on the territory of non-nuclear-weapon states. This in direct contravention of the Nuclear Non-proliferation Treaty, to which all NATO members are states parties.

The continued existence of nuclear weapons





constitutes a clear and present threat to global security. The only remedy is complete nuclear disarmament.

We believe that the Canadian government should:

- join the Treaty on the Prohibition of Nuclear Weapons;
- advocate within NATO for alternative security arrangements that do not rely on the possession of nuclear weapons, and for the removal of U.S. tactical nuclear weapons from European soil;
- urge the United States and Russia to re-engage diplomatically to develop bilateral nuclear-arms-control measures.

As a new state party, adhere to the highest standards of the ATT

The Arms Trade Treaty came into effect in 2014

to regulate the international trade in conventional weapons. In mid-September, Canada finally acceded to the treaty.

The ATT acknowledges that many types of military exports—from armoured combat vehicles to attack helicopters—can be used to fuel armed conflict, support human-rights violations, and sustain autocratic regimes. States parties to the ATT are obliged to operate effective weapons export-control systems that assess proposed transfers of large and small weapons to ensure that they are not diverted and do not contribute to breaches of international human-rights and humanitarian law.

We believe that the Canadian government should:

- engage government agencies and departments, including Global Affairs Canada, to ensure that Canada's accession to the ATT is followed by the creation of a robust, credible, and transparent implemen-

tation regime;

- ensure that military assistance programs involving Canadian-made military goods are guided by end-user standards that are at least as rigorous as those that inform military export authorizations;
- halt arms exports to countries where there is a clear and present risk of misuse, such as Saudi Arabia.

Ensure the sustainable use of outer space for all people

People around the world now rely on outer-space technologies for a host of practical and wide-ranging benefits. But secure, sustainable use is threatened by space debris, the priorities of national space programs, the growth of the commercial space industry, the failure of efforts to develop a robust normative regime for outer-space activities, and the growing militarization and potential weaponization of space.

Canada is active in space in many ways. Only this year, Canadians followed with great interest



To solve the problem of displacement, we must first determine and address the multiple drivers of forced migration.

the activities of astronaut David Saint-Jacques at the International Space Station. Canadian companies build satellites and other space technologies.

As a space actor and consumer, Canada is aware of the need to be an active participant in international forums that address the security of outer space.

We believe that the Canadian government should:

- prioritize the prevention of an arms race in outer space;

- develop resilient space systems that can withstand degradation;
- assume a leading role in global efforts to enhance the existing governance of outer-space activities with norms, regulations, and/or confidence-building measures that recognize the current reality of outer-space activities.

Regulate emerging military/security technologies

New and emerging technologies are appearing on the world's battlefields and in the world's skies. Unmanned combat air vehicles (UCAVs) or drones can surveil vast populations and fire missiles or drop bombs on unsuspecting targets. In conflicts in the last 15 years, thousands of combatants and innocent civilians have been killed as a result.

Lethal autonomous weapons systems (LAWS) may soon fully remove human beings from life-and-death decision-making. We don't know how LAWS will assess proportionality in battlefield

settings, or distinguish between belligerents and civilians. We don't know how or if these weapons or their makers can be held accountable.

Moreover, some of the systems developed for active armed conflict

are finding their way into policing and national security operations in societies at peace.

Many analysts are already raising serious ethical, moral, and political concerns about these new weapon systems. Many want to ban autonomous systems before they are unstoppable. Project Ploughshares participates in the Campaign to Stop Killer Robots.

We believe that the Canadian government should:

- ensure that any system used by the Ca-

nadian Armed Forces is compliant with Article 36 of Protocol Additional to the Geneva Conventions, which states that the development and adoption of new weapons must comply with existing international law applicable to a High Contracting Party, such as Canada;

- support a preemptive ban on fully autonomous weapons systems and regulations, legislation, and safeguards to protect all the world's citizens from the detrimental effects of new weapon systems;
- regulate the use of surveillance and data-analytical technologies that could have a negative impact on human rights and freedoms;
- collaborate with other governments, academic institutions, and private organizations to develop ethical and moral norms on the use of emerging security and military technologies.

Uphold justice and show compassion when responding to the crisis of forced migration

There are more displaced people in the world now than at any time since the end of the Second World War. Many have been displaced by armed violence, but there are other causes as well.

To solve the problem of displacement, we must first determine and address the multiple drivers of forced migration.

It is important to acknowledge the vulnerabilities of certain groups, including women and girls, when they live in conflict zones and when they flee to escape violence. Attention must also be given to the risks faced by the young men and boys who escape conflict at home. Evidence shows that men and boys who do not conform to expected gender roles—by becoming fighters during conflict, for example—risk

persecution.

Canada has taken in some of the displaced, but many more are in need of refuge. Some are now in Canada, working their way through immigration processes. Some could face deportation or be returned to the United States because of the Safe Third Country Agreement that exists between Canada and the United States.

We believe that the Canadian government should:

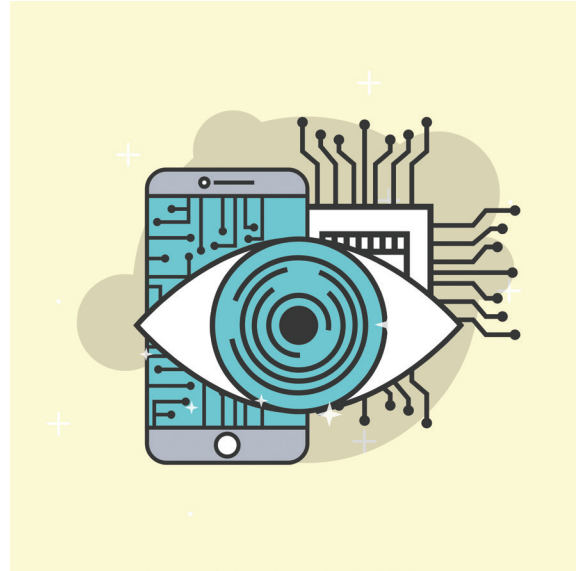
- reduce the risk of conflict-induced displacement by effectively implementing the Arms Trade Treaty, thus controlling and minimizing supplies of arms and heavy weaponry;
- develop and apply gender- and age-sensitive policies that ensure the rights and address the particular needs of women, men, girls, and boys; and that prevent and respond to cases of gender-based violence;
- strengthen global governance and cooperation mechanisms by taking leadership in bilateral, multilateral, and regional agreements that ensure the safety and dignity of all displaced persons;
- ensure that people seeking refuge in Canada are treated humanely and are accorded all the human rights to which they are entitled.

Canada's national and international security policies and activities should be founded on key principles, including a recognition of the gender dimensions of violence, the importance of the rule of law, support for refugees and human rights, the inadequacy of military-only solutions to conflict, and multilateralism as a source of legitimacy for military interventions. □

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Surveillance tech
comes home

Eyes in the sky



Written by Branka Marijan

In 2016, the Baltimore, Maryland Police Department conducted a pilot project with Ohio-based contractor Persistent Surveillance Systems. Over the course of three months, they engaged a small plane to fly over West Baltimore and take numerous pictures of the area. The system they employed—high-resolution, wide-area motion imagery, also known as persistent surveillance—was first used by the U.S. Air Force in Iraq.

No one informed the mayor or city government. When the story finally broke, civil-liberties groups protested vigorously and the pilot was stopped.

In a more recent story in *The Guardian*, the Pentagon was shown to be testing wide-area motion imagery in six Midwestern states, using high-altitude solar-powered balloons. The balloons are equipped with high-tech radars that can track multiple vehicles and individuals at once. The stated goal is to locate and shut down

narcotics trafficking and “homeland security threats.”

The creep of military-grade surveillance technologies

No one seems to know how pervasive the civilian use of this kind of military tech is. But there is evidence that China, for one, is developing surveillance technology for widespread use among the general population. What we know for certain is that all these new surveillance tools collect massive amounts of information, which must be analyzed to be used.

So, the world’s most advanced militaries are now both researching and developing, as well as funding the private development of, advanced surveillance-analysis algorithms. Already some of these new artificial intelligence (AI) tools “can perform at near-human levels.”

As prices drop, more surveillance and analysis

technologies, developed for military use in active war zones, will become available in domestic situations. At the moment, most use is in the United States. But that could change—soon.

Unlike heavy weapons—like tanks—surveillance tech can be quite easily adapted to domestic use. And this more sophisticated surveillance technology promises to reduce crime. There are proponents—even some ordinary citizens—who believe that all the new data will aid police in

“As prices drop, more surveillance and analysis technologies, developed for military use in active war zones, will become available in domestic situations. At the moment, most use is in the United States. But that could change—soon.

tracking down criminal activity and even deterring it.

Public concerns

I see two areas of concern: 1) military-grade technology is finding its way into domestic practice and policy; 2) the use of such tech in public service and spaces can be seen to be driven, to some degree at least, by commercial interests.

First, the existence of such tech eats away at the privacy and civil rights of individual citizens. This is particularly the case for individuals living in overly policed communities, who already face discrimination and undue scrutiny. Personal data could be misused in many ways. Extreme cases include blackmailing prominent citizens or tracking the activities of various humanitarian or civil-rights organizations.

And, when private companies carry out the surveillance, there is the concern that personal data could be sold to other companies. We all have digital footprints today, but with new

surveillance systems, the amount of detail could increase exponentially. As could the value to other commercial interests.

Private interests

The commercial interests are personified by individuals like Ross McNutt, tech entrepreneur/owner of Persistent Surveillance Systems, who continues to promote the technology. Indeed,

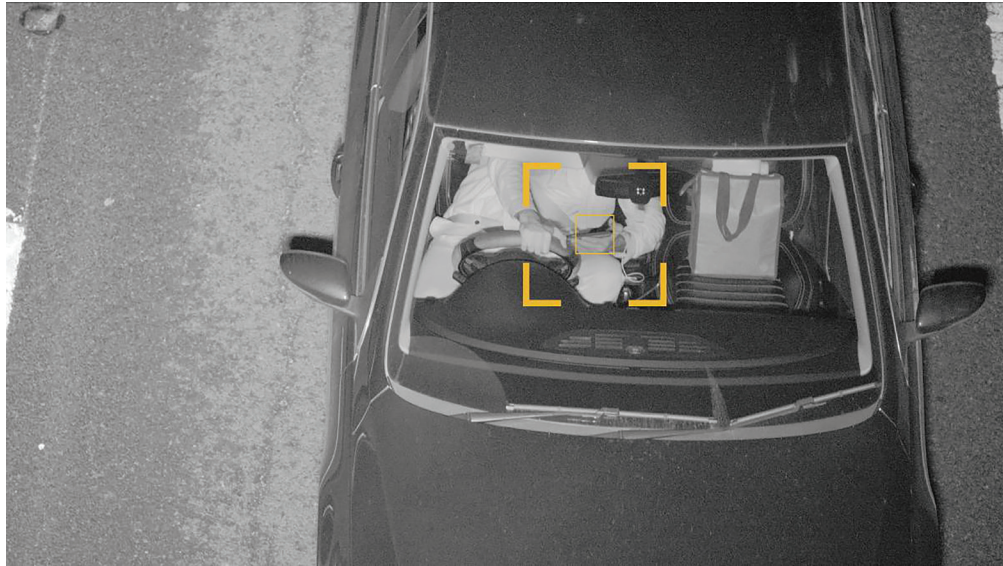
McNutt recently approached the Baltimore police commissioner with an offer to restart the surveillance project. All costs would be covered by a grant from private donors, billionaires John and Laura Arnold, who also funded the pilot project. While this offer has apparently gotten some

support from Baltimore citizens (only a minority), the mayor and police commissioner have so far determined that the program will not be relaunched.

Palantir Technologies CEO Alex Karp is another tech entrepreneur who enthusiastically provides surveillance software to the military, law enforcement agencies, and the intelligence community. Palantir software is also used by banks, research organizations, and commercial businesses. Palantir has offices in Canada, and Canadian industry and governments use their software. The recent appointment of former Canadian ambassador to the United States, David MacNaughton, as president of Palantir Canada seems to signal a greater interest in the Canadian market.

Should Canadians be worried?

In a new book, *Eyes in the Sky: The Secret Rise of Gorgon Stare and How It Will Watch Us All*, Arthur Holland Michel sees pervasive surveil-



An Australian company, Acusensus, made a pitch to the city of Edmonton to catch distracted drivers by mounting cameras with machine-learning software. The cameras would take high-resolution photos of each passing car and then the software would analyze the images and select those that showed distracted driving, deleting all others. *Acusensus*

lance in our global future. He writes, “Someday, most major developed cities in the world will live under the unblinking gaze of some form of wide-area surveillance.”

Canada is not immune. While there is no current evidence that wide-area motion imagery is being used here, tech companies are exploring the Canadian market.

Recently, an Australian company made a pitch to the city of Edmonton to catch distracted drivers by mounting cameras with machine-learning software. The cameras would take high-resolution photos of each passing car and then the software would analyze the images and select those that showed distracted driving, deleting all others. This approach appeals to many citizens who want safer roads.

Today, these systems are far from perfect. They frequently misidentify objects and individuals. In complex, dynamic environments, such as urban areas, AI can’t identify and analyze all the noise. Computer systems fail in different ways than humans and make mistakes that

humans would not.

The technology is, however, improving. This can be seen as good, if greater accuracy is all that is valued. But greater accuracy brings its own set of challenges and concerns. Do we want technology that can always pick us out of a crowd? Collecting data isn’t the biggest worry. More significant is the use of AI to automatically track information and systematically analyze it.

As a society interested in maintaining privacy and other civil rights and freedoms, we need to pay attention and become aware of what is going on. Closer scrutiny of the role of some private companies is called for. As is tighter regulation of how those companies operate, even if there hasn’t been much activity thus far.

In Baltimore, there was no public notice about the use of surveillance technology. Privacy regulations need to be strengthened to ensure that private firms and individuals cannot surveil entire populations for profit and without restriction. □

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The Middle East

How rising tensions between the United States and Iran threaten Iraq



Written by Murtadha Faraj

The decades-old hostility between the United States and Iran escalated when U.S. President Donald Trump decided to unilaterally withdraw from the 2015 Iran nuclear deal (Joint Comprehensive Plan of Action or JCPOA) and reimpose sanctions on Iran in May 2018. Iraq has political, economic, and security ties with both states. This new source of tension in the region will have direct and serious effects on Iraq.

Iraq's political ties with the United States and Iran

The current bilateral relationship between the United States and Iraq is founded on the 2008 Strategic Framework Agreement, which supports and strengthens Iraq's new constitutional democracy while protecting U.S. interests in the region. In practice, the agreement allows the United States to exert a great deal of pressure on the Iraqi government.

Iraq and Iran share significant cultural and religious values. In a region dominated by Sunni

Muslims, they are home to at least half the world's Shia population. More than 90% of the total Iranian population and approximately 60% of the Iraqi population are Shia. With twice Iraq's population, Iran exerts a growing influence over its neighbour.

Iranian and U.S. economic influence in Iraq

After years of armed conflict, Iraq's economy has floundered. The country has been unable to ensure reliable supplies of such basics as energy and food. The result has been countrywide citizen protests, which frequently break out in major urban centres.

Iran, whose engagement with the international economy has been constrained for decades, has significantly expanded economic activity in Iraq, selling large quantities of energy, food, medicine, and construction materials such as glass, bricks, and cement. Since 2015, Iran has exported commodities worth \$6-billion a year.

Iraq also depends on Iranian tourists. Ap-

proximately 4,000,000 Iranians visit Iraqi holy sites and shrines each year, bringing much needed income. Iranian aid has constructed and improved cities that house shrines and tourist facilities.

Now, the U.S. “maximum pressure approach” requires Iraqi compliance with the new U.S. sanctions on Iran, which, in practice, entails the severing of most significant economic ties between Iran and Iraq.

The U.S. government has considerable economic heft of its own. Since 2016, Iraq has received almost \$9-billion in U.S. foreign aid, most to support new democratic institutions and governance, and to enhance Iraqi peace and security. Iraq’s fragile democracy would quickly deteriorate without such support. As well, some U.S. firms, like ExxonMobil, are offering long-term multi-billion-dollar contracts to boost Iraq’s oil production and manufacturing sectors.

Now, growing discord between the United States and Iran is casting doubt on those contracts. Iran financially supports some armed Shia groups that operate around oil fields in southern Iraq. This makes U.S. firms uneasy, and Iraq is unwilling to accept some conditions that it feels threaten its sovereignty. For a number of reasons, then, U.S. promises of aid and support might not spell an end to economic problems for Iraq. Instead, discord between the United States and Iran heightens economic insecurity.

Complicated Iraqi security

Both U.S. military and Iranian paramilitary forces currently have a strong presence in Iraq. Both countries contributed training and equipment in Iraq’s fight to reclaim territory seized by terrorist group Islamic State (IS). After the IS defeat in 2017, forces of both countries remained to bolster Iraq’s security forces.

In 2014, Iraq requested U.S. military assistance to combat terrorism and the rise of IS. Today, the United States still has more than 5,000 troops in Iraq, although their exact mission is

unclear. President Trump recently suggested that the stationed troops could “be looking a little bit at Iran.” On the other hand, U.S. Army General Joseph Votel recently stated that the troops are still missioned with combating terrorism—at Iraq’s request.

Iran continues to support the Popular Mobilization Forces (PMF) in Iraq. This umbrella organization is composed of about 40 militias, mainly Shia groups, and operates under the direct command of the Iraqi Prime Minister. U.S. officials have made repeated pleas to have the PMF disbanded or at least brought under official state control.

Though the Islamic State has lost its territory in Iraq, terrorism has not been eradicated. A still-fragile security infrastructure could allow terrorists to re-infiltrate Iraq—as they did in 2014. U.S. troops, the PMF, and Iraqi Security Forces all have vital roles in safeguarding Iraq’s security and stability.

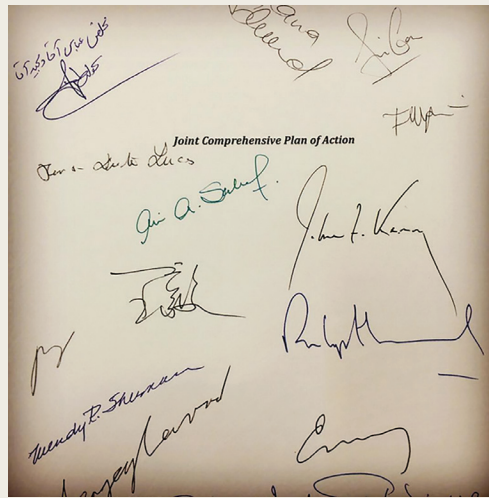
But now, both Iranian-backed PMF and U.S. military bases in Iraq are being targeted by anonymous attackers. Both sides are taking preemptive measures to protect themselves, each suspecting the other of the attacks. PMF militia unofficially state that they are ready for Iraq’s next war, whether against “America, ISIS or other terrorists.” The United States has made it clear that, “if the U.S. were attacked on Iraqi soil, it would take action to defend itself without coordinating with Baghdad.”

Iraqi de-escalation efforts

The Iraqi government has tried diplomacy to deescalate the situation. Prime Minister Adel Abdul-Mahdi stated that “the government is doing its duty to protect all parties.” He travelled to Tehran in late July to act as the “regional peacemaker.”

One day later, PMF bases were attacked by unnamed drones. Following pressure from U.S. Secretary of State Mike Pompeo, Abdul-Mahdi ordered the integration of the PMF into the Iraqi Security Forces.

WHAT IS THE JCPOA?



Signatures on the Joint Comprehensive Plan of Action (JCPOA) document

The Joint Comprehensive Plan of Action (JCPOA) is an agreement

- ◆ between Iran and the P5 (permanent members of the UN Security Council: China, France, Russia, United Kingdom, United States) + 1 (Germany) and representatives of the EU
- ◆ endorsed by the United Nations in UNSC Resolution 2231
- ◆ adopted on October 18, 2015
- ◆ implemented on January 16, 2016.

It limited Iran's nuclear development by

- ◆ capping Iran's enrichment of uranium at 3.67%, enough to fuel power plants, but not to produce weapons
- ◆ reducing Iran's uranium stockpile by 98%
- ◆ compelling Iran to store two-thirds of its centrifuges
- ◆ implementing an Additional Protocol to Iran's IAEA Safeguards Agreement, giving International Atomic Energy Agency inspectors unrestricted access.

What Iran got in return:

- ◆ Previously imposed sanctions were lifted.
- ◆ Diplomatic relations were restored.

Implications for Canada and the world

An unstable Iraq is a concern for the entire region and, indeed, the world.

Currently, approximately 800 Canadian Armed Forces (CAF) personnel are deployed in Iraq under Operation IMPACT. The mission's objectives recently shifted from combating ter-

rorist group Islamic State to training, advising, and assisting Iraqi security forces. The CAF also support NATO in the region.

These troops could be put at greater risk if tensions between the United States and Iran escalate, Canada needs to monitor mounting tension carefully. □

Murtadha Faraj, an Honours BA graduate of Wilfrid Laurier University, was the 2019 Peace and Technology Intern at Project Ploughshares.

Space activity and governance in 2018

Space governance at the breaking point?



Written by Dr. Brian Weeden

More countries, companies, and people than ever before are becoming involved in space activities. By bringing in new excitement and enthusiasm, they are driving innovations on how we all use space to provide benefits on Earth to meet a wide variety of global challenges.

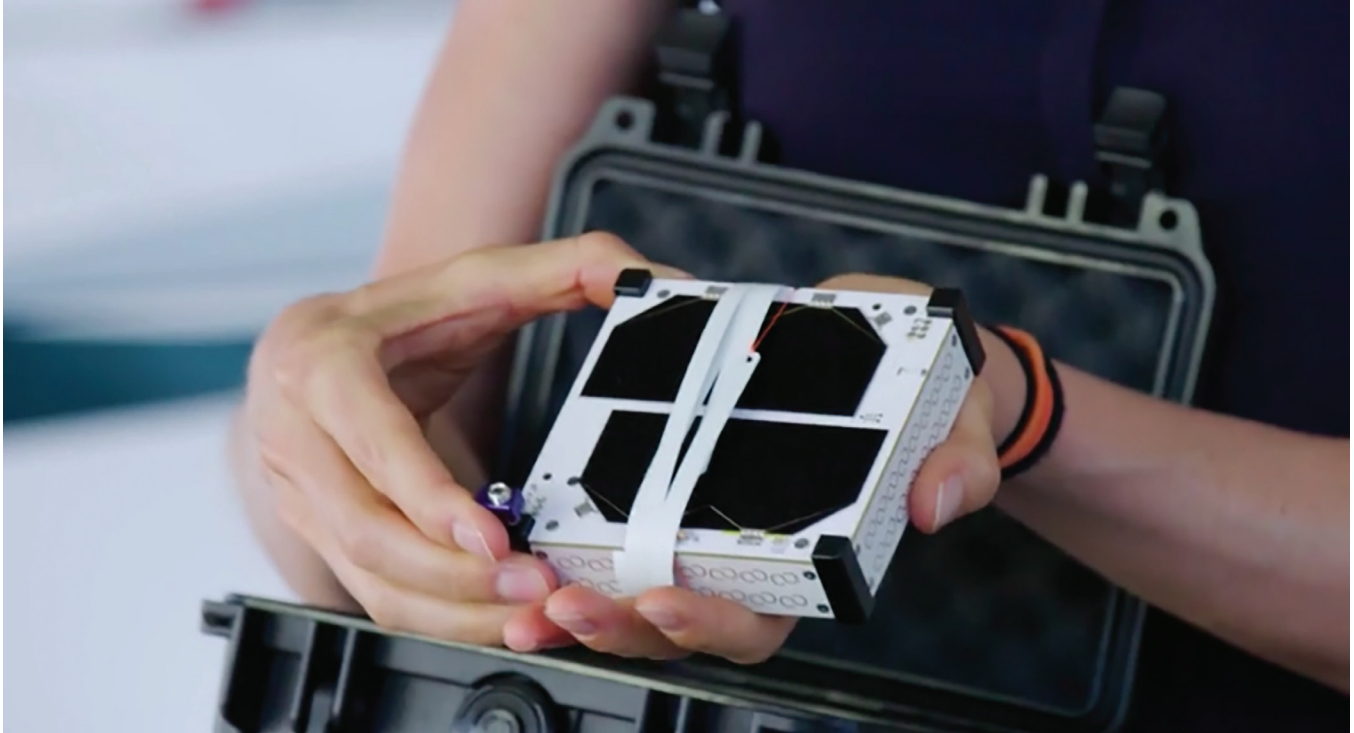
However, the challenges to space security and sustainability are also growing. If space governance is going to crack under the strain, it could do so sooner rather than later. Yet, all hope is not lost. The chorus of voices, of both state and nonstate actors, is getting louder, demanding that the space community stop merely talking about problems and start fixing them.

The growth in space activity

Last year, at least 11 countries either announced that they would soon create national space agencies or actually did so. At least seven national space agencies were spending more

than \$1-billion a year. Several countries saw the first launch of their own satellite. Many countries are contributing more to the development of space applications, such as global navigation satellite systems and Earth remote sensing; several are also expanding into exploration and prestige missions. Particularly noteworthy is China's outreach to other countries to participate in its upcoming Tiangong-3 space station, similar to what the United States and Russia did with their space stations.

The sheer number of objects launched in 2018 is astonishing. For the second straight year more than 400 payloads were launched into space: double the pace of previous years. The number of active satellites in orbit grew by roughly 20%. Many of the new satellites were from commercial actors and illustrated the growing trend to small satellites and larger constellations. Although the really large communication constellations of hundreds or thousands of satellites have not yet started to launch, companies did begin to put up initial pathfind-



In 2018, Swam Technology launched its initial set of four tiny SpaceBees—one SpaceBee is pictured above—without a proper license.
Swarm Technology

ers and test satellites for them.

More countries than ever before focused on military uses of space and protecting their own capabilities. In 2018, 15 countries launched dedicated or dual-use military satellites. Several countries announced or continued plans to create dedicated military space organizations, policies, or strategies, recognizing that space capabilities are very likely to be a key part of future conflicts and need defending (or attacking). While operational deployment of destructive counterspace capabilities is still limited to a few countries, a growing number are developing, testing, or even using non-destructive counterspace capabilities, such as jamming or spoofing.

Space governance saw significant, if limited, progress in 2018. More countries than ever before were putting in place national regulatory and policy regimes, or modernizing and expanding existing regimes. The United States led the way, announcing a major effort to over-

haul its existing licensing regime and the first-ever national policy to establish a space traffic management regime. Australia, Finland, New Zealand, Portugal, and the United Kingdom all announced new legislation to bolster their national licensing regimes.

Processes at the international level had mixed results. Several years of debate at the United Nations on guidelines to enhance the long-term sustainability of space activities achieved a major milestone. However, multilateral efforts on weaponization and space arms control continued to struggle. Informal discussions on a framework on using space resources continued to make progress, but formal discussions floundered because of ideological and geopolitical rifts.

A gap in space governance

In 2018, Swam Technology launched its initial set of four tiny SpaceBees without a proper

license. The U.S. Federal Communications Commission (FCC) denied Swarm a license, citing the safety risk posed by the SpaceBees because they were too small to accurately track. However, the SpaceBees were launched anyway on an Indian rocket, in part because of the lack of effective communication between countries on responsibility for payloads that have multiple launching states.

Once on orbit, the SpaceBees were accurately tracked by both U.S. military and commercial radars. This result suggested that the FCC's denial may not have been technically sound in the first place, and led to more questions about whether the FCC is the right organization to

participated in or helped to facilitate. Across government, industry, academia, and civil society, we noticed more people going beyond expressing concern about the problem to making demands for action, and a small but growing cohort who started to take action.

Many of these actions were small in size or scope, but I would not belittle their potential impact. Small changes in big things can have huge impacts, particularly when those changes are incrementally ratcheted up over time. Small changes can also have lasting effects when they become established as new norms of behaviour and are reinforced by peer pressure and organizational culture.

Going forward, members of the space community must all work together to leverage this emerging demand for action to create a pragmatic plan to address the challenges to the space governance regime. As the first step in such

“Space governance saw significant, if limited, progress in 2018. More countries than ever before were putting in place national regulatory and policy regimes, or modernizing and expanding existing regimes.

make such determinations on space safety.

This example shows some of the challenges for space governance. Commercial space activities are innovating and expanding too quickly for national regulatory regimes to keep up. Even the United States, which has the most comprehensive and robust licensing regime and the most capacity to deal with change, struggles to reform its existing policies, regulations, and licences to respond to the growing number and diversity of commercial space activities.

The time for pragmatic action

In 2018, my colleagues at Secure World Foundation and I started to see a subtle shift in many of the space governance discussions we

a plan, we should identify the highest priority threats to space and the small, incremental changes in behaviour that can mitigate those threats. Actions already underway that meet this definition should be embraced and new actions started to fill in the gaps.

We should try to coordinate actions where it makes sense, but also realize that a large group of diverse stakeholders makes consensus difficult. A bottom-up approach rooted in technical expertise has been successful in the past and may help to mitigate conflicting interests and a lowest-common-denominator outcome. Multiple actions aimed at addressing the same topic may also be useful if they spark innovation and competition among different ideas and approaches. □

Dr. Brian Weeden is the Director of Program Planning for Secure World Foundation and has nearly 20 years of professional experience in space operations and policy. This article is derived from the “Global Assessment” in Space Security Index 2019.

7 facts about immigration detention in Canada

Written by Andrea Morales Caceres

Conditions in immigration detention centres in the United States have sparked significant attention around the world in the last few months. But many Canadians are unaware of our own country's immigration detention system. Thousands of people are detained every year in Canada—8,355 in fiscal year (FY) 2017-2018, according to the Canada Border Services Agency (CBSA).

Here are seven more facts that everyone in Canada should know:



1 Detainees are held in Immigration Holding Centres and, sometimes, provincial jails.

The CBSA currently oversees three Immigration Holding Centres—in Toronto, Vancouver, and Laval, Quebec. The Vancouver centre can only accommodate detentions of 48 hours or less, while the other two can handle longer stays.

Immigration Holding Centres resemble correctional facilities and are classified as medium-security. Detainees are under constant surveillance, must follow a strict daily schedule, are escorted by guards when moving between wings, and must endure body searches when entering or leaving the facility. Generally, men are held in one section, while women and children reside in another. This means that families are broken up, with members often able to see each other for only a short time each day.

More than a quarter of detainees in FY2017-2018 were housed in other facilities, usually provincial jails. According to the Global Detention Project, Canada is one of the few industrialized countries in the world (along with the United States) to use correctional facilities for immigration detentions.

2 Most detainees are not dangerous.

According to Canada's Immigration and Refugee Protection Act, foreign nationals and permanent residents can be detained if CBSA officers believe that they are unlikely to appear at immigration proceedings, if they are unable to establish their identities to the satisfaction of CBSA officers, or if they are deemed a danger to the public. However, CBSA statistics show that very few detainees are held because they threaten public safety. In fact, about 94 per cent of people were detained in FY2017-2018 because they could not establish their identities, were considered flight risks, or were wanted for further examination.



3 Some children are detained.

Canadian law sees the detention of minors as a measure of last resort. But children who are foreign nationals, permanent residents, and even Canadian citizens are detained—there were 151 in FY2017-2018, including seven unaccompanied minors.

Before detentions of minors or of individuals whose detentions would significantly impact minors, CBSA must conduct “best interests of the child” assessments. These assessments don’t keep all children out of facilities. To keep families together, children are allowed to accompany parents in detention. In FY 2017-2018, 73 children were housed in detention facilities with

their parents.

According to *Invisible Citizens: Canadian Children in Immigration Detention*, a 2017 report out of the University of Toronto Faculty of Law, children in holding centres lose weight, have trouble sleeping, have little access to reliable schooling, and receive insufficient medical attention.



4 Detention adversely affects the mental health of detainees.

A 2013 study by Janet Cleveland and Cécile Rousseau, published in the journal *Psychiatry*, compared “psychiatric symptoms” in 122 detained asylum seekers with those of 66 “non-detained adult asylum seekers in Montreal and Toronto.” It found that even during relatively short periods of detention, detainees developed psychiatric symptoms consistent with depression and PTSD at a much higher rate than their non-detained counterparts.

5 A legal loophole can lead to long-term or indefinite detention.

In FY2017-2018, the average detention lasted 14.3 days.

The Immigration Division must review reasons for detention within 48 hours of detention. The next hearing must occur within seven days

of the first review. Further reviews must be conducted every 30 days. But no law or government policy limits the length of time a migrant can be detained.

Some people have been detained for years, as Brendan Kennedy reported in *The Toronto Star* in 2017. One reason for long detentions relates to difficulties in deporting migrants. As Emerald Bensadoun explains in a July 2019 *Huffington Post* article, to deport someone to another country, Canada must have an agreement with the receiving country. Meeting the conditions of any agreement can be complicated when the identity of the individual cannot be verified or the country of deportation doesn't want to issue travel documents.

According to a 2014 report by Syed Hussan of the advocacy group No One Is Illegal, after six months of detention, the chances of release drop to about one per cent.

6 CBSA has no external oversight body

CBSA officers “carry out arrests, detentions and removals of individuals who are not permitted in Canada.” But how CBSA carries out its mandate has been the subject of research and complaint.

CBSA is the only Canadian public safety agency that has no external oversight body. As the Global Detention Project noted in 2018, “The lack of independent national and international oversight bodies significantly contributes to the culture of secrecy surrounding the Canadian immigration detention system.” Recent efforts to set up an oversight body died in the Senate.

Between 2000 and 2018, at least 16 people died in the Canadian immigration detention system.



7 Steps are being taken to improve Canada's detention system, but only time will tell if they are enough.

In 2017, the CBSA revealed its National Immigration Detention Framework, “to create a better, fairer immigration detention system.” Its pillars: partnerships, alternatives to detention, mental health, and transparency. A 2019 Global News report did indicate a steady decline in the number of detained minors in the last few years.

The Immigration and Refugee Board of Canada conducted an external audit of long-term detention in 2017-2018. It found that the detention system relied on inconsistent information to make decisions, showed uneven levels of legal representation across the country, and discriminated against detainees with mental illness. The audit included a series of recommendations. In July 2018, the Board officially agreed with the recommendations and issued a Management Response and Action Plan.

Some progress has been made, but much remains to be done. Continued vigilance by journalists and civil society remains critical. □

Andrea Morales Caceres, a Master's student at the University of Toronto, was the 2019 Peace and Human Security Intern at Project Ploughshares.

Military exports

Analyzing Canada's 2018 Report on Exports of Military Goods



Written by Kelsey Gallagher

On June 20, Global Affairs Canada released its *Report on Exports of Military Goods – 2018*. Analysis of this report reveals several worrying trends: an increase in the number of exported weapons systems, a willingness to export such systems to serial human-rights abusers, and persistent gaps in reporting transparency.

A booming industry

Canadian weapons exports reached their highest level ever in 2018, far surpassing that of any year since Project Ploughshares began recording data in 1978. Total non-U.S. exports ballooned to \$2.06-billion—more than the total for 2016 and 2017 combined.

Although 89 countries and territories received Canadian weapons in 2018, most went to the top 10 recipients (see Table 1). Seven of those 10—Belgium, Turkey, the United King-

dom, France, Spain, Germany, and Italy—are members of the North Atlantic Treaty Organization (NATO), to which Canada belongs. Both Belgium and Turkey moved up from the 2017 rankings, while the United Arab Emirates seized a top-10 spot for the first time.

The myth of strong export controls

While this latest export report describes 2018 as a “landmark year for Canadian arms control,” the evidence paints a different picture. Canadian companies exported vast amounts of weapons to states engaged in armed conflict and accused of human-rights violations, despite Canadian export regulations designed to prevent such transfers. Saudi Arabia, Turkey, Ukraine, and the United Arab Emirates were all involved in armed conflicts and accused of serious human-rights violations.

According to the report, in 2018, “Saudi

Table 1: Value of Canadian arms exports to top 10 identified recipients* for 2018

Saudi Arabia	\$1,281,689,195.50
Belgium	\$153,930,521.58
Turkey	\$115,743,236.98
United Kingdom	\$75,197,399.54
France	\$62,928,136.73
Spain	\$56,093,276.40
Australia	\$52,737,564.73
Germany	\$45,225,054.28
United Arab Emirates	\$25,337,956.77
Italy	\$22,895,895.55

* Exports to the United States are largely omitted from the export reports.

Arabia was the largest non-U.S. export destination in 2018,” accounting for 62 per cent of all non-U.S. Canadian arms exports. After the United States, Saudi Arabia became the second country to exceed \$1-billion in Canadian weapons exports in a single calendar year. Yet Saudi Arabia has an appalling human-rights record and is a lead party in the war in Yemen, described as the “world’s worst humanitarian crisis” by United Nations Secretary-General António Guterres. Evidence indicates that Saudi forces have used Canadian-made light-armoured vehicles in hostile actions, while other Canadian-made weapons have been diverted to Saudi-allied militias.



Expanding Canada’s Automatic Firearms Country Control List

Only states on Canada’s Automatic Firearms Country Control List (AFCCCL) are approved to receive exports of Canadian automatic weapons. The list included 40 member states in 2018, unchanged from the previous year. States on the AFCCCL now comprise nearly half of all

countries buying Canadian weapons.

As noted in the 2018 export report, the process for inclusion on the AFCCCL was streamlined with the 2018 adoption of Bill C-47—Canada’s domestic legislation to facilitate compliance with the terms of the Arms Trade Treaty. Previously, inclusion was preceded by a bilateral agreement. The new protocol only

requires a “recommendation of the Minister of Foreign Affairs after consultation with the Minister of National Defence.”

This change could allow more states to get on the list. Discussions to add Japan and Mexico continue. However, the presence of Saudi Arabia on the list suggests that there are no meaningful restrictions.

Achieving greater transparency

In recent years, the Government of Canada has improved the transparency of its reporting of arms exports. But as the 2018 report reveals, limitations persist.

Weapons exports to the United States remain largely off-the-record. Since the 1956 Defence Production Sharing Agreement between Canada and the United States, Canada has omitted

a calibre of 12.7 mm or less and accessories.” Yet we know that the government has the exact information, which is required before export permits are granted.

While the number of approved export permits is published, the number that are utilized is not. And, while figures of rejected permits have been included in the annual reports since 2016, the reasons for rejections are not published.

Canadian military aid to allied forces abroad is also not reported.

What happens now that Canada has joined the Arms Trade Treaty?

Canada exported a record amount of military goods in 2018. Such sales kept many Canadians employed and profited many Canadian companies.

At the same time, weapons were involved in killing, maiming, and threatening many people, including many noncombatants, around the world. Some of these weapons were made in Canada.

Global Affairs Canada has so far failed to explain how surging arms exports help

“Global Affairs Canada has so far failed to explain how surging arms exports help to meet Canada’s core foreign-policy objectives, including the reduction of gender-based violence and achievement of the Sustainable Development Goals.

exports of military goods to the United States from conventional reporting procedures. But, as the 2018 report acknowledges, “an estimated half of all Canadian exports are to the U.S.”

Canadian reporting suffers from generalizations and sometimes fails to include key information. The latest report does not indicate the exact items that are exported. For example, instead of listing a precise model of rifle, with numbers exported, the report uses broad classifications, such as “automatic weapons with

to meet Canada’s core foreign-policy objectives, including the reduction of gender-based violence and achievement of the Sustainable Development Goals.

On September 17, Canada became a state party to the Arms Trade Treaty. As such, Canada assumed new responsibility to control the arms trade and promote transparency. We applaud Canada for joining this treaty, trusting that the government will fully meet all the attendant obligations. □

Kelsey Gallagher, a Master’s of Peace and Conflict Studies graduate, is an Assistant Researcher at Ploughshares.

The Right Honourable Prime Minister Justin Trudeau, P.C., M.P.
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario
K1A 0A2

4 August 2019

Re: Pending Review of Canada's Export of Light Armoured Vehicles to the Kingdom of Saudi Arabia

Dear Prime Minister Trudeau,

The undersigned, representing a cross-section of Canadian civil society organizations focused on arms controls, human rights, international security, humanitarian assistance and the protection of civilians in conflict, are writing to follow up on a letter that was sent you five months ago, outlining ongoing concerns about Canada's export of Light Armoured Vehicles (LAVs) to the Kingdom of Saudi Arabia. For your ease of reference, we enclose a copy of the 4 March 2019 letter.

We are disappointed that neither yourself, nor the Minister of Foreign Affairs, nor the Minister of International Trade Diversification has responded to the concerns outlined in our letter. We are furthermore disappointed that, after more than nine months since you announced a review of military exports to Saudi Arabia, your government has yet to release the outcome of this review. No update with respect to the progress of the review has been offered, bringing the sincerity of the effort into question.

Today, we reiterate our call for Canada to exercise its sovereign authority and suspend the transfer of LAVs to Saudi Arabia. We wish to bring your attention to three important developments which, in our view, underscore the need to put an end to these exports immediately.

First, as you are aware, Canada has passed Bill C-47 and deposited its instrument of accession to join the Arms Trade Treaty (ATT). Bill C-47 enters into force and Canada becomes bound by the treaty next month. We congratulate your government on having taken these important steps, which will meaningfully contribute to the improved regulation of the arms industry.

However, Canada's good-faith efforts to implement Article 7 of the ATT will be highly questionable if exports continue after these legal requirements become binding as a matter of both domestic and international law.

Second, according to Global Affairs Canada's 2018 Exports of Military Goods report, 127 full system "Armoured Combat Vehicles" were exported to Saudi Arabia last year alone, while media reports have indicated that the full order is for 742 vehicles (down from an original order of 928). In light

of the rapid pace at which the LAVs are being exported, further delays to completing the above-mentioned review and your government's ultimate decision will substantially undermine their meaningfulness. We are deeply concerned that meaningful action will come too late - that is, once the transfers are complete or nearly completed.

Finally, the situation surrounding the conflict in Yemen continues to deteriorate and war has set back Yemen's development by 20 years. In his briefing to the United Nations Security Council on the humanitarian situation in Yemen of 18 July 2019, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock indicated that the conditions "for most people in Yemen are getting worse," and that "if the current trajectory continues, we should all expect they will continue to get worse." The worsening conflict dynamics, and the ongoing risk that Canadian arms could be used to perpetrate serious violations of international human rights and international humanitarian law, are such that Canada must join the swelling ranks of countries which have ended their military transfers to Saudi Arabia.

It has been more than nine months since your government announced that it would be reviewing military exports to Saudi Arabia, and six months since you told Canadians that your government was trying to see if there is a way of "no longer exporting these vehicles to Saudi Arabia." In the lead up to the 2019 Federal Election, and in light of the United Kingdom's recent decision to suspend weapons exports to Saudi Arabia and of repeated votes in the United States Congress in favor of banning arms exports to Saudi Arabia, Canadians are entitled to know the outcome of the government review, and a clear answer with respect to your government's position on the export of LAVs from Canada to Saudi Arabia. We look forward to your response, Prime Minister, and urge that it include an immediate end to these transfers.

Sincerely,

Action contre la faim Canada
Amnesty International Canada (English branch)
Amnistie internationale Canada francophone
Canadians for Justice and Peace in the Middle East
Group of 78

International Civil Liberties Monitoring Group
Médecins du Monde Canada
Oxfam Canada
Oxfam-Québec
Project Ploughshares
Rideau Institute
Save the Children Canada

cc: Hon. Chrystia Freeland, Minister of Foreign Affairs
Hon. James Carr, Minister of International Trade Diversification

AVAILABLE IN OCTOBER

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Space Security 2019 covers the period January to December 2018.

Project Ploughshares manages the Space Security Index project.



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